



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	August 3, 2022
<b>SUBJECT/REPORT NO:</b>	Application for Zoning By-law Amendment for the Lands Located at 1117, 1121, 1129 and 1133 Beach Boulevard, Hamilton (Ward 5) (PED22140)
<b>WARD(S) AFFECTED:</b>	Ward 5
<b>PREPARED BY:</b>	Daniel Barnett (905) 546-2424 Ext. 4445
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That **Revised Zoning By-law Amendment Application ZAC-22-007 by Design Plan Services Inc. c/o Steven Qi on behalf of SG Real Estate Opportunities III LP c/o John Cheung, Owner**, to remove the subject lands, located at 1117, 1121, 1129 and 1133 Beach Boulevard from Zoning By-law No. 05-200, and adding the subject lands to Zoning By-law No. 6593 as “RT-30/S-1821-‘H’” (Street – Townhouse) District, Modified, Holding to permit 10, three storey street townhouse dwellings (in two separate buildings) and two parking spaces per unit, as shown on Appendix “A” attached to Report PED22140, be **APPROVED** on the following basis:
- (i) That the draft By-laws, attached as Appendix “B” and Appendix “C” to Report PED22140, which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed change in zoning is consistent with Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019, as amended, and complies with the Urban Hamilton Official Plan;

- (iii) That the amending By-law apply the Holding Provision of section 36(1) of the Planning Act, R.S.O. 1990 to the subject lands by introducing the Holding symbol 'H' as a suffix to the proposed Zoning for the following:
  - (1) The Owner submit and receive completion of a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MECP) or enter into a conditional building permit agreement with respect to completing a Record of Site Condition. This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MECP, and submission of the City of Hamilton's current RSC administration fee;
  - (2) That Owner enter into an External Works Agreement for all required road improvements within the municipal right-of-way, to the satisfaction of the Manager of Development Engineering Approvals;
  - (3) A Documentation and Salvage Report in accordance with the City's Guidelines for Documentation and Salvage Reports has been submitted and implemented all to the satisfaction of the Director of Planning and Chief Planner prior to any demolition and the Owner shall demonstrate that a copy of this report is submitted to the Hamilton Public Library;
- (b) That upon finalization of the amending By-law, the subject lands be re-designated from "Tourist Commercial" to "Attached Housing" in the Hamilton Beach Neighbourhood Plan.

## **EXECUTIVE SUMMARY**

The subject lands are municipally known as 1117, 1121, 1129 and 1133 Beach Boulevard. Design Service Inc. c/o Steven Qi on behalf of SG Real Estate Opportunities III LP c/o John Cheung, Owner, has applied for a Zoning By-law Amendment to remove the subject lands from Zoning By-law No. 05-200 and add the subject lands to former City of Hamilton Zoning By-law No. 6593 as "RT-30/S-1821 – 'H'" (Street – Townhouse) District, Modified, Holding to permit the establishment of 10, three storey street townhouse dwellings contained in two separate buildings. Each street townhouse unit will have two parking spaces.

A Site Plan Control application and future Consent applications will be required to establish the proposed development and the individual lots. The Applicant will be required to utilize bird friendly design techniques at the Site Plan stage to the satisfaction of the City and the Hamilton Conservation Authority.

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The Applications have merit and can be supported for the following reasons:

- They are consistent with the Provincial Policy Statement (2020) (PPS);
- They conform to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended (Growth Plan);
- They comply with the general intent of the Urban Hamilton Official Plan; and,
- The proposed development is compatible with existing land uses in the immediate area and represents good planning by, among other things, increasing the supply of housing units and making efficient use of existing infrastructure within the urban boundary.

**Alternatives for Consideration – See Page 23**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one public meeting to consider an Application for an amendment to the Zoning By-law.

**HISTORICAL BACKGROUND**

**Report Fact Sheet**

Application Details	
Applicant/Owner:	SG Real Estate Opportunities III LP c/o John Cheung.
File Number:	ZAC-22-007
Type of Application:	Zoning By-law Amendment.
Proposal:	<p>The original application included ten, three and a half storey street townhouse dwellings within two buildings, and two parking spaces per unit, with each unit intended to be on a separate lot created by way of a future severance. The proposed units included the following lot widths:</p> <ul style="list-style-type: none"><li>• 5.85 metres for an interior unit;</li><li>• 7.5 metres for end units between two street townhouse dwellings;</li><li>• 8.38 metres for the southerly end unit; and,</li><li>• 8.59 metres for the northerly end unit.</li></ul>

