

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: WARD 3
COMMITTEE DATE: April 19, 2011	
SUBJECT/REPORT NO: Application for an Amendment to Hamilton Zoning By-law No. 6593 for Lands Located at 922 Main Street East (Hamilton) (PED11057) (Ward 3)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Jennifer Haan (905) 546-2424, Ext. 1230
SIGNATURE:	

RECOMMENDATION

That **Amended Zoning Application ZAC-09-039, by Everlast Group Ltd., Owner**, for a change in zoning to permit a 7-storey, 48 unit, multiple dwelling with commercial uses on the ground floor, for lands located at 922 Main Street East (Hamilton), as shown on Appendix "A" to Report PED11057, be **Denied** on the following basis:

- (a) That adequate parking for the proposed use is not being provided, which conflicts with the Hamilton Official Plan, in particular, Policies A.2.2.37, A.2.2.38, and C.7.1(i).
- (b) That the application is premature due to outstanding concerns related to the functionality of the site and the potential impacts on the existing neighbourhood with regards to parking.

EXECUTIVE SUMMARY

The purpose of the application is to amend Hamilton Zoning By-law No. 6593 to permit the development of a 7-storey multiple dwelling building with commercial uses on the ground floor, on the lands known municipally as 922 Main Street East, Hamilton (see Appendix "A"). The building would consist of 48 one-bedroom rental apartment units, with approximately 400 square metres of commercial floor area on the first storey. The applicant has expressed their intent to retain the existing building (Place of Worship - former Trinity Baptist Church) and utilize it as indoor amenity space for the residents, as well as for church and other community activities. Additionally, the applicant is proposing to provide approximately 35-37 parking spaces for the proposed development. A number of site-specific modifications would be required to accommodate the development, as proposed, including but not limited to, permitting the residential uses on the property, reductions in parking and loading requirements, as well as reductions in building setbacks and landscaping requirements.

Although the proposal is consistent with the Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe, conforms to the Hamilton-Wentworth Official Plan, and incorporates a number of positive development objectives, the proposal cannot be supported since outstanding concerns remain related to the number of on-site parking spaces provided for the proposed uses on the subject lands. The reduction in parking has not been adequately justified to the satisfaction of staff, and conflicts with the intent of the policies of the Hamilton Official Plan.

Alternatives for Consideration - See Page 31.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: N/A.

Staffing: N/A.

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

Preliminary Consultation

In June 2008, the owner submitted an application for Preliminary Consultation (PC-08-027) of the proposed development. The proposal included an 8-storey building, containing 48 residential units, two floors of commercial/retail space, and the retention of the church building. The proposal also included a total of 61 parking spaces, a number of which were proposed to be located underground.

Initial Proposal

The original application proposed to permit an 8-storey, 56 unit, multiple dwelling with commercial uses on the ground floor, as well as the retention of the church building. The applicant was also proposing to provide a total of 34 parking spaces. Upon review of the initial proposal, staff expressed concerns related to the height of the building and the number of parking spaces proposed. Staff expressed concerns that the proposed building height and design had not been adequately justified as it related to the transition in built form, privacy, and overview for the existing dwelling to the south. As a result, staff required the submission of an Urban Design Brief. Staff also expressed a concern related to an inadequate amount of parking for the proposed use. The proposed development was providing 34 parking spaces for the 56 residential units and 400 square metres of commercial floor area. Staff did not feel this parking ratio (i.e. 0.61 parking spaces per unit) was appropriate, nor adequately justified by the applicant. After discussions with the applicant regarding the above mentioned matters, an amended application was submitted by the applicant to address these concerns.

Amended Proposal

The application was amended on August 25, 2010, and is now for a 7-storey, multiple dwelling with commercial uses on the ground floor. The residential component of the proposed development would consist of 48 one-bedroom dwelling units on the second to seventh floors. The applicant has indicated that the apartment units will be rental and marketed towards senior tenants. The commercial component of the proposed development would consist of approximately 400 square metres of gross floor area on the first floor. The applicant is proposing 37 on-site parking spaces for the development. Staff notes that two of the proposed 37 parking spaces, as shown on the revised concept plan (see Appendix "B"), would be located within the required visibility triangles at the driveway access to Balsam Avenue South. Therefore, staff views the proposal as being able to provide 35 on-site parking spaces, as opposed to the 37 parking spaces indicated by the applicant. The proposed parking ratio is 0.73 parking spaces per unit. The amended application also retains the existing church (formerly Trinity Baptist Church).

