

**CITY OF HAMILTON**

**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b> Chairs and Members Planning Committee	<b>WARD(S) AFFECTED:</b> WARD 13
<b>COMMITTEE DATE:</b> October 15, 2013	
<b>SUBJECT/REPORT NO:</b> Proposed Official Plan Amendment and Zoning By-law Amendment Affecting Lands Located at 16 and 22 King Street East (Dundas) (PED13164) (Ward 13)	
<b>SUBMITTED BY:</b> Tim McCabe General Manager Planning and Economic Development Department	<b>PREPARED BY:</b> Timothy Lee (905) 546-2424 Ext. 1249
<b>SIGNATURE:</b>	

**RECOMMENDATION**

That **Zoning Application ZAC-12-017, by Mai Souffian, Owner**, for a change in zoning from the Central Area Commercial “CAC/S-91” Zone, Modified, with a Special Exception, to the Central Area Commercial “CAC/S-126-H” Zone, Holding, Modified, with a Special Exception, on lands located at 16 and 22 King Street East (Dundas), as shown on Appendix “A” to Report PED13164, be approved, on the following basis:

- (a) That the Draft By-law, attached as Appendix “B” to Report PED13164, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
- (b) That the amending By-law be added to Schedule “A” of Zoning By-law No. 3581-86;
- (c) That the proposed change in Zoning is in conformity with the Urban Hamilton Official Plan.

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**EXECUTIVE SUMMARY**

The purpose of this application is to change the Zoning By-law to permit the redevelopment of the subject lands for a 7-storey, mixed-use building, containing 4 commercial units on the ground floor and 71 residential units. A total of 74 parking spaces will be provided that will be located on one level of underground parking (35 spaces), a surface parking (22 spaces), and above-ground parking (17 spaces) on the second floor of the building (see Appendix "C"). There will also be rooftop amenity areas on the second floor and rooftop.

The Zoning By-law Amendment is to modify provisions of the Town of Dundas Zoning By-law with respect to setbacks, lot coverage, building height, minimum dwelling size, and parking requirements. This infill development proposal is within Downtown Dundas. The proposal is considered to be in keeping with the general intent of the Urban Hamilton Official Plan Policies with respect to infilling. The redevelopment is compatible and in keeping with the scale and building mass with the surrounding areas, and maintains and improves the pedestrian-oriented environment through the presence of ground floor commercial activity and building setbacks.

***Alternatives for Consideration - See Page 23.***

**FINANCIAL / STAFFING / LEGAL IMPLICATIONS**

**Financial:** None.

**Staffing:** None.

**Legal:** As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a Zoning By-law Amendment.

**HISTORICAL BACKGROUND**

**Proposal:**

The subject lands are located on the south side of King Street East, between York Street and Main Street, in Downtown Dundas (see Appendix "A"), and have a lot area of 1,954 sq. m. The land is currently occupied with an existing restaurant and commercial retail use (Dairy Queen and automotive sales establishment), with surface parking surrounding the existing one-storey building. The applicant is proposing to redevelop the subject lands for a 7-storey, multiple dwelling, with three commercial retail units and a restaurant on the ground floor, and 71 residential units. The breakdown of the dwelling units by number of bedrooms is below. A total of 74 parking spaces will be provided on

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one underground level, surface parking, and one above-ground level (see Appendix “C”).

<b>Dwelling Type</b>	<b>Count</b>
Bachelor	13 units
One-Bedroom	43 units
Two-Bedroom	14 units
Three-Bedroom	1 unit

The applicant has requested a Zoning By-law Amendment application to modify the Zoning By-law for site-specific zoning provisions with respect to required yards, gross floor area, building height, setbacks of balconies from required yards, and parking requirements.

**Chronology:**

June 25, 2012: Applications OPA-09-014 and ZAC-09-055 are deemed complete.

June 29, 2012: Circulation of Notice of Complete Application and Preliminary Circulation for Applications OPA-12-007 and ZAC-12-017 to all property owners within 120m of the subject lands.

July 31, 2013: Revised Concept Plan and Elevations submitted to staff.

August 16, 2013: Urban Hamilton Official Plan in force and effect. Official Plan Amendment Application OPA-09-014 is no longer required.

September 19, 2013: Circulation of Notice of Public Meeting to all residents within 120m of the subject lands.

**Details of Submitted Application:**

**Owner:** Mai Souffian  
**Agent:** A. J. Lakatos Planning Consultant  
**Location:** 16 and 22 King Street East (Dundas)

**Property Size:** **Frontage:** 42.83m  
**Depth:** 38.77m - 47.33m (irregular)  
**Area:** 1,954.30 sq. m.

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**EXISTING LAND USE AND ZONING:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands:</u></b>	Dairy Queen Restaurant (16 King Street East) and Automobile Sales Establishment (22 King Street East)	Central Area Commercial (CAC/S-91) Zone, Modified, with Special Exceptions
<b><u>Surrounding Lands:</u></b>		
<b>North</b>	Mixed-Use Commercial/Residential	Central Area Commercial (CAC/S-91) Zone, Modified, with Special Exceptions
<b>South</b>	Multiple Residential and Retirement Home	Central Area Commercial (CAC/S-14) Zone, Modified, with Special Exceptions, and Community Institutional (I2) Zone
<b>East</b>	Multiple Residential	Central Area Commercial (CAC/S-91) Zone, Modified, with Special Exceptions
<b>West</b>	Mixed-Use Commercial/Residential	Central Area Commercial (CAC/S-91) Zone, Modified, with Special Exceptions

**POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS**

**Provincial Policy Statement:**

The application has been reviewed and is considered to be consistent with the Provincial Policy Statement (PPS), which encourages healthy, liveable, and safe communities (Policy 1.1.1); and which focuses growth in Settlement Areas (Policy 1.1.3).

In addition, Policies 1.1.3.4 and 1.1.3.7 state that new development taking place in designated growth areas should occur adjacent to existing built-up areas, which should have a compact form with a mix of uses and densities. Appropriate development standards should be promoted with this type of redevelopment and intensification.

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In addition, Policy 1.4.3 encourages an appropriate range of housing types and densities to meet projected requirements of current and future residents by directing new housing in areas of appropriate levels of infrastructure; promoting densities for new housing which efficiently use land; and establishing development standards for residential intensification redevelopment, which minimizes housing costs.

Furthermore, Policy 1.7.1(e) outlines that long term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries, and aggregate activities) and sensitive land uses are appropriately designed, buffered, and separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety.

Staff notes that the subject lands are intended to be developed for largely residential purposes, and are located adjacent to King Street East and within approximately 26m from Main Street. The proximity of the proposed sensitive land use to road noise sources triggers the requirement for a Noise Study. Staff notes that a Noise Study was submitted with the subject application. Review of this Noise Study, including revisions to the concept plan with respect to the rooftop garden, has confirmed that adequate mitigation measures will be employed for this development. Therefore, the proposal is consistent with Policy 1.7.1(e).

Further, Policy 3.2.2 states that contaminated sites shall be remediated, as necessary, prior to any activity of the site associated with the proposed use, such that there will be no adverse effects. Staff notes that the subject proposal entails a change in land use from “Commercial” to “Residential”, which triggers the requirement for a mandatory filing of a Record of Site Condition (RSC) under Ontario Regulation 153/04. The applicant has completed the necessary Environmental Site Assessment on the property and is awaiting confirmation from the Ministry of the Environment on the document’s registration. As such, staff recommends that a Holding ‘H’ Provision be placed on the property until such time as the RSC is acknowledged.

Therefore, based on the foregoing, the proposal is consistent with the PPS.

**Places to Grow Plan:**

The application has been reviewed with respect to the Growth Plan for the Greater Golden Horseshoe. The subject property is located within the Built-up Area, as defined in the Places to Grow Growth Plan. The application conforms to Section 1.2.2, where guiding principles of the Plan are to “build compact, vibrant, and complete communities”, “plan and manage growth to support a strong and competitive economy”, and to “optimize the use of existing and new infrastructure to support growth in a compact, efficient form”.

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As the proposal is to facilitate the development of a multiple dwelling with commercial retail uses at-grade, Policies 2.2.2.1(a), (b), (g), and (h) are met with respect to directing new growth within the built-up areas through intensification, and providing a balance between jobs and housing within the community. As the subject lands are located in Downtown Dundas, the proposal meets Policy 2.2.2.1(d), as the proposal is intended to reduce the dependency on the automobile through a mixed-use development and encourage pedestrian activity. In addition, the subject lands are located where there is reliable and frequent public transportation.

The proposal also meets Policy 2.2.3.6, and promotes and facilitates intensification with an appropriate built-form, height, scale, density, and type of development that appropriately complements adjacent land uses. The proposal includes an appropriate built form, where it is consistent with abutting multiple dwellings with respect to height, scale, and overall built form.