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<b>Application Details</b>	
<b>Proposal (Continued):</b>	<p>No road improvements were proposed for the northerly units that lacked direct access to the existing cul-de-sac.</p> <p>The application was revised on March 31, 2022 in respect to the design but maintained the 10 street townhouse dwellings. The changes in the design included the following:</p> <ul style="list-style-type: none"> <li>• Removing a storage area on the roof top level and in doing so reduced the height of the building from three and a half storeys to three storeys;</li> <li>• Increased width of the interior street townhouse dwellings from 5.85 metres to 6.0 metres;</li> <li>• Reduced width of the northerly end unit from 8.59 metres to 7.7 metres; and,</li> <li>• Public road extension for the cul-de-sac to ensure that all units would have direct access to the road.</li> </ul>
<b>Property Details</b>	
<b>Municipal Address:</b>	1117, 1121, 1129, and 1133, Beach Boulevard, Hamilton
<b>Lot Area:</b>	2,421.97 square metres (0.242 ha)
<b>Servicing:</b>	Existing full municipal services.
<b>Existing Use:</b>	<p>1117 Beach Boulevard – Single detached dwelling  1121 Beach Boulevard – Single detached dwelling  1127 Beach Boulevard – Commercial / warehouse (Marine)  1131 Beach Boulevard – Single detached dwelling</p> <p>All the existing buildings are intended to be demolished as part of the proposed development.</p>
<b>Documents</b>	
<b>Provincial Policy Statement (PPS):</b>	The proposal is consistent with the PPS.
<b>A Place to Grow:</b>	The proposal conforms to the Growth Plan, as amended.
<b>Official Plan Existing:</b>	<p>Urban Hamilton Official Plan  Schedule “E” - Urban Structure: Neighbourhoods  Schedule “E-1” – Land Use Designations: Neighbourhoods</p>
<b>Official Plan Proposed:</b>	No amendment required.
<b>Zoning Existing:</b>	Neighbourhood Commercial (C2) Zone, Zoning By-law No. 05-200.

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<b>Documents</b>	
Zoning Proposed:	"RT-30/S-1821 – 'H'" (Street – Townhouse) District, Modified, Holding, Zoning By-law No. 6593.
Modifications Proposed:	<p>The following modifications have been requested by the Applicant:</p> <ul style="list-style-type: none"> <li>• To increase the maximum building height from 11.0 metres (three storeys) to 12.4 metres (three storeys);</li> <li>• To reduce the side yard setback for a three storey building from 2.5 metres to 1.7 metres for the northerly side yard and 2.3 metres for the southerly side yard;</li> <li>• To reduce the minimum required distance between buildings, where more than one building is on a lot not exceeding three storeys in height from 5.0 metres to 3.0 metres; and,</li> <li>• To increase the maximum rear encroachment of a balcony into a required rear yard from 1.0 metres to 2.1 metres.</li> </ul> <p>The following modifications have been included by staff:</p> <ul style="list-style-type: none"> <li>• To reduce the side yard setback for a three storey building from 2.5 metres to 1.5 metres where a common swale between the adjoining properties is provided;</li> <li>• To require a fence with a minimum height of 1.2 metres along the rear lot line and northerly side lot line, and to prohibit the establishment of any gates within the fence;</li> <li>• To not require on-site manoeuvring space for a parking space in a driveway, whereas a minimum of 6.0 metres of on-site manoeuvring space is required;</li> <li>• To permit a parking space to be obstructed by another parking space, whereas a parking space shall not be obstructed;</li> <li>• To require a minimum ground floor elevation of 76.5 metres above sea level; and,</li> <li>• To prohibit the establishment of a basement, cellar or crawlspace.</li> </ul>
<b>Processing Details</b>	
Received:	November 1, 2021.
Deemed Complete:	December 1, 2021.
Notice of Complete Application:	Sent to 21 property owners within 120 metres of the subject property on December 17, 2021.
Public Notice Sign:	Posted February 10, 2022 and updated with public meeting date on July 6, 2022.
Notice of Public Meeting:	Sent to 21 property owners within 120 metres of the subject property on July 15, 2022.

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Processing Details	
Public Consultation:	The Applicant held a virtual Public Open House on February 28, 2022, with invitations sent to 750 interested parties in the area. A total of 14 interested parties participated in the Public Open House, and comments were provided to the applicant. The comments received during the Public Open House are provided in Appendix “F” attached to Report PED22140.
Public Comments:	None received.
Processing Time:	275 days from date of receipt of initial Application. 125 day from receipt of revised development proposal.