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The subject lands have a lot area of approximately 2,500 square metres, and are located on the south side of Main Street East - a major arterial road and primary corridor, and on the west side of Balsam Avenue South (see Appendix "A"). The property is currently occupied by an existing building (Place of Worship) located in the northwest corner of the lot. The remainder of the lot consists of an associated parking area with access from both Main Street East and Balsam Avenue South, and a wide landscaped area along Main Street East. This property is listed in the Hamilton's Heritage Volume II as a building of architectural and/or historical interest. It is the expressed intent of the applicant that the existing building will remain and be utilized as indoor amenity space for the tenants, as well as for church and other community activities.

The subject lands are located in the Blakely Neighbourhood, an area bounded by Main Street East to the north, Gage Avenue South to the east, the Niagara Escarpment to the south, and Sherman Avenue South to the west. The Blakely Neighbourhood is characterized by a mix of commercial, institutional, and medium density residential uses along the Main Street corridor. The interior of the neighbourhood is primarily characterized by lower density residential with areas of medium density residential in the vicinity of Gage Avenue South and Cumberland Avenue, and on some local streets closer to Main Street East. There are also a number of larger institutional uses throughout the neighbourhood (churches, schools, and St. Peter's Hospital), and some existing areas zoned for industrial purposes are located between the escarpment and Cumberland Avenue.

The surrounding commercial uses serve both the surrounding neighbourhoods as well as the general public, and include, but are not limited to, convenience retail, restaurants, personal service shops, medical offices, and a car wash. The residential uses adjacent to the subject lands consist of a range of multiple dwellings in the form of mid-rise buildings (3-6 storeys), as well as single-detached, duplex/triplex units, and a residential care facility located within the surrounding 2-3 storey detached dwellings. Existing buildings are generally located close to the property line with minimal setbacks along both Main Street East and Balsam Avenue South. Residential buildings to the east and south of the subject lands also have minimal setbacks, and many properties fronting Balsam Avenue South do not provide any on-site parking. A number of other properties in the area have access to the rear yard for parking purposes via an alleyway.

The subject lands are also located in close proximity to Gage Park, a Community-wide park and open space. Gage Park is within walking distance of the proposed development and would provide active and passive recreational opportunities. The site is well serviced by a number of HSR bus routes along Main Street East, with a bus stop in front of the subject lands. There are other bus routes within a short walking distance from the subject lands along both Maplewood Avenue and King Street East. The subject lands are also located in close proximity to the downtown core of Hamilton

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where a range of additional commercial, institutional, entertainment, and community facilities are situated.

Chronology

June, 2008: Review of the proposal under Preliminary Consultation Application PC-08-027.

October 8, 2009: Submission of Zoning By-law Amendment Application ZAC-09-039, by GSP Group Inc., on behalf of the Everlast Group Ltd.

October 26, 2009: Application ZAC-09-039 is deemed complete.

November 6, 2009: Circulation of Notice of Complete Application and Preliminary Circulation for Application ZAC-09-039 to all residents within 120 metres of the subject lands.

August 25, 2010: Application ZAC-09-039 is amended by the Applicant to permit a 7-storey, 48 unit, multiple dwelling with commercial uses on the ground floor.

April 1, 2011: Circulation of Notice of Public Meeting to all residents within 120 metres of the subject lands.

Details of Submitted Application

Location: 922 Main Street East, Hamilton
(See Appendix "A")

Owner: Everlast Group Ltd.

Agent: GSP Group Inc.

Property Description: Frontage: 53.06 metres (Main Street East)

Flankage: 48.46 metres (Balsam Avenue South)

Area: 0.25 hectares

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant (former Place of Worship)	“H” (Community Shopping and Commercial, etc.) District
<u>Surrounding Lands:</u>		
North	Multiple Dwelling	“DE-2” (Multiple Dwellings) District
	Residential Care Facility	“H” (Community Shopping and Commercial, etc.) District
East	Hair Salon and Detached Dwellings (Singles and Triplex)	“H” (Community Shopping and Commercial, etc.) District
	Detached Dwellings (Singles)	“D” (Urban Protected Residential - One and Two Family Dwellings, etc.) District
South	Detached Dwelling (Triplex)	“D” (Urban Protected Residential - One and Two Family Dwellings, etc.) District
West	Living Hope Christian Assembly	“H” (Community Shopping and Commercial, etc.) District

POLICY IMPLICATIONS

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction of provincial interest related to land use planning and development. The Planning Act requires that in exercising any authority that affects planning matters, planning authorities shall be consistent with policy statements issued under the Act. The proposed change in zoning is consistent with Policy 1.1.3.1 of the Provincial Policy Statement, which focuses growth in Settlement Areas.