In addition, Policy 2.2.3.6(b) promotes a diverse and compatible mix of land uses, including residential and commercial uses that support complete communities. The proposal includes three commercial units on the ground floor (one of which will be for the relocated Dairy Queen Restaurant) that will serve the needs of residents within walking and cycling distance.

Based on the foregoing, the proposal conforms to the Places to Grow Growth Plan.

**Urban Hamilton Official Plan:**

The Urban Hamilton Official Plan is now in force and effect, except for the residential intensification policies and other site-specific appeals. Policies that remain under appeal are subsequently reviewed as direction only. For the purposes of this application, the residential intensification policies of the Dundas Official Plan Policies apply.

The subject lands are designated as “Mixed-Use - Medium Density” on Schedule “E-1” - Land Use Designations, and permits a range of commercial and residential uses.

In accordance with Section E.4.3, King Street East is considered to be a “Pedestrian Predominant Street”, where the proposed development is intended to cater to pedestrians and stimulate commercial activity by creating a comfortable, creative, and visually stimulating walking environment. The proposed development will include 4 commercial units at-grade, with frontage on King Street East, and canopies that will provide pedestrians shelter from the elements. The proposed ground floor commercial uses will contribute to a positive walking environment that will be stimulated through an active storefront and commercial activity, and will contribute to the already active commercial core of Dundas.

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Permitted uses within the “Mixed-Use” designation include commercial retail stores and multiple dwellings, as listed under Policy 4.6.5, to which the proposed development complies. In addition, Policy 4.6.9 encourages mid-rise mixed-use buildings, with commercial stores at-grade and residential uses on the upper floors.

Further, Policy E.4.6.7 permits a range of building heights and densities to a maximum of 6-storeys, and further, in accordance with Policy E.4.6.8, building heights may go up to 8-storeys provided stepped-back design and no adverse shadow impacts are present. A Sun/Shadow Analysis and Urban Design Brief were provided by the applicant where, after review by staff, no adverse shadow impacts are anticipated due to the proposed terracing of the top front of the building from the fifth floor to the seventh floor, and the sun’s path and shadow will physically not impact abutting properties.

In regard to the Urban Design Policies, as stated in Policy B.3.3.2.4, the proposed development will contribute to quality pedestrian environment within the private and public realm through the design, placement, and construction of new development. By proposing commercial units at-grade, it will provide a continuous animated commercial street edge along King Street East, and a transition area between the public and private realm through the use of structural canopies. The proposed development will be an improvement to the existing auto-centric commercial operation, where there is an expanse of parking with little landscaping surrounding an existing commercial building.

The proposed building will have a 0.0m front yard setback, with a stepping back of the building on the upper-floors, which is not only in keeping with the general streetscape of the area, but it also meets Policies E.4.6.17 and E.4.6.18, where new development must be in a compact form with a streetscape and building arrangement that maintains and supports pedestrian use, and creates and maintains a vibrant place for people. The terracing of the upper floors will give the impression from King Street West that the building is of a shorter height, and has less imposing building mass as a result.

Further, Policy E.4.6.24 requires new development to respect the existing built form of adjacent neighbourhoods by providing a gradation of height and densities, and by locating and designing new development to minimize the effects of shadowing and overview of abutting properties. As stated above, the Sun/Shadow Study was provided by the applicant, where no adverse shadow impacts are anticipated due to the proposed terracing of the top front of the building from the fifth floor to the seventh floor. In addition, there are numerous buildings abutting the subject lands which have height, density, and setbacks similar to the proposed 7-storey building.

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Residential Intensification Policies:

Currently, the Residential Intensification Policies under Policy 2.4 are still under appeal to the Ontario Municipal Board (OMB), and are not in force and effect. Under Policy 2.4.1, intensification is to be focused in the planned Urban Nodes and Urban Corridors, to which the subject property is in. In addition, the residential intensification development shall be evaluated, based on the following criteria:

- “2.4.1.4a) 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.
- 2.4.1.4b) The development’s contribution to maintaining and achieving a range of dwelling types and tenures.
- 2.4.1.4c) 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.”

The proposal will include a mixed-use residential/commercial building that will maintain a built form and urban pattern that has similar building mass, scale, and height to other existing development in Downtown Dundas. In addition, the stepping back of the upper floors of the proposed building will reduce the overall mass of the building, and will maintain an appropriate scale from street view. Such design will also provide for architectural interest, but maintain the overall character of the surrounding area. The development will also contribute a diverse range of dwelling types that will range from studio to three-bedroom units. Based on the foregoing policies, the proposal conforms to the Residential Intensification Policies.

Urban Design Policies:

Additional Urban Design Policies, under Policies B.3.3.2.6a) and d), state that new development be compatible with the surrounding area and enhance the character of the existing environment by complementing and animating existing surroundings through building design and placement, as well as through placement of pedestrian amenities, complementing the existing massing patterns, rhythm, character, colour, and surrounding context. Modifications to the zoning provisions will ensure that the proposed development will be compatible to abutting properties with respect to placing the building closer to the street for more animated streetscape and commercial activity, and to keep vehicular parking to the rear of the property. In addition, the massing and setbacks of the proposed building will be in keeping with other buildings of similar height and building footprint.



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In addition, the building mass is reduced in scale through the stepping back of the upper floors to create a less imposing building, and to create an architectural interest as a result of this unique design. From street level, the stepping back of the upper floors will give the impression that it is a lower building than what is being proposed. This design in mass also meets Urban Design Policy B.3.3.3, where new development must maintain and support existing character and scale.

Road Widening:

King Street West is identified as an arterial road, as shown in Schedule C - Functional Road Classification, where under Schedule C-2 - Future Road Widening, the ultimate right-of-way width is 20.117m. In addition, Policy C.4.5.6 permits the ability of the City to reserve or obtain road widenings up to the ultimate right-of-way widths, as described in Schedule C-2. As the current road width of King Street West is approximately 16.4m, a road widening of between 1.24m to 1.97m along King Street West will be required on the subject lands, and will be addressed at Site Plan Control stage.

Based on the foregoing, the proposal to construct a 7-storey, mixed-use building conforms to the policies of the Urban Hamilton Official Plan.

Town of Dundas Official Plan:

As the residential intensification policies of the Urban Hamilton Official Plan are currently under appeal, the residential intensification policies of the Dundas Official Plan Policies have been reviewed against this application. A site-specific amendment to the Dundas Official Plan was originally applied to amend Policy 3.5.3.2c), where infilling and redevelopment shall be limited to a maximum height of 3-storeys; however, additional height of up to 4-storeys may be permitted by a Zoning Amendment. As the Urban Hamilton Official Plan is now in force and effect, the amendment is no longer required.

In addition, there will increasingly be a need to focus on maximizing development opportunities rather than meeting housing projections due to a long term limited supply of suitable land for development. Policy 1.7.8 identifies lands south of King Street West as areas of intensification, where population growth will be accommodated through intensification in mixed-use areas in the Downtown Dundas corridor.

With respect to the Urban Design objectives of Section 2.5 of the Plan, the proposal conforms to the following applicable policies:

“2.5.2.2 To ensure that new development or redevelopment strengthens and enhances the character of existing neighbourhoods.

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2.5.3.1 The Town shall require new buildings and development to be designed in harmony with adjacent structures and surrounding neighbourhood character.”

The proposed development will maintain and enhance the existing neighbourhood through continuing the commercial streetscape on the subject land, and provide an appropriate mass and scale to the surrounding areas. This is also achieved through the stepping back of the upper floors to reduce the appearance of height and mass.

Based on the review of the intensification policies of the Dundas Official Plan against the proposed development, the proposal meets the policies of the Dundas Official Plan.

**RELEVANT CONSULTATION**

The following internal Departments and external Agencies had no concerns or objections to the proposed applications:

- Infrastructure and Source Water Planning Section, Public Works Department.
- Horizon Utilities.
- Bell Canada.
- Canada Post.

**Recreation Division (Community Services Department):**

The lands are located within the Central Business District Planning Unit (2206) in Dundas. This Planning Unit had a neighbourhood parkland deficiency of -2.19ha in 2009. Based on the review of the service area buffer, there does appear to be a gap in service in Downtown Dundas; however, it is not within the immediate area of this application.

In regard to recreational opportunities for future residents of the development, the following parks and recreational facilities are located nearby:

- Dundas Driving Park (City Wide) - 525m walking distance.
- Centennial Park (Neighbourhood) - 650m walking distance.
- Dundas Pool and Arena (Community) - 735m walking distance.

All three of the above Parks are located within the recommended 800m walking distance for Neighbourhood Parks, as set out in Urban Hamilton Official Plan Policy No. 3.5.3.11.

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The applicant should be advised that Cash-in-Lieu of parkland dedication will be payable at the Building Permit stage.

**Urban Forestry, Forestry and Horticulture Section (Public Works Department):**

There are no Municipal Tree Assets located on the King Street road allowance fronting the existing Dairy Queen or Automobile Sales sites, but several insignificant trees were observed on the border of these two businesses.