**Existing Land Use and Zoning:**

	Existing Land Use	Existing Zoning
<b>Subject Property:</b>	Single Detached Dwellings, Commercial / Warehouse (Marine)	Neighbourhood Commercial (C2) Zone

**Surrounding Land Uses:**

<b>North</b>	Hamilton Beach Strip Open Space	“H/S-1435” (Community Shopping and Commercial, Etc.) District, Modified
<b>East</b>	Hamilton Beach Strip Open Space	Open Space (P4) Zone
<b>South</b>	Vacant Lands	Neighbourhood Commercial (C2) Zone
<b>West</b>	Eastport Drive and QEW	“A” (Conservation, Open Space, Park and Recreation) District and Neighbourhood Commercial (C2) Zone

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2020), and A Place to Grow:

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OUR Vision: To be the best place to raise a child and age successfully.  
OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.  
OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

Growth Plan for the Greater Golden Horseshoe, 2019, as amended. The *Planning Act* requires that all municipal land use decisions affecting planning matters shall be consistent with the PPS (2020). The *Places to Grow Act* requires that all municipal land use decisions made under the *Planning Act* conform to the Growth Plan.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest are reviewed and discussed in the UHOP analysis below.

#### Cultural Heritage and Archaeology

The Urban Hamilton Official Plan has not been updated with respect to the cultural heritage policies of the PPS. The following policies, amongst others, apply to the proposal.

- “2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved;
- 2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved; and,
- 2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.”

The subject property meets two of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) for determining archaeological potential:

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary water course or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody; and,
- 2) Along historic transportation routes.

Notwithstanding current surface conditions, the criteria define the property as having archaeological potential. Staff will require that a written caution note be added to the site plan drawings as part of a future Site Plan Control Application.

The property at 1117 Beach Boulevard is included in the City's Inventory of Heritage Buildings. A Documentation and Salvage Report for the subject property was completed by Megan Hobson dated Feb 17, 2021. The Documentation and Salvage Report has been reviewed by staff and it has been found to be comprehensive and complete. As a result of the recommendations coming out of the Documentation and Salvage Report, staff will require conditions to be included as part of a future Site Plan Control Application. The conditions include:

- 1) That the Applicant submit confirmation to staff on how items flagged as having potential for salvage and re-use, such as decorative wood features, doors, and flooring, are to be salvaged for re-use on or off-site; and,
- 2) That the Applicant submit confirmation of a commemoration strategy in keeping with the recommendations provided in the report.

The implementation of the Documentation and Salvage Report and the conditions will be completed prior to the lifting of the 'H' Holding Provision. The implementation of reuse of materials and elements of the existing building will be undertaken through the Site Plan Control application.

The subject properties are located within the Hamilton Beach Strip Cultural Heritage Landscape (CHL). The conservation of CHLs is provided for under section 2.6.1 of the PPS which states that "Significant built heritage resource and significant cultural heritage landscapes shall be conserved."

The City has an interest in ensuring that proposed new construction, alterations or additions within CHLs are compatible with the character of the existing landscape. When assessing compatibility, key considerations include the visual and physical impacts to landscape features such as: building fabric, building set-backs, lot patterns, streetscape features and significant vistas.

The Hamilton Beach Strip Cultural Heritage Landscape is characterized by low-density one to two and a half storey, cottage style dwellings with parking or detached garages located to the rear of the property. Building façades vary with each property, but board-and batten, shingles, clapboard, siding, stucco and pebble-dash are common throughout. Common roof types include front gable, hipped gable, and side gable. Any new construction and landscaping should be consistent with the streetscape and built-form character of the area. A gable style roof is not proposed for the proposed



development, as the proposed design includes a mansard style roof, which is consistent with the existing and planned townhouses located to the south of the subject lands. In addition, the front yard landscaping is consistent with the townhouses to the south. The detailed design and materials will be addressed through the Site Plan Control application.

Given the foregoing, staff are of the opinion that the applications are consistent with the PPS.

### **Urban Hamilton Official Plan**

The subject properties are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the UHOP. The following policies, amongst others, apply to the proposal.

- “E.3.2.3      The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:
- a)    Residential dwellings, including second dwelling units and housing with supports;
- E.3.2.4      The existing character of established Neighbourhoods designated areas shall be maintained. Residential Intensification within these areas shall enhance and be completed within the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan.;
- E.3.4.3      Uses permitted in low density residential areas include single detached, semi detached, duplex, triplex and street townhouse dwellings;
- E.3.4.4      For low density residential areas the maximum net residential density shall be 60 units per hectare; and,
- E.3.4.5      For low density residential areas, the maximum height shall be three storeys.”