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A rezoning application to permit residential uses must satisfy the provisions of the PPS dealing with site remediation, noise, built heritage, and archaeological potential.

Site Remediation

Policy 1.1.1(c) outlines that healthy, liveable, and safe communities are sustained by avoiding development and land use patterns which may cause environmental or public health and safety concerns. Policy 3.2.2 states that contaminated sites shall be remediated, as necessary, prior to any activity of the site with the proposed use such that there will be no adverse effects. Staff notes that the subject application entails a change in land use from Community (church) to Residential, which triggers a mandatory filing of a Record of Site Condition (RSC). To address this policy, the City's practice is to apply an 'H' Holding provision in order to ensure that prior to residential development being permitted on the subject lands, the following condition is satisfied:

“That the owner/applicant shall submit 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.”

Noise

In addition, 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 proposed to be developed for residential purposes, and are located adjacent to Main Street East and within approximately 148 metres of a Canadian Pacific Railway Corridor. The proximity of the proposed sensitive lands use to road and rail noise sources triggers the requirement for a Noise Study. A Noise Study, (dated September 8, 2009), prepared by HGC Engineering, was submitted with the application. The Noise Study was reviewed, and staff is satisfied with the findings of the Study. Should the proposed use be permitted, a number of warning clauses should be included in all offers/agreements of purchase and sale or lease, and the requirements for air conditioning for the units fronting onto Main Street East, and forced air heating for all other units being met. In addition, staff notes that should the proposed use be permitted, an addendum may be required to the Noise Study to address the following two concerns:

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- To determine the potential noise impact created by this development (e.g. Rooftop mechanical equipment) on existing adjacent sensitive uses, and to recommend any required noise control measures to be incorporated into the development; and,
- To ensure that the site plan submitted with the formal Site Plan Control application is consistent with the site plan included in the Noise Impact Study. Any changes to the proposed site plan would need to be addressed through the addendum.

Heritage/Archaeology

Policy 2.6.1 states that significant built heritage resources and significant cultural heritage landscapes shall be conserved. Staff noted that the subject lands contain a building identified as being of architectural and/or historical interest and identified within Hamilton's Heritage Volume II. The applicant originally proposed to retain the existing building (Place of Worship), and utilize the building as amenity space for residents of the multiple dwelling. As discussed in further detail in the Analysis/Rationale for Recommendation section of the Report (see Point 2 on Pages 24-26), the applicant has indicated that the existing building may be demolished to accommodate additional parking spaces on-site to address staff's outstanding concern related to inadequate parking for the proposed development. Should this be the case, the applicant may be required to submit a property history documenting the previous use of the property, along with appropriate photo-documentation of the building interior and exterior, undertaken by an appropriately qualified built heritage consultant.

Finally, Policy 2.6.2 outlines that development and site alteration may be permitted on lands containing archaeological resources, or areas of archaeological potential, if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, development and site alteration, which maintains the heritage integrity of the site, may be permitted. Staff notes that the subject property meets 2 of the 11 criteria used by the City of Hamilton and Ministry of Culture for determining archaeological potential; which includes documentary evidence, local knowledge, or oral history associating the property with historic activities, events, or occupations; and being within 100 metres of a historic transportation corridor. These criteria define the property as having archaeological potential, and Heritage Planning staff shall inform the applicant of the archaeological potential of the site and the means by which the City's interest in the archaeology of the subject property is to be addressed through either:

- A requirement that the applicant have an Ontario-licensed archaeologist monitor mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Testing and Stage 4 Mitigation may be required, as determined by the Ontario Ministry of Culture. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of

Culture. Alternatively, soil borehole information may be submitted to Heritage Planning staff to determine whether original soil profiles remain, and further evaluate the archaeological potential of the property; or,

- An acknowledgement of the archaeological potential of the subject property, and advice that the applicant has an Ontario-licensed archaeologist monitor mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Testing and Stage 4 Mitigation may be required, as determined by the Ontario Ministry of Culture. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Culture. Alternatively, soil borehole information may be submitted to Heritage Planning staff to determine whether original soil profiles remain, and further evaluate the archaeological potential of the property.

In correspondence received from the applicant, dated May 6, 2010, the developer has no concerns with having an Ontario-licensed Archaeologist monitor the mechanical excavation of the site.

Based on the foregoing, the redevelopment of the subject lands for commercial/residential purposes would be consistent with the Provincial Policy Statement, subject to the applicant satisfying the requirements related to the Record of Site Condition and Noise Study, as well as the built heritage and archaeological potential discussed above.