None of the Private site trees are regulated under any existing Tree By-law, and it is our opinion that all site trees must be removed to accommodate grading, servicing, and overall above and below ground construction.

There are no Municipal Tree Assets located on the road allowance of this proposed development and, therefore, Tree Management is not required. The Private trees on-site are considered insignificant, and may be removed, as required.

**Public Consultation:**

In accordance with Council's Public Participation Policy, Official Plan, and the Zoning By-law Amendment, applications were circulated as part of the Notice of Complete Application to 694 residents within 120m of the subject lands on June 26, 2012. To date, 5 letters have been received expressing concerns with the application (see Appendix "D"), which have been addressed in the Analysis/Rationale for Recommendation section of this Report.

Notice of the Public Meeting was given in accordance with the requirements of the Planning Act through circulation to property owners within 120m of the subject lands. In addition, a Public Notice Sign was posted on the property on July 15, 2012, and was updated on September 17, 2013.

As a result of the Urban Hamilton Official Plan coming into effect on August 16, 2013, an Official Plan Amendment to the Dundas Official Plan is no longer required.

**ANALYSIS / RATIONALE FOR RECOMMENDATION**

(include Performance Measurement/Benchmarking Data, if applicable)

1. The proposal can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement, which supports residential intensification, economic growth, and the enhancement of Downtown areas;

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- (ii) It conforms with the Places to Grow Growth Plan, which encourages the development of higher density housing forms within intensification areas such as Downtowns;
- (iii) It conforms to the residential intensification policies of the Dundas Official Plan; and,
- (iv) Its proposed use conforms to the Urban Hamilton Official Plan with respect to the scale and character of the surrounding area and redevelopment in Downtown areas.

2. Zoning By-law Amendment (ZAC-12-017):

The subject lands are located in the Central Area Commercial (CAC/S-91) Zone, Modified, with a Special Exception, which permits a range of commercial uses such as professional offices, restaurants, commercial retail, and personal service, in addition to residential multiple dwellings. To accommodate the proposed intensification redevelopment, a number of modifications are required, which are directly supported by the Urban Design Policies of the Urban Hamilton Official Plan, and are as follows:

Commercial Units At Grade:

Under Policies E.4.6.3 and E.4.6.10 of the Urban Hamilton Official Plan, redevelopment within the “Mixed-Use - Medium Density” designation encourages mixed-use commercial/residential buildings. In addition, a pedestrian-oriented environment is encouraged by promoting retail stores, restaurants, and community uses to be located at-grade.

Under the draft Zoning By-law (see Appendix “B”), a site-specific provision has been added requiring commercial uses to be located on the ground floor fronting onto King Street West. This regulation ensures there will be a consistent commercial presence along King Street West, and implements the above Urban Hamilton Official Plan policies with respect to providing for a vibrant commercial activity.

Minimum Glazing Along Front Lot Line:

The intent and purpose of providing for a minimum glazing is to ensure that the commercial units along King Street West have a consistent glazing along the front face of the building, and to prevent blank walls. The purpose is to provide for and maintain an active storefront along King Street West, and to prevent

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“dead space” that does not promote vibrant commercial activity along the street edge.

Under the draft Zoning By-law (see Appendix “B”), a site-specific provision has been added requiring a minimum 50 percent of the ground floor façade to be comprised of windows and doors to ensure that a minimum amount of glazing is maintained.

Front Yard Setback:

As required under Section 18.3.2.1 of the Dundas Zoning By-law, a front yard setback is not required, except where the portion of a building is over 10.5m in height the minimum front yard setback is 6.0m. This effectively creates a more inviting pedestrian environment that is indicative of traditional “Main Street” commercial thoroughfares where it also creates a stepping back of the portion of the building over 10.5m, which will create a more attractive built form, as viewed from the street.

Modifications to the front yard setback are required to facilitate the proposed development. Under the modifications, there will be a 0.0m front yard setback requirement on the portion of the building up to 16.5m. For the portion of the building between 16.5m to 19m in height, the minimum front yard will be 3.9m. Finally, there will be a 6.5m front yard requirement over the portion of the building that is over 19m.

Staff notes that this modification will result in a stepping back of the upper floors of the building, where the intent is to create less imposing building mass from the street, and an attractive built form can still be achieved.

The reduction of the front yard setback meets the general intent of the Urban Hamilton Official Plan, as it allows for the proposed building to be built closer to the street that would be similar to other buildings in the surrounding area. This will maintain the existing commercial activity and its pedestrian predominant nature of King Street West. In addition, increased setbacks to the upper floors will ensure that such designs are met at the Site Plan Control stage.

Side Yard Setback:

In accordance with Section 18.3.2.2 ii) of the Dundas Zoning By-law, a minimum side yard of 4.5m is required for the portion of buildings which contain windows for habitable spaces. Under the proposed development, both the easterly and westerly side yard would apply, as both sides have habitable rooms with windows. The proposal requires a side yard setback of 0.16m to reflect the

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compact design of the building and to implement urban design and pedestrian-oriented principles into the overall design.

As shown in the floor plan and site plan (see Appendix "C" - Pages 1 and 5), the portion of the easterly wall that will have a setback of 0.16m is in the front portion of the building. The portion of the principle wall with balconies and towards the rear of the building will have a setback of 3.55m from the east side lot line in order to accommodate balconies, which will be flush with the principle wall and not encroach further into the side yard. This will ensure that privacy is sought as much as possible from the surrounding residential dwellings.

Similarly, the front portion of the westerly wall will have a setback of 0.16m, and will be setback further to 3.6m to accommodate balconies that will be flush with the principle wall.

The reduction in the side yard setback meets the general intent of the Urban Hamilton Official Plan, as it ensures a continuous building form along the street edge, providing for a high level of commercial activity. This contrasts the existing condition where the commercial operation is mainly characterized by a parking lot surrounding a commercial building with little landscaping typical in a suburban context. In addition, the building design seeks to address privacy and overview of the surrounding properties by providing for balconies that do not encroach further into the side yard, and to set the majority of the building back, especially to the rear portion of the building.

Staff is in support of the modification, as the reduction to the side yard setback is only required on a front portion of the building, whereas the rear portion of the proposed building has a greater side yard setback.

Rear Yard Setback:

In accordance with Section 18.3.2.3 of the Dundas Zoning By-law, a minimum rear yard of 12.0m is required to provide for amenity space and parking. A modification has been requested to the rear yard setback to 1.2m. Private amenity space will be provided on the upper floors of the parking structure, and additional landscaping and plantings are to be provided along the rear lot lines to provide for screening and buffering between the existing multiple dwelling uses and the proposed uses and amenity space for residents (see Appendix "C").

As such, to accommodate the innovative design of the proposal, staff is of the opinion that this modification is technical in nature, and can be supported.

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Gross Floor Area:

In accordance with Section 18.3.3 of the Dundas Zoning By-law, the total gross floor area of all buildings shall not exceed 2.5 times the lot area, and shall provide a minimum of 25 percent of the gross floor area for commercial uses. These regulations ensure that the building mass and scale is appropriate for the size of the property. In addition, it allows for appropriate commercial activity within the mixed-use building.

The subject lands have a lot area of 1,954.3 sq. m. Based on the calculation of 2.5 times the lot area, the maximum allowable gross floor area is 4,885.75 sq. m., with a minimum of 1,986.6 sq. m. of commercial space required.

The applicant has requested a maximum gross floor area of 3.9 times the lot area, with a minimum of 8 per cent of the gross floor area for commercial uses. The proposed building will have a total gross floor area of 7,622.7 sq. m. and, therefore, an additional 2,736.95 sq. m. in gross floor area from what is currently permitted will be required to facilitate the proposed development. The proposed development proposes 507.98 sq. m. of commercial space; a modification has been added for the reduction in the percentage of commercial gross floor area.

Staff notes that the increase in the total gross floor area is not anticipated to have an impact on the surrounding area, as there are similar multi-storey buildings abutting the subject lands; and that the proposed development will include a stepping back of the upper floors to reduce the imposing scale and mass of the building and provide a unique design. In addition, there will be sufficient commercial uses at grade to maintain and expand the vibrant commercial activity within Downtown Dundas to facilitate new restaurants, offices, and/or retail uses.

Based on the foregoing, it would meet the general intent of the Urban Hamilton Official Plan, and the proposed increase in total gross floor area and decrease in commercial gross floor area can be supported.

Building Height:

In accordance with Section 18.3 Regulations for Residential - Commercial Buildings, the CAC Zone permits a maximum building height of 16.5m. The proposal is for a building height of up to 25m. The increase in height will include accommodating the upper level parking deck since the high water table is not conducive to locating additional parking underground, and a parapet roof to accommodate the unique roofline and green roof.