The existing area consists of predominately low density residential uses, with existing and proposed street townhouse dwellings being located to the south. The proposed 10, three storey street townhouse dwellings will have a residential density of 41.5 units per net hectare and will be compatible with the existing character of the neighbourhood.

Residential Intensification

“B.2.4.1.4 Residential intensification development shall be evaluated based on the following criteria:

- a) A balanced evaluation of the criteria in b) through g), as follows;
- b) The relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
- c) The development's contribution to maintaining and achieving a range of dwelling types and tenures;
- d) The compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
- e) The development's contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- f) Infrastructure and transportation capacity; and,
- g) The ability of the development to comply with all applicable policies;

B.2.4.2.2 When considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:

- a) The matters listed in Policy B.2.4.1.4;
- b) Compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) The relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) The consideration of transitions in height and density to adjacent residential buildings;

- e) The relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- f) The provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) The ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- h) The ability to complement the existing functions of the neighbourhood;
- i) The conservation of cultural heritage resources; and,
- j) Infrastructure and transportation capacity and impacts.”

The subject property is located in an area dominated by low density residential uses and the proposed three storey street townhouse dwellings are consistent with the height, massing and scale of the existing and planned uses in the area. The proposed development will contribute toward maintaining and achieving a range of dwelling types and tenures. The proposed three storey street townhouse dwellings will not result in negative impacts with respect to shadowing, overlook, noise, lighting, traffic or other nuisance effects. Finally, there is adequate infrastructure and transportation capacity to service the proposed development.

#### Natural Heritage

- “C.2.5.2 New development and site alterations shall not be permitted within provincially significant wetlands, significant coastal wetlands or significant habitat of threatened and endangered species;
- C.2.5.4 New development and site alterations shall not be permitted within significant woodlands, significant valleyland, significant wildlife habitat and significant areas of natural and scientific interest unless it has been demonstrated that there shall be no negative impacts on the natural features or on their ecological function;
- C.2.5.5 New development and site alterations shall not be permitted on adjacent lands to the natural heritage features and areas identified in Section C.2.5.2 to C.2.5.4 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there shall be no

negative impacts on the natural features or on their ecological functions;  
and,

- C.2.11.1 The City recognizes the importance of trees and woodlands to the health and quality of life in our community. The City shall encourage sustainable forestry practices and the protection and restoration of trees and forests.”

The subject property is located within a Core Area, specifically the Lake Ontario and Hamilton Beach Strip Environmentally Significant Area (ESA). An Environmental Impact Statement prepared by GeoProcess Research Associates dated June 2021 and updated March 28, 2022 were submitted with the application for Zoning By-law Amendment. The proposed development will be located at least 15.0 metres from the Hamilton Beach Strip ESA and impacts from lighting, encroachment, dumping and introduction of invasive species will be mitigated through design elements. The instillation of fencing and prohibition of gates has been built into the Zoning By-law Amendment and will be implemented through the Site Plan Control application.

A Tree Inventory / Tree Protection Plan (TPP) was included in the Environmental Impact Statement and identified a total of 34 trees of which 14 have been proposed to be removed. The trees to be removed include the following:

- 1 City owned tree (Manitoba Maple in good condition); and,
- 13 private trees which include:
  - Two Manitoba Maples (one in good condition and one in poor condition);
  - Five Colorado Blue Spruce (in good condition);
  - Two White Birch (in good condition);
  - One Eastern Cottonwood (in good condition);
  - One fruit tree (in good condition);
  - One Norway Maple (in good condition); and,
  - One Eastern Larch (in good condition).

It is recognized that there are limitations to retain more trees on site and compensation in the form of new tree plantings will be implemented through the Site Plan Control Application.

#### Access Management and Lot Creation

- “C.4.5.8.4 New development or redevelopment shall only be permitted on a property that has direct frontage on a publicly assumed road constructed to municipal standards; and,

F.1.14.3.1 Consents for new lot creation, for both the severed and retained lands, for residential uses in the Neighbourhoods designation shown on Map E-1 – Urban Land Use Designation, shall be permitted provided the following conditions are met:

- f) The lots have frontage on a public road.”