Growth Plan for the Greater Golden Horseshoe (Places to Grow)

Policy 1.2.2 of the Growth Plan for the Greater Golden Horseshoe 2006 provides guiding principles to achieve the vision of the Plan. These guiding principles seek to “build compact, vibrant, and complete communities”, and to “optimize the use of existing and new infrastructure to support growth in a compact efficient form”. Policy 2.2.2.1 states that population growth will be accommodated by:

- “a) directing a significant portion of new growth to the built-up areas of the community through intensification;
- b) focusing intensification in intensification areas; and,
- d) reducing dependence on the automobile through the development of mixed-use, transit-supportive, pedestrian-friendly urban environments.”

The mixed residential/commercial nature of the proposed development achieves a compact urban form, as envisioned by the Growth Plan, and represents residential intensification through redevelopment along an intensification corridor - an arterial road that is serviced by transit. Based on the foregoing, the proposal is consistent with the

general intensification policies of the Growth Plan for the Greater Golden Horseshoe (Places to Grow); however, the implementation of Places to Grow is through the Official Plan and Zoning By-law.

Hamilton-Wentworth Official Plan

The subject lands are designated “Urban Area - High Density Mixed-Use Corridor” in the Hamilton-Wentworth Official Plan. Policy C-3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. These areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020. In addition, Policy C-3.1.1 states that a compact higher density urban form, with mixed-use development in identified regional and municipal centres and along corridors, best meets the environmental, social, and economic principles of sustainable development.

Policy B-2.3 states that the identification of contaminated sites is essential. Redevelopment must not occur until it has been demonstrated that a proposal will not put people in significant risk. As previously noted, the subject application entails a change in land use from Community (church) to Residential, which triggers a mandatory filing of a Record of Site Condition (RSC). To address this policy, the City’s practice is to apply an ‘H’ Holding provision in order to ensure that, prior to residential development being permitted on the subject lands, the following condition is addressed and satisfied

“That the owner/applicant shall submit 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.”

In addition, Policy B-9.2 states that the City shall consider the protection and preservation of regionally significant historical and cultural resources, including recognized archaeological sites, in the review of proposals for development and redevelopment. Where possible, these attributes will be incorporated into the overall design in a manner which minimizes adverse impacts and encourages maintenance and protection. As previously mentioned, the applicant originally proposed to retain the existing church, and utilize the building as amenity space for residents of the multiple dwelling. As discussed in further detail in the Analysis/Rationale for Recommendation section of the Report (see Point 2 on Pages 24-26), the applicant has indicated that the existing building (Place of Worship) may be demolished to accommodate additional parking spaces on-site to address staff’s outstanding concern related to inadequate parking for the proposed development. Should this be the case, the applicant may be required to submit a property history documenting the previous use of the property,

along with appropriate photo-documentation of the building interior and exterior, undertaken by an appropriately qualified built heritage consultant.

Based on the foregoing, the proposed development conforms to the policies of the Hamilton-Wentworth Official Plan, subject to satisfying the requirements related to the Record of Site Condition, and built heritage, discussed above.

Hamilton Official Plan

The subject property is designated “Commercial” on Schedule “A” - Land Use Concept in the City of Hamilton Official Plan. The subject lands are located within the “Extended Commercial (Ribbon Commercial)” category, which applies to “existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade” (Policy A.2.2.14). The following policies of the Hamilton Official Plan, among others, are applicable to the proposed development:

“A.2.2 Commercial Uses

A.2.2.1 The primary uses permitted in the areas exceeding 0.4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities. In addition to the primary permitted uses, the following may be permitted within COMMERCIAL areas provided that they have been designated in the Neighbourhood Plan, where one exists: (O.P.A. 128)

- i) Residential uses subject to the following provisions:
 - a) access drive and parking will be screened and/or buffered such that noise, light, or undesirable visual impacts emanating from neighbouring COMMERCIAL USES are mitigated; (O.P.A. No. 27)
 - b) any impacts emanating from adjacent COMMERCIAL USES which will detract from the amenity of the Residential Use will be minimized; (O.P.A. No. 27)
 - c) in the case of a Residential use ancillary to a COMMERCIAL USE, sufficient amenity space will be provided exclusively for the Residential component and be physically separated from the COMMERCIAL component and associated customer parking areas; and, (O.P.A. No. 27)
 - d) satisfy the provisions of Sub-sections A.2.1 and C.7. (O.P.A. No. 27)

A.2.2.17 Residential uses may be permitted within EXTENDED COMMERCIAL areas without an amendment to this Plan where they will not restrict or interfere with the function of the primary permitted uses, and subject to the provisions of Policy 2.2.1 i) and any other related policies as set out in this Sub-section.