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The increase in height can be supported, as the subject lands are adjacent to buildings of similar height (6-storeys) and, therefore, would be compatible with the general character of the neighbourhood. Furthermore, stepping back of the building on the upper floors reduces the imposing nature of the building mass of the building.

Under Policies E.4.6.7 and E.4.6.8 of the Urban Hamilton Official Plan, the maximum height of 6-storeys is permitted. However, additional height of 8-storeys may be permitted without an Official Plan Amendment provided the applicant demonstrates that the buildings are progressively stepped back from the street to minimize the height appearance from the street. As the proposed building will be stepped back from the street on the upper floors, it will minimize the scale and mass of the building from King Street West. Based on this review, the increase in maximum height meets the general intent of the Urban Hamilton Official Plan.

In addition, the applicant has prepared a Sun/Shadow Analysis to demonstrate that the increase in height will not present any adverse impacts on the surrounding land uses. Staff is satisfied that the Report demonstrates that the proposed building is not anticipated to impact adjacent buildings, as the sun's path will not create shadows on adjacent buildings. This analysis is based on the building design with respect to the stepping of the upper floors.

Based on the foregoing, staff has no objections to the increase in maximum height.

Lot Coverage:

In accordance with Section 18.3.5 of the Dundas Zoning By-law, the maximum permitted lot coverage is 50 percent. This regulation ensures that the lot is not intensively developed and to permit amenity space for residents.

The proposal is for lot coverage of 96 percent to accommodate the main 7-storey building, the extended upper floor parking structure, and its upper level common area/patio space. The lot coverage for the 7-storey building is 1,233 sq. m., or 63.1 percent; adding the 2-storey parking area would increase the lot coverage to 96 percent. The increase in percentage to the lot coverage can be supported, since the high water table requires the above grade parking structure. The amenity space for the site is still included for the building, but it is located on the second.



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Staff has reviewed the application and is of the opinion that general intent of providing for lot coverage is met, as there will be upper level garden and common areas to provide residents with amenity space. Adequate stormwater management techniques can be employed on the lands, such as green roofs, to ensure there are no adverse impacts due to the amount of impervious surfaces, which will be better directed at the Site Plan Control stage. In addition, the lot coverage for the main building is much less than the requested increase in lot coverage. The increase in lot coverage to 96 percent is for both the main building and the 2-storey rear parking structure.

**Minimum Floor Area:**

Under Section 18.3.6 of the Dundas Zoning By-law, the minimum floor area for dwelling units ensures that each unit is provided an adequate habitable space. The definition of floor area includes the portion of the unit that is habitable floor area, and does not include balconies, porches, staircase, common laundry, and storage room. A minimum floor area per dwelling unit for a studio is 42 sq. m. and 55 sq. m. for a one-bedroom unit.

The proposal includes a variety of studio, one-, two-, and three-bedroom units, where the applicant has requested a reduction to the minimum floor area for studio units from 42 sq. m. to 36 sq. m., and one-bedroom units from 55 sq. m. to 54 sq. m. (not including balconies). The table below shows the ranges per dwelling unit type. The proposal includes a variety of dwelling types with a wide range of sizes, with the two- and three-bedroom units meeting the minimum dwelling unit size requirements.

<b>Dwelling Unit Type</b>	<b>Smallest Unit Size</b>	<b>Largest Unit Size</b>
Studio	36.0 sq. m.	71.36 sq. m.
One Bedroom	54.5 sq. m.	111.2 sq. m.
Two Bedroom	81.94 sq. m.	168.19 sq. m.
Three Bedroom	115.1 sq. m.	115.1 sq. m.

With respect to studio dwelling units, there are a total of 4 units out of 13 units that have the smallest floor size, with the remainder of the units meeting the minimum studio floor size requirements under Section 18.3.6. In addition, with respect to one-bedroom dwelling units, there are a total of 4 units out of 43 units that have the smallest floor size, with the remainder of the units meeting the minimum one-bedroom floor size requirements.

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The reduction to the minimum size requirements for one-bedroom dwelling units meets the Urban Hamilton Official Plan with respect to Policy B.3.2 - Housing Policies. Specifically, Policy B.3.2.1.3 encourages the increase in affordable housing stock for all dwelling types. In addition, Policy B.3.2.1.6 encourages an increase in mix and range of housing types, forms, densities, and affordability levels throughout the urban area of the City. In addition, the reduction in the minimum dwelling size affects only a small portion (4 of 13 studio units, and 4 of 43 one-bedroom units) of the total number of dwelling units.

The reduction to the minimum floor area for one-bedroom units will provide for greater housing affordability within the former Town of Dundas, and will address housing affordability to a segment of the population which may consist of empty nesters in the general area or first-time home buyers. As shown in the table above, 63 of the 71 units exceed the proposed minimum, and staff is satisfied that there is a sufficient variety of one-, two-, and three-bedroom units to provide for a variety of homeowners.

Landscaped Area:

In accordance with Section 18.3.8 of the Dundas Zoning By-law, a minimum landscaped area of 10 percent is required to provide assistance in stormwater management, and to increase the amount of pervious surface, as opposed to paved areas. In addition, landscaping provides buffer and amenity space for residents.

The applicant has requested a modification to reduce the minimum landscaped area requirements to 3.3 percent, and does not include the proposed rooftop gardens. A landscaping strip, ranging from 0.35m to 1.08m, will be provided at the rear and side lot lines and between the parking lot. In addition, landscaping will be provided for residents of the multiple dwelling on the first residential floor and the roof of the principle dwelling. Staff has no concerns with respect to the above-ground landscaping. In addition, the landscaping along the rear and side lot lines provides a buffer between the proposed development and the abutting properties.

Minimum Parking Requirements:

In accordance with Section 18.3.7 of the Dundas Zoning By-law, the parking requirement for a mixed-use residential and commercial development refers to special parking requirements, as identified in Section 18.2.4. Under Column One and Column Two, 1 parking space per dwelling unit is required. In addition, 1 parking space for each 10 persons for a restaurant use and 1 parking space

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per 46 sq. m. of gross floor area for a retail establishment are required for the proposed commercial operations.

Based on the parking requirement calculations under Columns One and Two, the proposed restaurant will need 2 parking spaces based on 20 seats, 5 parking spaces will be required for the commercial retail use, and 71 parking spaces will be required for the residential use. A total of 78 parking spaces will be required.

The applicant has requested a variance to the residential parking requirements. They are requesting that the Downtown parking requirements, contained in Zoning By-law No. 05-200, be applied to the site. Consequently, the residential parking requirements are calculated as 0.3 parking spaces per dwelling unit for units less than 60 sq. m., and 1.0 parking space per dwelling unit for units greater than 60 sq. m. Based on this calculation, a total of 74 parking spaces are required. Commercial parking calculations remain unchanged.

Staff notes that the reduction in the parking spaces for the residential units are supportable on the basis that the subject lands are located in Downtown Dundas, where retail stores and personal service establishments are within close proximity that results in fewer trips made by vehicles, and higher-level public transit service is provided along King Street East and York Road.

Under Policy E.4.6.27 of the Urban Hamilton Official Plan, reduced parking requirements shall be considered to encourage a broader range of uses and takes advantage of a higher level of transit service. As the proposed development will include a reduced parking requirement under a modified parking calculation, the modification meets the general intent of the Urban Hamilton Official Plan.

In addition, the modifications to the parking requirement will be similar to the Downtown Hamilton parking requirements in Hamilton Zoning By-law No. 05-200, where there is a lower parking requirement for smaller units, as compared to larger units. This flexibility acknowledges that a certain segment of the population who may reside in the smaller units may also not drive. As a result, staff supports the modifications to the parking space requirements.

Location of Parking Spaces:

In accordance with Section 18.2.4.2, a 1.0m setback from the location of parking area and parking space to any lot line, and a 3.0m setback from any public thoroughfare, is required to provide a buffer to prevent vehicle overhang onto the road allowance or abutting properties. This requirement applies not only to surface parking, but also within an enclosed building or underground parking.

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A reduction in the setbacks from the front (King Street East), side, and rear lot lines is required, as the concept plan (see Appendix "C") shows that the underground and second-floor parking area does not meet the minimum requirements. Staff has supported the proposed modification, as this reduction will not have an effect on the King Street East road allowance, and the reduction in the setback will not affect public realm and its streetscape.

Minimum Parking Space Dimension:

In accordance with Section 7.14, the minimum parking space dimension is 2.7m in width by 6.0m in length. A minimum requirement is to ensure that substandard dimensions are not established.

The applicant has requested a reduction in the dimensions to Hamilton Zoning By-law No. 05-200 parking space standards to 2.6m in width and 5.5m in length. Staff has no objections to the requested reduction, as Hamilton Zoning By-law No. 05-200 parking space dimensions are the future standard throughout the municipality. In addition, the reduction will result in requiring less land needed for the parking lot in order to accommodate the same number of parking spaces.