To ensure that the development complies with Policy C.4.5.8.4 an extension of the existing cul-de-sac is required. The extension will also be required to facilitate any future severance of the subject lands to comply with Policy F.1.14.3.1. The extension of the existing cul-de-sac will need to be completed prior to the site specific By-law being brought into full force and effect. An ‘H’ Holding Provision will be applied to the Zoning By-law Amendment requiring completion of an External Works Agreement for the extension of the existing cul-de-sac and must be satisfied prior to final Site Plan approval.

#### Noise

“B.3.6.3.7 A noise feasibility study, or detailed noise study, or both, shall be submitted as determined by the City prior to or at the time of application submission, for development of residential or other noise sensitive land uses on lands in the following locations;

- a) 100 metres of a minor arterial road, as identified on Schedule C – Functional Road Classification; and,
- d) 400 metres of an existing or proposed parkway or provincial highway (controlled access), as identified on Schedule C – Functional Road Classification.”

The subject lands are located in close proximity to existing noise sources, primarily from the Queen Elizabeth Way (QEW) and Eastport Drive. A Noise Feasibility Study (Study) by HGC Engineering dated October 20, 2021 and an updated study dated March 30, 2022, were prepared in support of the Application.

The Study identified transportation noise sources from the QEW, Eastport Drive and Beach Boulevard as the primary noise sources. The Burlington Canal Lift Bridge located approximately 600 metres to the north was evaluated and was not expected to significantly impact the site but would require a warning clause advising prospective owners and tenants that noise from the operation of the bridge may be audible at times.

The Study found that daytime and night time noise levels will exceed 65 dBA during daytime hours and 60 dBA during night time hours and therefore will require noise mitigation to be established including centralized air conditioning, upgraded exterior glazing, and will require the inclusion of warning clauses.

All noise mitigation measures and noise warning clauses will be implemented through the Site Plan Control Application and Consent Application.

#### Site Condition

“B.3.6.1.1 The City shall require proponents of development or redevelopment proposal to document previous uses of the property(s) affected by the proposal for lands currently or previously used for:

- a) Employment (industrial), commercial, community, transportation, or utility purposes;

B.3.6.1.2 Where there is potential for site contamination due to previous uses of a property and a more sensitive land use is proposed, a mandatory filing of a Record of Site Conditions is triggered as outlined in provincial guidelines. The Record of Site Conditions shall be submitted by the proponent to the City and Province. The Record of Site Condition shall be to the satisfaction of the City.”

Part of the subject lands were previously used for commercial purposes and the applicant is proposing to establish a sensitive land use (i.e. residential) on site. As there is potential for site contamination an assessment through a Record of Site Condition (RSC) needs to be undertaken. An ‘H’ Holding Provision will be applied to the Zoning By-law Amendment requiring completion of an RSC or for the applicant to enter into a conditional building permit and must be satisfied prior to final Site Plan approval.

Based on the foregoing, the proposed development complies with the policies of the Urban Hamilton Official Plan.

#### **Hamilton Beach Neighbourhood Plan**

The subject property is designated “Neighbourhood Commercial” in the Hamilton Beach Neighbourhood Plan. An amendment to the Neighbourhood Plan will be required to implement the proposal.

**“1.2.2 Attached Housing**

- Permitted uses will include townhouse dwellings, street townhouse and associated uses as specified by the Zoning By-law;
- Densities will be approximately 35-45 dwelling units per net hectare;
- Housing styles will be encouraged, as much as possible, to reflect or complement the existing character of the Beach, and to blend in with the existing and proposed low density housing in the vicinity. This will be addressed at the site plan stage where applicable;
- Building heights will be limited to a maximum of two and a half storeys; and,
- Townhouse developments will be encouraged to include a variety of styles and groupings, especially smaller blocks of six units or less;

**3.2.1 Neighbourhood Commercial**

- These areas are located at intervals along the Beach, preferably no more than 1 kilometre apart, particularly in areas where there are no other types of commercial uses; and,
- Permitted uses include commercial establishments which generally provide goods and services for the daily needs of Beach residents, such as variety stores, hairdresser, etc. and accessory uses.”

The proposed street townhouse dwellings are not permitted on lands designated “Neighbourhood Commercial” in the Neighbourhood Plan however, the street townhouse dwellings are consistent with the uses envisioned for lands designated “Attached Housing”. The proposal represents a density of 41.5 units per net hectare and includes two small blocks with five dwellings per building. Finally, while the proposed height of three storeys will exceed the maximum of two and a half storeys, the development will be consistent with other existing and proposed street townhouse dwellings in the area.