A.2.2.22 Council will endeavour to maintain or improve the visual amenity and general attractiveness of EXTENDED COMMERCIAL areas and, in so doing, will:

- i) Encourage the restoration, rehabilitation, or repair of existing storefronts and facades to complement the scale, design, and character of other Commercial developments in the area;
- ii) Encourage the re-location of non-Commercial uses which interrupt the continuity of business frontage, and their replacement with permitted Commercial Uses to maximize the retail concentration;
- iii) Regulate building setbacks to develop and maintain continuity and harmony with adjacent Commercial Uses;
- iv) Consider the increase in building setbacks where substantial redevelopment is proposed, to permit wider sidewalks, appropriate landscaping, and street furniture to encourage pedestrian movement and improve the shopping environment;
- v) Ensure in the preparation of Neighbourhood Plans that provision is made for sufficient Residential development to sustain viable Ribbon Commercial areas; and,
- vi) Support the organization of local business interests to work toward achieving the policies of this Plan. Council may cooperate with business associations in carrying out special studies to examine land use problems and identify feasible solutions, as well as in any other manner which serves to implement the policies of this Plan.

A.2.2.29 Major structures containing both residences and COMMERCIAL Uses, including offices primarily intended to offer goods and services to persons other than the residential occupants thereof, will be deemed to be mixed COMMERCIAL/RESIDENTIAL. Such uses may be permitted in areas designated COMMERCIAL provided that they have been identified in the Neighbourhood Plan and satisfy the following provisions: (O.P.A. No. 27)

- i) Amenity spaces will be provided exclusively for the Residential component, and will be functionally separated from public areas associated with the COMMERCIAL component;

- ii) Prior to any approval for proposed COMMERCIAL/RESIDENTIAL development, Council will be satisfied that any impacts emanating from the COMMERCIAL component which will detract from the amenity of the associated Residential Uses will be minimized;
- iii) Customer parking areas associated with the COMMERCIAL component will preferably be physically separated from such areas provided for the Residential Uses and, in any instance, their use will not interfere with the safe and efficient use of Residential parking areas; and,
- iv) Council will be satisfied that existing engineering services, school facilities, parks and similar community facilities are, or may feasibly be made to be, adequate to serve the residents of proposed COMMERCIAL/RESIDENTIAL development prior to any approval being given. (O.P.A. No. 46)

A.2.2.35 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:

- i) Access drive, parking, and service areas will be screened and/or buffered such that noise, light, or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;
- ii) Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Uses; and,
- iii) Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses. (O.P.A. No. 46)

A.2.2.37 In addition to the provisions of Sub-section B.3.3 of this Plan, adequate parking and loading space will be required in clearly defined areas for all development and redevelopment within the COMMERCIAL designation, and will include adequate space for owners, employees, customers, and delivery vehicles. Council will require that, in all normal circumstances, a high standard of parking and loading facilities will be maintained in accordance with current practices. (O.P.A. No. 46)

A.2.2.38 Where a proposal is made for a COMMERCIAL development in which proposed parking and/or loading space is less than generally required it must be demonstrated by the proponent, to the satisfaction of Council, that the

proposal will not lead to nuisances through the parking or loading of vehicles on land or streets adjacent to the use. (O.P.A. No. 46)

A.2.1 Residential Uses

A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:

- i) The height, bulk, and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,
- ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses.

C.6.1 It is the intent of Council to encourage the preservation, maintenance, re-construction, restoration, and management of property that is considered to have historic, architectural, archaeological, or aesthetic value.

C.7 Residential Environment and Housing Policy

C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

- i) Provision and maintenance of adequate off-street parking;

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity, and value.

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

- iii) Support RESIDENTIAL development such as infilling, redevelopment, and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy, and overview; (O.P.A. No. 128);

- v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy, and overview;
- vi) Support new RESIDENTIAL development that provides tenure options and a range of prices/rents for new dwellings that will be "affordable" to Hamilton residents;
- xii) Encourage development at densities conducive to the efficient operation of Public Transit and which utilizes designs or construction techniques that are energy efficient;"

Staff is of the opinion that the proposed mixed-use building is an appropriate use within the "Commercial" designation of the Official Plan, and is an appropriate form of redevelopment that recognizes and enhances the scale and character of the existing area. However, as discussed in more detail in the Analysis/Rationale for Recommendation section of this Report (see Point 2 on Pages 24-26), there remains outstanding concerns related to a lack of parking provided for the proposed use of the subject lands, and staff notes that the proposal conflicts with Policies A.2.2.37, A.2.2.38, and C.7.1(i) of the Hamilton Official Plan.