3. A Noise Study was submitted by the applicant to address potential noise impacts on the proposed development from Main Street and King Street East, which is an arterial road that is heavily used on a daily basis by public transit and private vehicles. The report recommends the provision of central air conditioning and warning clauses to be included in the Purchase and Sale or Lease Agreements for all units within the development. All of the recommendations are appropriate and will be implemented through Site Plan Control, including specific clauses to be inserted into the undertaking of the Site Plan to ensure all works are to be completed, as approved, and through the registration of the Condominium Agreement.
4. The proposed development is a redevelopment project of an underused existing commercial operation. The existing Dairy Queen Restaurant will be demolished, and a 7-storey, mixed-use building, consisting of commercial on the ground floor and residential dwellings from the second floor to the seventh floor, will be constructed.

The design of the proposed building will include brick veneer throughout with window glazing and tempered glass balconies (see Appendix "C"). The stepping back of the building on the upper floors will provide for a distinctive architectural design with a less intensive and intrusive building mass. In addition, the design will also serve to reduce the building mass and scale, as viewed from King Street

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East. Finally, the terrace design would support the opportunity for greater outdoor space for dwelling units on the upper floors.

The proposal is an example of a project that will complement the existing scale and character of Downtown Dundas where a variety of densities, height, use, and massing exists. In addition, as the principal building will be built to the front lot line, it also complements the existing high level pedestrian-oriented environment that exists along Main Street and King Street East.

5. Commercial uses are proposed at-grade and facing King Street East. Examples of permitted commercial uses within this zone include restaurants, professional offices, medical clinics, retail, and personal services establishments. The commercial units will include the relocated Dairy Queen Restaurant and smaller multi-tenant commercial units that will cater to local residents. No details of other commercial tenants have been provided.

Providing for commercial uses facing towards King Street East satisfies policies within the Urban Hamilton Official Plan with respect to creating an animated pedestrian-oriented environment where alternative forms of transportation can be utilized to access goods and services. The proposed development improves the existing situation, as the existing commercial operation and surface parking lot is not conducive to further encouraging an active pedestrian environment. In addition, the design of the front facing façade includes structural canopies that provide shelter and shade from the sidewalk.

6. Green roof areas are proposed on the second floor and roof top, with the types of vegetation to include ground covers such as sedum. Green roofs provide for stormwater management and retention and reduce the urban heat island effect. The second floor green roof also provides passive recreational opportunities, as gravel pathways are proposed adjacent to the common and amenity areas.
7. As the existing commercial use will be redeveloped to a more sensitive land use, the applicant is required to submit a Record of Site Condition (RSC) with the City and the Ministry of the Environment to ensure that all perceived and actual contaminants on the subject property have been addressed. On August 9, 2013, the applicant submitted a copy of the letter of receipt of the RSC from the Ministry of the Environment. As the RSC has not been officially registered by the Ministry of the Environment, a Holding Provision has been placed on the zoning to ensure that such acknowledgement takes place before redevelopment of the subject lands.

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8. There is an existing 600 mm diameter municipal sanitary sewer and 150 mm diameter watermain within the King Street road allowance, which is sufficient to service the proposed development.

Under Policies C.4.5.6 and C.4.5.6.5 and Schedule C-2 of the Urban Hamilton Official Plan, the ultimate right-of-way width of King Street West is 20.117m. In addition, under Policy C.4.5.6, a road widening of between 1.24m to 1.97m will be required on the subject lands to ensure land has been reserved for future infrastructure and utility demands.

This widening will not affect this application, as the road widening will be requested at the Site Plan Control stage, and the final determination of this widening will range between 1.24m to 1.94m.

9. A total of 5 letters of opposition with respect to the proposed development were received. The issues include the following:

Height:

The draft By-law provides for a maximum height of 25m and 7-storeys. In addition, an additional front yard setback of 3.9m for the principal wall of the building above 16.5m, and 6.5m for the principal wall of the building above 19.0m, ensures that the final building design includes stepping back of the upper floors, as shown in the concept plan (see Appendix "C"). This stepping back of the upper floors of the building ensures that the building mass will be less intrusive and intensive from the street.

It is also noted that the applicant submitted a Sun/Shadow Study, where the Report found no impacts on the abutting properties due to the direction and spatial location of the properties relative to the sun's path. Based on the foregoing, staff has no objections with respect to the height of the proposed building.

Existing Vegetation:

Existing vegetation exists on the subject property, including mature trees along the property line between 16 and 22 King Street East. Staff notes that due to the eventual merging of the two properties to create a single lot, the trees will be removed for the proposed development, as it will be located in the centre of the newly combined property. In addition, due to the grading of the property to the rear, trees are required to be removed in order to facilitate the proposed development. The applicant has proposed to plant trees, where appropriate, along the rear lot line and in the amenity space on the upper floor parking deck

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as a replacement, and additional landscaping requirements will be required at the Site Plan Control stage. Given that this is an urban infill development within Downtown Dundas, the proposed level of landscaping is considered appropriate. As such, staff has no objections to the proposed development.

Traffic:

The proposed development is intended to cater to a segment of the housing market that will be different to that consisting of predominately single-detached dwellings, including first-time home buyers, smaller families, and mature residents who may be downsizing from their current residence. In addition, the subject property is located at or near two public transit routes, including King Street and Main Street. In addition, as the location of the subject lands is within Downtown Dundas, many personal service and retail stores are within walking distance.

Due to these factors, the amount of traffic that may be generated by the proposed development will be less. In addition, staff has no objections to the proposed development, and has not expressed concerns of increased traffic.

Underground Parking:

The original concept plan included a two-level, underground parking garage. Due to the potential issue of a high water table, it was recommended by staff that the second underground tunnel be removed to prevent future water seepage issues. In response, the revised concept plan proposes an upper level parking garage above the ground floor commercial units.

The issues identified above will also be address as part of the Site Plan Control process where urban design, built form, landscaping, parking, and traffic standards will be addressed.

**ALTERNATIVES FOR CONSIDERATION**

Should the proposed Zoning By-law Amendment application be denied, the property could be developed as a mixed-use building, in accordance with the provisions of the Central Area Commercial (CAC/S-91-H) Zone, Holding, Modified, of the Dundas Zoning By-law.

**ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN:**

**Strategic Priority #1:**

A Prosperous & Healthy Community

*WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.*

**Strategic Objective:**

- 1.3 Promote economic opportunities with a focus on Hamilton's downtown core, all downtown areas and waterfronts.
- 1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