Based on the foregoing, the proposed development complies with the policies of the Hamilton Beach Neighbourhood Plan, subject to the change in designation from “Neighbourhood Commercial” to “Attached Housing”.

**City of Hamilton Zoning By-law No. 05-200**

The subject lands are zoned Neighbourhood Commercial (C2) Zone in Zoning By-law No. 05-200 which permits a variety of commercial uses and only permits residential uses above ground floor commercial. An amendment to the Zoning By-law is required to remove the subject lands from Zoning By-law No. 05-200 and to be added to the

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former City of Hamilton Zoning By-law No. 6593 and zoned “RT-30” with the necessary site specific provisions.

**City of Hamilton Zoning By-law No. 6593**

An amendment to the Zoning By-law is required to add the subject lands to the former City of Hamilton Zoning By-law No. 6593 and zone the lands “RT-30/S-1821 - H” (Street – Townhouse) District, Modified, Holding, to allow the development of 10, three storey street townhouse dwellings within two buildings. The site specific modifications to accommodate the proposal are outlined in the Report Fact Sheet and discussed in detail in Appendix “D” attached to Report PED22140.

An ‘H’ Holding Provision is to be added to the proposed Zoning By-law Amendment for completion of a signed Record of Site Condition or conditional building permit agreement, to enter into an External Works Agreement for all required road improvements within the municipal right-of-way and submit and implement a Documentation and Salvage Report.

**RELEVANT CONSULTATION**

Departments and Agencies		
The following departments and agencies had no comments: <ul style="list-style-type: none"><li>• Alectra Utilities;</li><li>• Canada Post; and,</li><li>• Landscape Architectural Services, Public Works.</li></ul>		
	Comment	Staff Response
Development Engineering Approvals Section, Planning and Economic Development Department.	The property is subject to the policies of the Master Drainage Plan for the Hamilton Beach Neighbourhood (Marshall Macklin Monaghan, 1999) and the Beach Boulevard Stormwater Ponding Study (November 2019).	<p>The proposed development does not contemplate a basement or crawlspace and will maintain a finished floor elevation greater than 76.5 metres above sea level, which represent existing standards for development on the Hamilton Beach Street. These requirements will be included as provision in the Site Specific Zoning By-law.</p> <p>Minimum side yards of 1.7 metres or larger will be provided between the proposed buildings and northerly and southerly side lot lines.</p>



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	Comment	Staff Response
Development Engineering Approvals Section, Planning and Economic Development Department <b>Continued.</b>	<p>Basements and crawlspaces are not permitted for the development within the Beach Boulevard area due to proximity to Lake Ontario. In addition, the minimum finished floor elevation (FFE) as per the Beach Boulevard Stormwater Ponding Study (November 2019) is 76.5 metre.</p> <p>As per the Beach Boulevard Master Drainage Plan, side yard setbacks shall be a minimum of 1.7 metre. Where a shared swale is provided, a 1.5 metre side yard setback can be provided.</p> <p>Through the Site Plan Control Application, Site Grading, Servicing, and Erosion Control plans will be required. For development with three or more road cuts proposed, the owner / applicant will be required to restore the right-of-way as one consolidated area and to enter into an external works agreement with the City of Hamilton.</p>	<p>Furthermore, a shared swale will be provided between the two proposed townhouse buildings which will permit a 1.5 metre side yard setback to a future lot line.</p> <p>Engineering plans and a detailed engineering review will be undertaken through the Site Plan Control Application.</p> <p>The 10 street townhouse dwellings will result in more than three road cuts being required for servicing and therefore an external works agreement will be required.</p> <p>Additionally, an external works agreement will also be required for the road extension to ensure adequate frontage on a public road. The external works agreement will need to be entered into prior to the lifting of an 'H' Holding Provision which is proposed to be established through the amending By-law.</p>
Parks and Cemeteries, Public Works Department.	<p>Parks and Cemeteries staff note that there is a pipeline that runs along the beach so no access will be permitted from the beach side, nor will the storage or staging of equipment be permitted on public property.</p> <p>No personal storage will be permitted on public property.</p>	<p>The proposed development does not include establishing any vehicle or direct pedestrian access to the beach and is proposing to remove an existing gate located along the rear lot line.</p>

**SUBJECT: Application for Zoning By-law Amendment for the Lands Located at 1117, 1121, 1129 and 1133 Beach Boulevard, Hamilton (Ward 5) (PED22140) - Page 18 of 24**