New Urban Hamilton Official Plan

The proposal has been evaluated against the policies of the new Urban Hamilton Official Plan, which was adopted by Council on July 9, 2009. The Ministry of Municipal Affairs and Housing issued its decision on March 10, 2011, with the last date for appeal being April 5, 2011.

The subject lands are designated "Urban Corridor - Primary Corridor" on Schedule 'E' - Urban Structure, where corridors are intended to provide significant opportunities to create vibrant pedestrian and transit-oriented places through residential intensification and redevelopment, with careful attention to urban design. Policy E.2.4.3 of Volume I states that "urban corridors shall be the location for a range of higher density land uses along the corridor, including mixed-uses, where feasible, supported by higher order transit on the Primary Corridors". The following scale and design policies of Volume I are applicable to the Urban Corridors:

- "E.2.4.10 The built form along the Urban Corridors shall generally consist of low to mid rise forms, but will vary along the length of the corridors with some areas permitted to accommodate high density and high rise built form. The Primary Corridors shall have a greater proportion of the corridor length in retail and mixed-use forms...

- E.2.4.15 New development shall respect the existing built form of adjacent neighbourhoods, where appropriate, by providing a gradation in building height. New development shall locate and be designed to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods.
- E.2.4.16 Reductions in parking requirements shall be considered in order to encourage a broader range of uses and densities to support existing and planned transit routes.”

As the proposed development represents a form of residential intensification through redevelopment of an underutilized parcel of land, the policies of B.2.4 Residential Intensification, listed below, are also applicable:

- “B.2.4.1.4 Residential intensification developments shall be evaluated based on the following criteria:
- a) 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;
 - b) the development’s contribution to maintaining and achieving a range of dwelling types and tenures;
 - c) 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;
 - d) the development’s contribution to achieving the planned urban structure, as described in Section E.2.0 - Urban Structure;
 - e) infrastructure and transportation capacity; and,
 - f) the ability of the development to comply with all applicable policies.”

The subject lands are designated “Neighbourhoods” on Schedule ‘E-1’ - Urban Land Use Designations, which permits residential dwellings, local commercial uses, open space and parks, and local community facilities/services. Policy E.3.1 of Volume I sets out the goals of the “Neighbourhoods” designation, which include provisions to develop compact, mixed-use, transit-supportive, and active transportation-friendly neighbourhoods; plan and designate for a range of housing types and densities; promote and support design which enhances and respects the character of existing neighbourhoods, while at the same time, allowing their on-going evolution; as well as

promote and support residential intensification of appropriate scale and in appropriate locations throughout the neighbourhoods. The following policies, among others, are applicable to the proposed development:

- “E.3.3.2 Development or redevelopment adjacent to areas of lower density shall ensure the height, massing, and arrangement of buildings and structures are compatible with existing and future uses in the surrounding area.
- E.3.6 High Density Residential.
- E.3.6.1 High density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads.
- E.3.6.2 Uses permitted in high density residential areas include multiple dwellings, except street townhouses.
- E.3.6.3 Local commercial uses may also be permitted on the ground floor of buildings containing multiple dwellings, provided the provisions of Section E.3.8 - Local Commercial are satisfied.
- E.3.6.4 High density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities/services, including public transit, schools, and active or passive recreational facilities.
- E.3.6.5 Proximity to the Downtown Urban Growth Centre, Sub-Regional Nodes or Community Nodes, and designated Employment Areas shall be considered desirable for high density residential uses.
- E.3.6.6 In high density residential areas, the permitted net residential densities identified on Appendix G - Boundaries Map shall be:
- b) greater than 100 units per hectare and not greater than 200 units per hectare in all other Neighbourhoods designation areas.
- E.3.6.7 Development within the high density residential category shall be evaluated on the basis of the following criteria:
- a) Development should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may be permitted direct access to a collector, or major or minor arterial roads, via a local road upon which abut only a small number of low density residential category dwellings.

- b) High profile multiple dwellings shall not generally be permitted immediately adjacent to low profile residential uses. A separation distance shall generally be required, and may be in the form of a suitable intervening land use such as a medium density residential use. Where such separations cannot be achieved, transitional features such as effective screening and/or design features shall be incorporated into the design of the high density development to mitigate adverse impact on adjacent low profile residential uses.

- d) Development shall:
 - i) provide adequate landscaping, amenity features, on-site parking, and buffering, where required;

 - ii) be compatible with existing and future uses in the surrounding area in terms of heights, massing, and an arrangement of buildings and structures; and,

 - iii) provide adequate access to the property, designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.