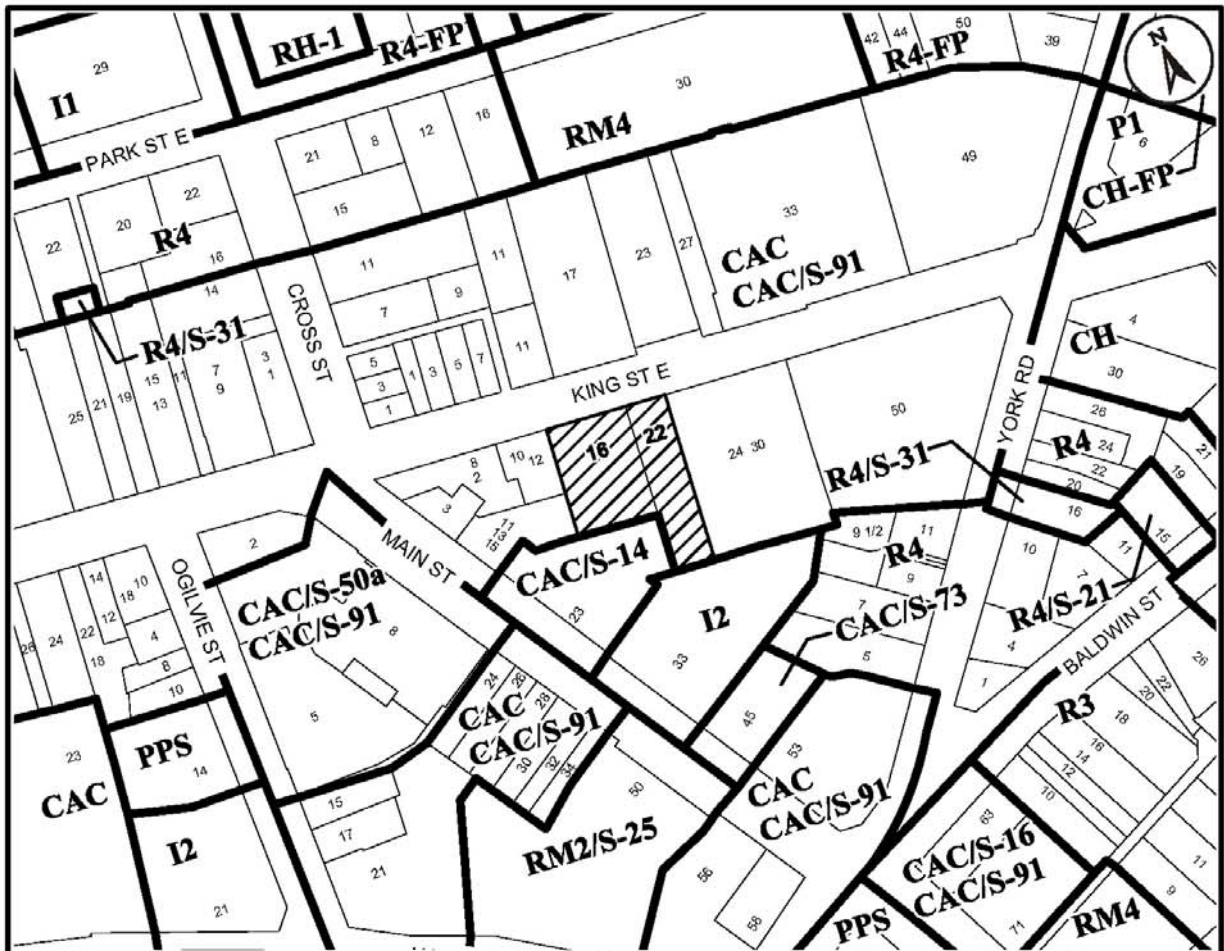
**APPENDICES / SCHEDULES**

- Appendix "A": Location Map
- Appendix "B": Draft Zoning By-law Amendment
- Appendix "C": Concept Plan
- Appendix "D": Resident Letters

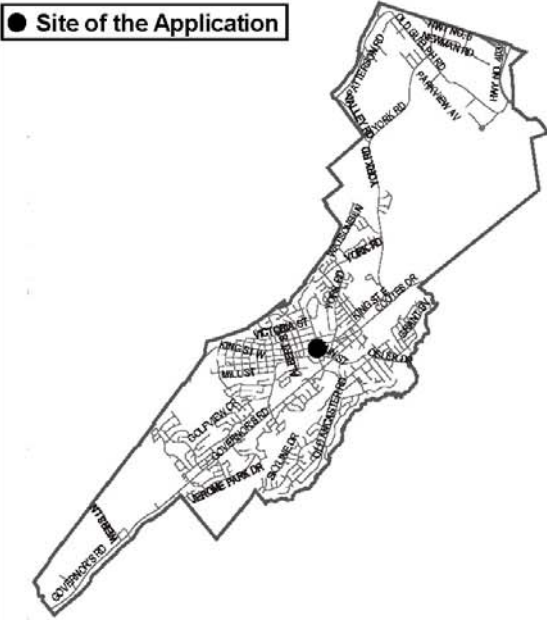
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Attachs. (4)





● Site of the Application



Ward 13 Key Map

N.T.S.

## Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-12-017

Date:  
Sept. 16, 2013

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
TL/DB

### Subject Property

16 & 22 King Street East



Change in Zoning from the Central Area Commercial "CAC/S-91-H" Zone, Holding, modified, to the Central Area Commercial "CAC/S-126-H" Zone, Holding, modified

**Authority:** Item [REDACTED]  
Planning Committee  
Report: 13-[REDACTED] (PED13164)  
CM: [REDACTED]

**Bill No.** [REDACTED]

**CITY OF HAMILTON**

**BY-LAW NO.** [REDACTED]

**To Amend Zoning By-law No. 3581-86 (Dundas)  
Respecting Lands Located at 16 and 22 King Street East**

**WHEREAS** the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

**AND WHEREAS** the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as the "The Corporation of the Town of Dundas" and is the successor to the former Regional Municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

**AND WHEREAS** the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**AND WHEREAS** Zoning By-law No. 3581-86 (Dundas) was enacted on the 22<sup>nd</sup> day of May, 1986, and approved by the Ontario Municipal Board on the 10th day of May, 1988;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item [REDACTED] of Report 13-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2013, recommended that Zoning By-law No. 3581-86 (Dundas), be amended as hereinafter provided;

**AND WHEREAS** in accordance with the Planning Act, R.S.O., 1990, Section 39, Council may pass By-laws authorizing the temporary use of land, buildings, or structures for any purposes that is otherwise prohibited by the Zoning By-law;

**AND WHEREAS** this By-law is in conformity with the Urban Hamilton Official Plan of the City of Hamilton in accordance with the provisions of the Planning Act.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That Schedule "A" (Central Business District), appended to and forming part of Zoning By-law No. 3581-86 (Dundas) is amended by changing the zoning from the Central Area Commercial "CAC/S-91" Zone to the Holding-Central Area Commercial "H-CAC/S-126" Zone, Modified, on the lands the extent and boundaries of which are shown on Schedule "A" which forms part of this By-law.
2. That Section 32: "EXCEPTIONS" of Zoning By-law No. 3581-86 (Dundas) is hereby further amended by adding the following Sub-section:

"H-CAC/S-126" That notwithstanding the provisions of Section 18: Central Area Commercial (CAC) Zone, the following Special Provisions shall apply to lands known municipally as 16 and 22 King Street East, shown as "CAC/S-126" on Schedule "A".

- (i) Notwithstanding Section 18.1 Permitted Uses, Commercial uses shall be required along the King Street frontage.
- (ii) Notwithstanding Section 18.3.2 Regulations for Residential-Commercial Buildings, the following special regulations shall apply:

18.3.2 YARD REQUIREMENTS

18.3.2.1 FRONT YARD

- (i) 0.0m.
- (ii) 3.9m for the front principal wall of the building 16.5m and above in height.
- (iii) 6.5m for the front principle wall of the building 19.0m and above in height.

18.3.2.2 SIDE YARD  
Minimum: 0.16m.

18.3.2.3 REAR YARD  
Minimum: 1.08m.

18.3.3 GROSS FLOOR AREA

The total gross floor area of all buildings on a site shall not exceed 7,623 sq. m., provided that a minimum of 6.0 percent of the gross floor area shall be used for commercial purposes.

18.3.4 HEIGHT

Maximum: 25m (excluding an elevator bulkhead, which shall be a maximum of 2.5m in height).

18.3.5 LOT COVERAGE

Maximum: 97 percent.

18.3.6 FLOOR AREA

The minimum floor area per dwelling unit shall be as follows:

- (i) Studio dwelling units:  
36 sq. m.
- (ii) One-bedroom dwelling units:  
46 sq. m.

18.3.8 LANDSCAPED AREA

- (i) Minimum: 3.0 percent.

18.3.7 OFF-STREET PARKING

The provisions of Clause 18.2.4 shall apply, and no less than the number of parking spaces shall be provided in a lot:

- (i) 0.3 parking space shall be provided per unit for units 60 sq. m. or less;
- (ii) 1 parking space shall be provided per unit for units more than 60 sq. m.

18.2.4.2 LOCATION

No parking space or part thereof shall be located, and no land shall be used for the temporary parking or storage of any motor vehicle at a distance of not less than:

- (a)
    - (i) 0.0m from the front lot line.
    - (ii) 0.16m from the westerly side lot line.
    - (iii) 1.08m from the rear lot line.
    - (iv) 0.19m from the easterly side lot line.
  - (b) 3.0m from any public thoroughfare for only parking located at-grade.
- (iii) Notwithstanding Section 7.0 Regulations for Off-street Parking and Loading, the following special provisions shall apply:

7.14 DIMENSIONS FOR THE DESIGN OF PARKING AREAS

- (i) No Parking Space shall be less than 2.6m in width by 5.5m in length, save and except for a Barrier Free Parking Space which shall be a minimum of 4.4m in width by 5.5m in length.
- (iv) A minimum of 50 percent of the area of the ground floor façade along the King Street West lot line shall be composed of windows and doors.