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	<b>Comment</b>	<b>Staff Response</b>
Parks and Cemeteries, Public Works Department <b>Continued.</b>	No drainage will be permitted to be directed to City property.	A construction management plan will be required to be undertaken through the Site Plan Control Application and will ensure that no storage or staging of equipment will occur on public property.  Warning clauses advising future residents and tenants that no personal storage is permitted on public property will be undertaken through the Site Plan Control Application.
Hamilton Conservation Authority.	<p>Hamilton Conservation Authority (HCA) staff advised that a Stormwater Management Report and engineering drawings for site grading, site servicing, and sediment and erosion control will be required at the Site Plan Control stage.</p> <p>HCA staff are satisfied with the revised EIS dated March 28, 2022 and recommend that bird friendly design be used when the street townhouses are designed and built.</p> <p>HCA staff note that the property is located just outside the flood and erosion hazard lands associated with the Lake Ontario shoreline. Therefore, HCA has no concerns related to natural hazards.</p>	<p>A full Stormwater Management Report and full engineering drawings will be required through the Site Plan Control Application.</p> <p>The inclusion of any bird friendly design elements will be undertaken through the Site Plan Control Application.</p> <p>A Letter of Permission will be required to be received through the Site Plan Control Application.</p>

**SUBJECT: Application for Zoning By-law Amendment for the Lands Located at 1117, 1121, 1129 and 1133 Beach Boulevard, Hamilton (Ward 5) (PED22140) - Page 19 of 24**

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	<b>Comment</b>	<b>Staff Response</b>
Hamilton Conservation Authority <b>Continued.</b>	The rear portion of the subject lands are affected by Ontario Regulation 161/06, HCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourse Regulation made under the <i>Conservation Authorities Act</i> , R.S.O 1990 due to their proximity to Lake Ontario and its associated flood and erosion hazard. A Letter of Permission will be required from HCA prior to any new development, including the erection of any buildings or structures, the placement or removal of fill material, and site grading activities within HCA's regulated area.	
Ministry of Transportation.	<p>The Ministry of Transportation (MTO) has no objection to the proposed Zoning By-law Amendment.</p> <p>The subject property is within the MTO Permit Control Area for the QEW. Therefore, an MTO Building and Land Use Permit will be required from the MTO prior to the start of any on-site construction/work.</p>	The MTO Building and Land Use Permit will be required at the Site Plan Control stage.
Growth Planning Section, Planning and Economic Development, Department.	Growth Planning staff advised that it should be determined if rear yard or side yard easements for access or maintenance purposes will be required.	The establishment of any easements for access or maintenance purposes would be identified through the Site Plan Control application and established as part of a future Consent Application.

**SUBJECT: Application for Zoning By-law Amendment for the Lands Located at 1117, 1121, 1129 and 1133 Beach Boulevard, Hamilton (Ward 5) (PED22140) - Page 20 of 24**

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	Comment	Staff Response
Growth Planning Section, Planning and Economic Development, Department <b>Continued.</b>	<p>It should be determined if the proposed landscape features will require an encroachment agreement.</p> <p>Note that the retaining wall located at the north end of the plan appears to be outside of the subject lands.</p> <p>The owner and agent should be made aware that the municipal address for this proposal will be determined after conditional Site Plan approval is granted. Review of the existing street name will also occur at the Site Plan Control approval stage.</p>	<p>The retaining wall has been identified on the revised concept plan as an existing retaining wall and not a retaining wall that is being proposed for this development. Municipal addressing and any revision to the street name will be undertaken through the Site Plan Control Application.</p>
Forestry and Horticulture Section, Public Works Department.	<p>Forestry and Horticulture staff identified no municipal tree assets on site, therefore a Tree Management Plan is not required. A Landscape Plan is required by Forestry and Horticulture staff. Payment for all street tree planting will be required.</p>	<p>A detailed landscape plan and payment for all street tree plantings will be undertaken through the Site Plan Control Application.</p>
Planning Section, Planning and Economic Development, Department.	<p>The proposed development will generate minimal vehicle traffic and is unlikely to have a perceptible negative impact on the area road network.</p> <p>A Transportation Impact Study is not required for the proposed development.</p> <p>The width of the sidewalk is to be dimensioned on the plan.</p>	<p>The width of the existing sidewalk was added to the update concept plan received with the proposed application (1.5 metres wide). The sidewalk will also need to be dimensioned on the plans submitted for the Site Plan Control application and, any sidewalk improvements will be addressed through the Site Plan Control Application.</p>

**SUBJECT: Application for Zoning By-law Amendment for the Lands Located at 1117, 1121, 1129 and 1133 Beach Boulevard, Hamilton (Ward 5) (PED22140) - Page 21 of 24**