- f) The City may require studies, in accordance with Chapter F - Implementation Policies, completed to the satisfaction of the City, to demonstrate that the height, orientation, design and massing of a building or structure shall not unduly overshadow, block light, or result in the loss of privacy of adjacent residential uses.

- g) The orientation, design, and massing of a building or structure higher than 6-storeys shall take into account the impact on public view corridors and general public views of the area of the Niagara Escarpment, waterfront, and other parts of the City, as identified through secondary plans or other studies.

E.3.8 Local Commercial

- E.3.8.1** Local commercial uses that primarily cater to the weekly and daily needs of residents within the surrounding neighbourhood may be permitted within the Neighbourhoods designation.

E.3.8.2 The following uses shall be permitted:

- a) retail and service uses such as a craftsperson shop, day nursery, commercial school, financial establishment, medical office, business office, professional office, business office, motor vehicle service station, personal service, Place of Worship, repair service, restaurant, retail, studio, art gallery, tradesperson shop, and veterinary service;

E.3.8.4 Local commercial uses may be permitted in the following built forms:

- d) multiple storey buildings with the local commercial uses on the ground floor and residential units above.

E.3.8.8 Local commercial uses shall comply with the following provisions:

- a) The gross floor area for any individual retail use shall not exceed 50% of the total permitted gross floor area of all local commercial uses.
- b) The gross floor area for any individual office shall not exceed 500 square metres.
- c) The total maximum gross floor area and height for a development located on a particular site shall be determined through secondary plans or corridor studies, where applicable, and Zoning By-laws.

E.3.8.9 Development and redevelopment of local commercial uses shall:

- a) front and have access to a major arterial, minor arterial, or collector road;
- b) provide safe and convenient access for pedestrians and cyclists; and,
- c) be compatible with the surrounding area in terms of design, massing, height, setbacks, on-site parking, noise impact, landscaping, and lighting.

E.3.8.10 Residential units located in the same building as local commercial uses shall generally be located above the ground floor. Some components of the residential use may be located in ground floor areas in the rear of buildings. All commercial space shall be located on the ground floor with

the primary entrances to the commercial space through the principal façade of the building.”

As is discussed in further detail in the Analysis Rationale for Recommendation section of the Report (see Point 3 on Pages 27-28), the proposed higher density mixed-use development is a permitted use and an appropriate form of urban intensification. The proposed development is located along a primary corridor, and maintains and enhances the character of the established patterns of development and built form, as well as contributes to achieving the planned urban structure objectives for the area. The proposed development also incorporates good design principles, as described in the policies of the new Urban Official Plan, in that it enhances the pedestrian environment by providing at-grade commercial uses and a courtyard design feature along Main Street East, enhances the streetscape by providing appropriate building setbacks that respect the church, yet create a presence along the corridor, and by situating parking in the rear of the property, as well as providing a built form that conserves and respects the built heritage feature on the site.

Neighbourhood Plan

The subject lands are identified as “Civic and Institutional” in the Blakely Neighbourhood Plan, which recognizes the previous use of the property as a Place of Worship. Through the rezoning application, the neighbourhood plan will need to be amended to recognize the proposed use of the property as “Commercial and Apartments”.

RELEVANT CONSULTATION

The following Departments and Agencies had no concerns or objections:

- Environmental Planning Section, Public Works Department.
- Horizon Utilities.
- Bell Canada.

The following Departments and Agencies were circulated but did not provide comments:

- Hamilton Police Services.
- Hamilton Emergency Services.
- Union Gas.
- Cogeco Cable Canada Inc.
- Hamilton-Wentworth District School Board.
- Hamilton-Wentworth Separate School Board.
- French Public School Board.
- French Catholic School Board.
- Canadian Pacific Railway.

The following Departments and Agencies submitted the following comments:

The **Hamilton Street Railway** advised that HSR currently runs various buses in the area with no planned changes in service. HSR supports the inclusion of high quality pedestrian amenities at this development like walkways, lighting etc. Street orientation and pedestrian entrances are important. Direct short walking distances between dwellings and transit services are preferable. The proposed development improves the land use mix along the transit line, which is transit supportive. Establishing high density residential development within easy walking distance of transit services will contribute positively to the long-term sustainability of service in this area.

The **Waste Management Division, Public Works Department**, advised that the property is eligible for weekly collection of garbage, recyclable material, and leaf and yard waste through the City of Hamilton, subject to compliance with specifications indicated by the Waste Management Division and subject to compliance with the City's garbage container limits. Recycling is mandatory. The specifics of municipal waste collection will be addressed at the Site Plan Control stage. Staff notes that private waste pick-up may be required should the proposed development not meet the City's design standards for on-site waste removal.