3. That the 'H' symbol may be removed at such time as the following has been satisfied:
  - a. The owner/applicant submits a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment (MOE). This RSC must be to the satisfaction of the City of Hamilton, including an acknowledgement of receipt of the RSC by the MOE, and submission of the City of Hamilton's current RSC administration fee.
4. That By-law No. 3581-86 of the Town of Dundas Zoning By-law is amended by adding this By-law to Section 32 as Schedule "S-126".
5. That Schedule "A" (Central Business District) of the Zoning Schedule Key Map is amended by marking the lands referred to in Section 2 of this By-law as "CAC/S-126".
6. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

**PASSED and ENACTED** this [REDACTED] day of [REDACTED], 2013

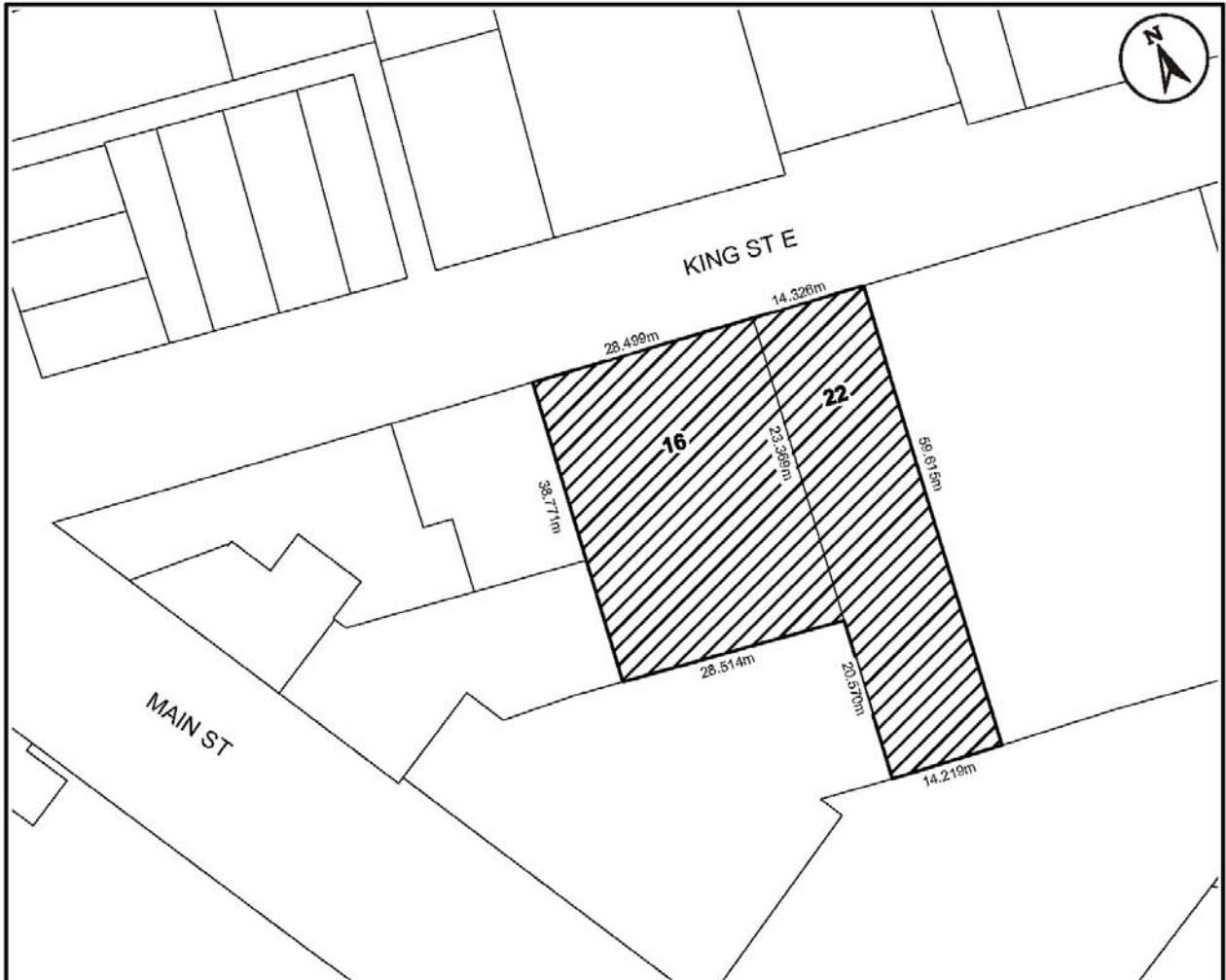
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R. Bratina  
Mayor

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R. Caterini  
Clerk

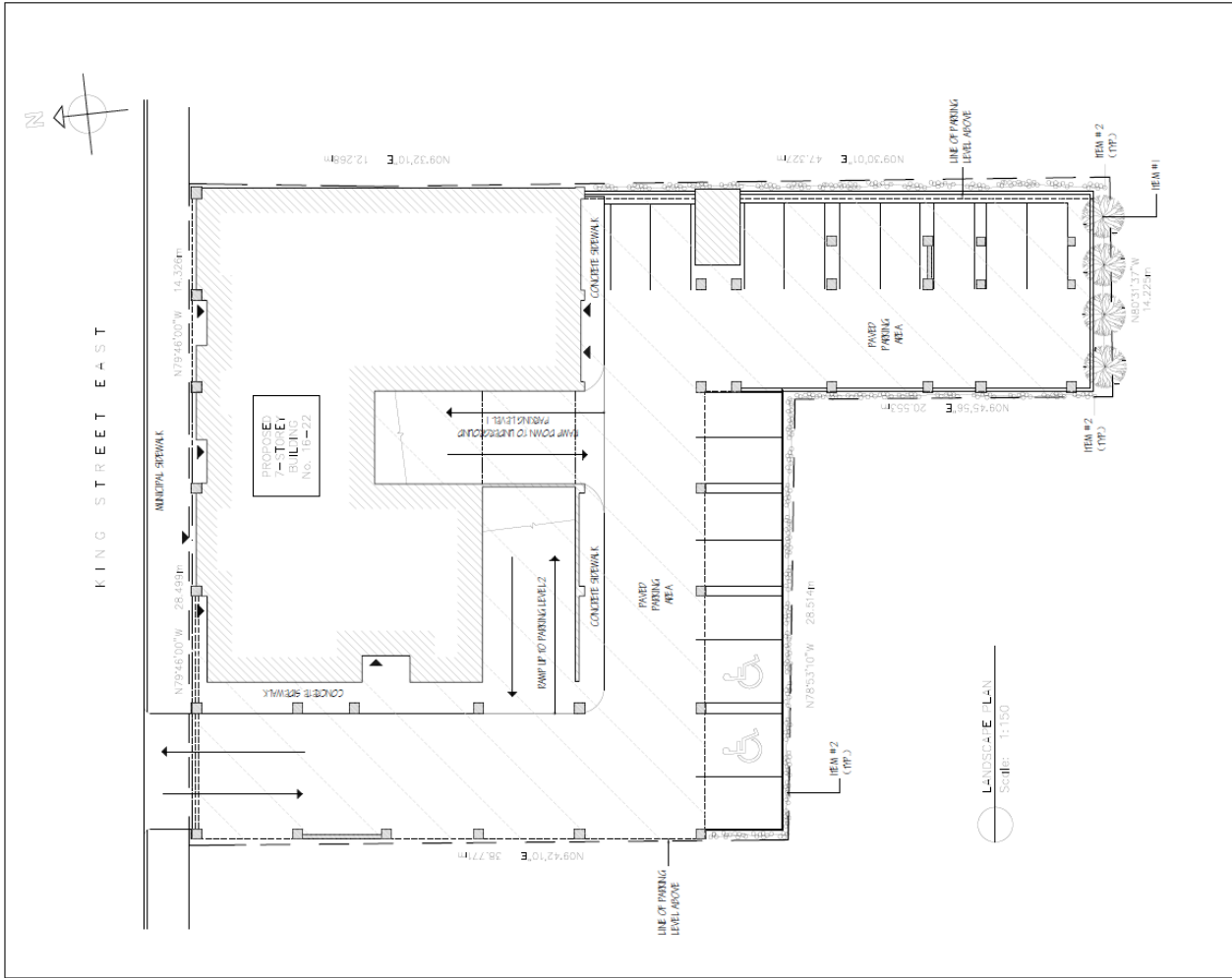
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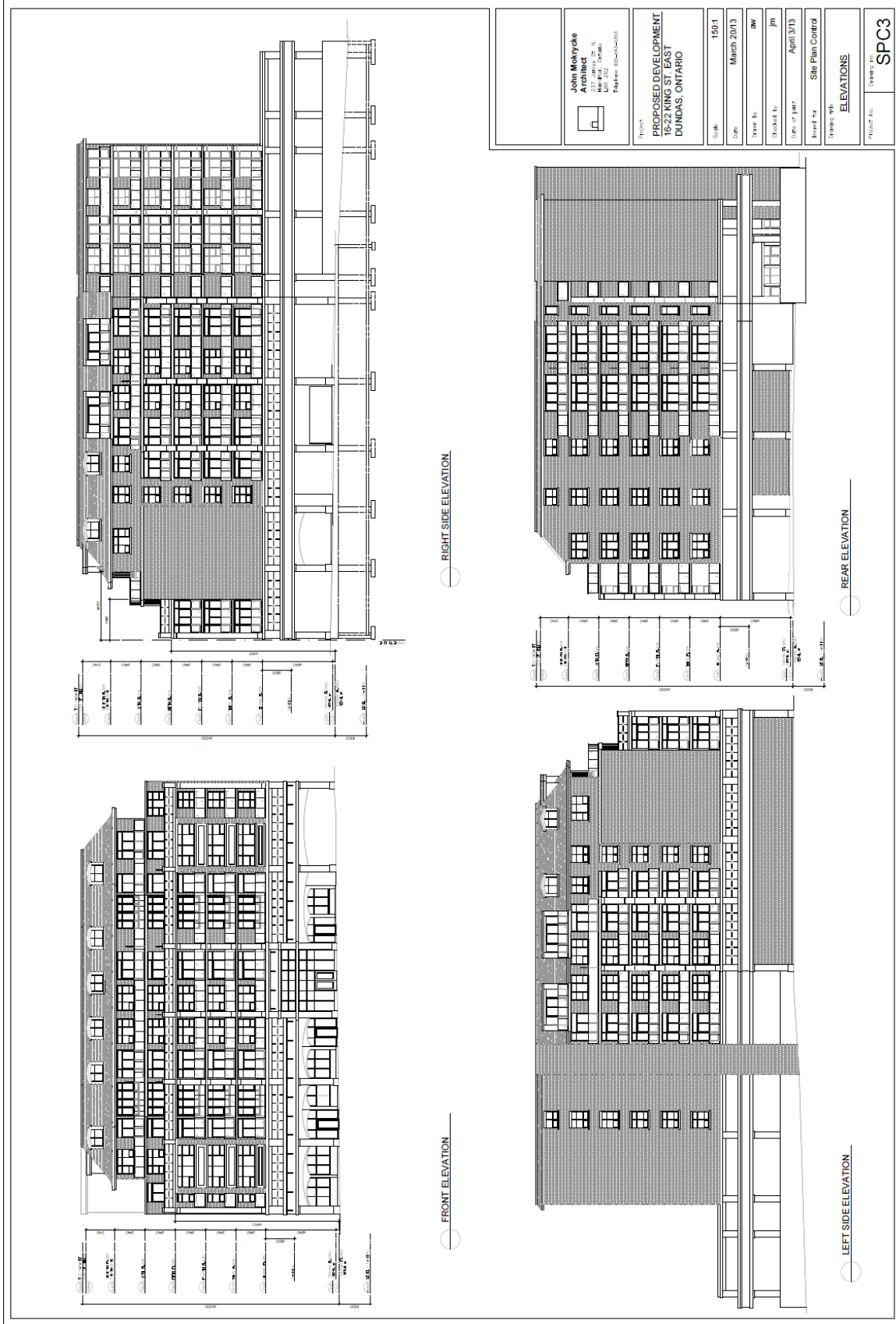
<p>This is Schedule "A" to By-Law No. 13-</p> <p>Passed the ..... day of ....., 2013</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<h2>Schedule "A"</h2> <p>Map Forming Part of By-Law No. 13-_____</p> <p>to Amend By-law No. 3581-86</p>	<p><b>Subject Property</b> 16 &amp; 22 King Street East</p> <p> Change in Zoning from the Central Area Commercial "CAC/S-91-H" Zone, Holding, modified, to the Central Area Commercial "CAC/S-126-H" Zone, Holding, modified</p>
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<p>Scale: N.T.S.</p>	<p>File Name/Number: ZAC-12-017</p>	 <b>Hamilton</b>
<p>Date: Sept. 16, 2013</p>	<p>Planner/Technician: TL/DB</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		