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	<b>Comment</b>	<b>Staff Response</b>
Recycling and Waste Disposal, Operations Division, Public Works Department.	<p>As currently designed additional information is required to confirm if municipal waste collection may be provided. Additionally, as currently designed the two most northerly street townhouse units would not allow for continuous forward motion for municipal waste vehicles.</p> <p>If the development is not designed according to municipal waste service specifications the developer must arrange a private waste hauler for the removal of all waste materials and include warning clauses advising prospective purchasers and tenants that the property is not serviceable for municipal waste collection.</p>	The detailed design with respect to municipal waste collection and determination whether municipal waste collection services can be provided, or a private waste hauler must be provided, will be determined through the Site Plan Control application.

## **PUBLIC CONSULTATION**

In accordance with the provisions of the *Planning Act* and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 21 property owners within 120 metres of the subject property on December 17, 2022. A Public Notice sign was posted on the property on February 10, 2022 and updated on July 6, 2022. Finally, the Notice of the Public Meeting was given on July 15, 2022 in accordance with the requirements of the *Planning Act*.

To date, no letters from the public have been received.

### **Public Consultation Strategy**

The Public Consultation Strategy included a virtual Public Open House on February 28, 2022, as discussed on page 6 of Report PED22140, and the questions and concerns raised as part of the Open House were summarized by the Applicant and are attached as Appendix “F” of Report PED22140.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons;
  - (i) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
  - (ii) It complies with the policies of the Urban Hamilton Official Plan; and,
  - (iii) The proposed development is compatible with existing land uses in the immediate area and represents good planning by, among other things, increasing the supply of housing units, and making efficient use of land and existing infrastructure.

2. Zoning By-law Amendment

The Application for Zoning By-law Amendment is to remove the subject lands from the City of Hamilton Zoning By-law No. 05-200 which are currently zoned Neighbourhood Commercial (C2) Zone and add the subject lands to the City of Hamilton Zoning By-law No. 6593 as “RT-30/S-1821 – ‘H’” (Street – Townhouse) District, Modified, Holding to permit 10, three storey street townhouse dwellings.

The implementing By-law proposes a use and a scale of development that is compatible with existing and proposed development in the area and complies with the policies of the UHOP. The modifications are identified on page 6 of Report PED22098 and discussed in detail in Appendix “E” attached to Report PED22140.

Therefore, staff support the proposed amendment to the Zoning By-law.

3. An ‘H’ Holding Provision is recommended to address the following:
  - The Owner submit and receive completion of a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MECP) or enter into a conditional building permit agreement with respect to completing a Record of Site Condition. This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MECP, and submission of the City of Hamilton’s current RSC administration fee;

- That Owner enter into an External Works Agreement for all required road improvements within the municipal right-of-way, to the satisfaction of the Manager of Development Engineering Approvals; and,
  - A Documentation and Salvage Report in accordance with the City's Guidelines for Documentation and Salvage Reports has been submitted and implemented all to the satisfaction of the Director of Planning and Chief Planner prior to any demolition and the Owner shall demonstrate that a copy of this report is submitted to the Hamilton Public Library.
4. The proposal for 10 three storey townhouse dwellings is subject to a Site Plan Control application, through which the detailed building design, grading and servicing design, landscaping design, amongst other items, will be evaluated.

The establishment of separate lots for each townhouse dwelling will be undertaken through future applications for Consent.

## **ALTERNATIVES FOR CONSIDERATION**

Should the application be denied, the subject property can be used in accordance with the Neighbourhood Commercial (C2) Zone, in the City of Hamilton Zoning By-law No. 05-200.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Community Engagement and Participation**

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community

### **Economic Prosperity and Growth**

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

### **Healthy and Safe Communities**

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

### **Clean and Green**

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

**Built Environment and Infrastructure**

Hamilton is supported by state-of-the-art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

**Culture and Diversity**

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

**Our People and Performance**

Hamiltonians have a high level of trust and confidence in their City government.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED22098 – Location Map

Appendix “B” to Report PED22098 – Draft Amendment to Zoning By-law No. 05-200

Appendix “C” to Report PED22098 – Draft Amendment to Zoning By-law No. 6593

Appendix “D” to Report PED22098 – Revised Concept Plan

Appendix “E” to Report PED22098 – Zoning By-law Site Specific Modification - Chart

Appendix “F” to Report PED22098 – Summary of Public Open House

DB:sd