Unit 101, 23 Main St.  
Dundas, Ont.  
L9H 2P7

July 16, 2012

Planning and Economic Development Department

I have 3 concerns related to this application at 16 & 22 Main St, E, Dundas, On.

1. The apartments and condos built in this downtown area of Dundas have been limited to 6 stories. It is my opinion that this height should be adhered to for any future development in the downtown area. ( not 7 as proposed here)
2. My second concern is for the trees that are currently on the property line between CAC/S-14 and the proposed new development. I'm sure you understand the importance of keeping these trees.
3. Since Dundas is on low ground, is a 2 level underground parking necessary? I know in our building we have pumps to keep our 2 level underground parking free from water seepage. Perhaps the Dairy Queen should relocate if that is the cause of the extensive parking necessary.

Sincerely,

BRENDA C. GLASS

Unit owner (101)

██████████

50 KING ST. E., #403,  
DUNDAS, ONT. L9H 5N6  
JULY 13, 2012

KATE MIHALJEVIC B.S., M.C.I.P., R.P.P.  
CITY OF HAMILTON PLANNING &  
ECONOMIC DEVELOPMENT DEPT.  
PLANNING DIVISION - DEVELOPMENT  
PLANNING - WEST SECTION  
71 MAIN ST., W., 5<sup>TH</sup> FLOOR,  
HAMILTON, ONT. L8P 4Y5

RE: NOTICE OF APPLICATIONS;  
PRELIMINARY CIRCULATION  
TO AMEND THE OFFICIAL PLAN;  
THE ZONING BY-LAW AT  
16<sup>9</sup> 22 KING ST., W., DUNDAS  
FILE NO: OPA-12-007/2AC-12-017

Dear Ms. Mihaljevic,

Thank you for the information  
sent to residents re: the above  
amendment to the zoning by-law.

Would consideration be made  
to zone the proposed structure as  
a rental residential / mixed use  
building for mature adults of  
55+ years? I feel there is a  
definite need for this type of  
residence in Dundas.

Thanking you in advance.

Yours Truly,  
Helma Mihaljevic  
50 King St. E. #403, Dundas

**Mihaljevic, Kate**

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**From:** [REDACTED]  
**Sent:** Saturday, July 21, 2012 4:19 PM  
**To:** Mihaljevic, Kate  
**Subject:** Notice of Complete Applications and Preliminary Circulation to amend the Official Plan and the Zoning By-Law at 16 & 22 King Street East, Dundas

Dear Ms. Mihaljevic:

**Re: File No. OPA-12-007/ZAC-12-017**

Please consider this email as my official response to the proposed by-law changes at 16 & 22 King Street East in Dundas. I am opposed to a seven storey building and the addition of 55 residential units on this site.

One of my major concerns is increased traffic on the main street. I don't want another situation like Waterdown where all the vehicles are funnelled into two lanes of traffic. Tenants who are currently living in apartments in this block already have trouble getting into the flow of traffic on the main street. Downtown Dundas can get very busy and adding an estimated 30 or 40 more cars, because of the apartments and the proposed businesses, to the congestion is not respectful to the current commuters or to the people who live in this community. We have three schools close to the downtown core so safety for the children is also an issue.

What happened to the former Town of Dundas by-law regarding a 6 storey limit to buildings in the downtown? The block from York Road to Main Street will become nothing but apartments. Too many apartments! Dundas has many beautiful old buildings and they add value and charm to our town. Diminishing them in a sea of huge apartment buildings is not right.

Yours truly,

L.M. Howes,  
11 1/2 King St.,  
Dundas, Ontario.  
L9H 1B7

[REDACTED]

**Mihaljevic, Kate**

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**From:** dave@stoney.com  
**Sent:** Friday, July 20, 2012 8:15 AM  
**To:** Mihaljevic, Kate  
**Subject:** notice of completion

further to our brief conversation regarding concerns, i would like to submit the following: 1. the trees (50 ft. walnuts) bordering 23 main streets north property line surrounding our rear patio have to be saved, they create a noise and privacy barrier thats natural. 2. the proposed west side access and underground access, will create excessive noise and polution in a trapped space bordered by 3 highrise complexes. i live on the 2nd. floor, and the placement of the underground access will bring headlight traffic into my unit, not to mention a garrage door going up and down all times of the day and night. I proppose that the front of the building be swung 90 deg. west, were the front of the building become the 0 lot line, access to the underground be made from the east side, were a access allready exists, and arrange extra parking accordingly. this can create a green zone and save most of the trees. i hope this input helps in any way. david

July 14, 2012

Kate Mihaljevic BES, MCIP, RPP, City of Hamilton  
Planning and Economic Development Department  
Planning Division – Development Planning – West Section  
71 Main Street West, 5<sup>th</sup> Floor, Hamilton, Ontario L8P 4Y5

**File No: OPA-12-007/ZAC-12-017**

Re: Notice of Complete Applications and Preliminary Circulation to amend the Official Plan and the Zoning By-law at 16 & 22 King Street East, Dundas

I wish have this letter be recorded as a written submission of **my denial** for this amended application as it applies to 16 & 22 King Street, East.

The existing By-law for Dundas is a limit of 6 stories. As this building is concentrated in the downtown core I believe it should confirm to the height of the existing structures in the area.

Building of this 7 storey unit will impede the air flow, view lines of the existing buildings to the escarpment and add more congestion to the traffic flow on King Street. It is risky at the present time for pedestrian to walk past the current Dairy Queen when it is busy in the evenings. With the increase of traffic flow from this new building we are waiting for an accident to happen. The parking along King Street makes it hard to see the traffic flow on the road, so people exiting the Dairy Queen parking lot and the Apartment next to it have trouble accessing King Street at the present time.

My other concerns are on this construction of the two level garage and the saving of the existing trees along the back property lines. How close will this new building be to the existing buildings? Will the excavation of the new foundation cause enough vibration to do damage to the foundation of the buildings next to it? Will the shade trees be removed and thus make use of our patio at 23 Main Street too hot to be enjoyed?

May the amendment be denied,

Beverley Westoby  
23 King Street #401  
Dundas, Ontario L9H 2P7