The **Hamilton Municipal Parking System** provided comments based on the original proposal and advised that the applicant should ensure that all existing and future parking requirements for both the proposed development and the existing church are met on-site. The applicant is proposing to provide 34 of 70 required parking spaces on-site. Of the 34 required parking spaces, they are proposing to designate 23 for the residential component, 10 for the commercial portion, and 1 for a Carshare vehicle. It must be noted that in Toronto the parking concession for Carshare vehicles is 3 on-site spaces per 1 Carshare vehicle that is strictly operated for the tenants of that development. Staff would prefer all on-site parking be dedicated to the long-term needs of the residents of this development. The commercial component would be more reliant on short term on-street parking. The current Zoning By-law requires a minimum 1.25 parking spaces for each of the 56 residential units, for a total of 70 parking spaces required. For the commercial component, 1 parking space is required for every 31m² over 450m² of gross floor area. The commercial component is less than 450m², therefore, no parking is required. The proposed development would require a total of 70 parking spaces. Limited overflow parking is available on Balsam Avenue South, Elm Street, Prospect Street South, Leinster Avenue South, and Connaught Avenue South.

The parking study suggests an estimated peak parking demand of 49 vehicles for the development, meaning that 15 vehicles would need to be absorbed into the surrounding residential neighbourhood. The streets south of Main Street East (Balsam and Elm), which are on the same side of Main Street as the development, are already at or over 100% capacity during the peak periods according to the applicant's parking study. This means the extra vehicles would need to be parked on the residential streets north of

Main Street East. Knowing that the building is geared to seniors, staff is concerned that the closest protected pedestrian crossing is at Gage Avenue, which is 170 metres away, a walking distance that would likely be unacceptable for some seniors. Alternatively, seniors would need to cross the un-protected 4-lane cross section of Main Street East immediately adjacent to the site to access parking to the north of Main Street.

The applicant must be aware that on-street parking cannot be guaranteed in perpetuity, as residents may petition the City to implement more restrictive parking regulations. The Rapid Transit System may also require the elimination of on-street parking on Main Street East and adjacent flanking streets. Any new development with a parking deficiency is likely to have a negative impact on the adjacent residential and commercial community.

The **Traffic Engineering and Operations Division, Public Works Department**, advises that there are no concerns with the proposed development. The plan was first submitted to staff in 2008 under Preliminary Consultation (PC-08-027) and included 61 parking spaces, a number of which would be provided underground. As this development is geared to seniors, and it is located on and within walking distance of several bus routes, it is assumed that not every unit will need to provide a required parking space. A seniors building will not generate the same volume of AM and PM peak hour vehicle trips as an apartment complex with a similar number of units. Staff does not feel the size or use of the proposed development warranted the owner engaging a traffic engineer to undertake a Traffic Study.

The concept plan proposes an access off Balsam Avenue. Staff does object to the location of this access, however, notes that an access off Main Street is supportable to alleviate traffic impacts on Balsam Avenue. During the Preliminary Consultation review, additional comments were provided regarding the requirements for on-site delivery and garbage truck manoeuvring, access design, and clearance from the proposed access to existing utilities and street trees. These comments are included below:

- It is recommended that a loading space be designated for this site. An 18m space seems a little excessive, but we would like to see something that can accommodate a small u-haul. There does not appear to be available space on-site unless some parking spaces are removed. Staff can have discussions with Municipal Parking staff and see how they would feel about allowing boulevard parking.
- Visibility triangles (3m x 3m) between the access limits and the ultimate road allowance limits of Balsam Drive are required in which the maximum height of any objects or mature vegetation cannot exceed a height of 0.70m above the corresponding perpendicular centreline elevation of the adjacent streets.

SUBJECT: Application for an Amendment to Hamilton Zoning By-law No. 6593 for Lands Located at 922 Main Street East (Hamilton) (PED11057) (Ward 3)
- Page 23 of 32

- Access width and curve radii must be noted on the plan. The municipal sidewalk must continue through the access driveway.
- An Access Permit is required, and 1.2m clearance required between the access and any adjacent trees, hydrants, or utility poles.

The recent Zoning application was submitted with the underground parking removed and the number of parking spaces reduced to 34, where the Zoning By-law requires 70 spaces. A parking study was submitted as part of the application and reviewed by Municipal Parking staff. HMPS staff has identified a concern that there is a lack of available on-street parking on Balsam Avenue and the surrounding neighbourhood. This concern has been relayed back to the applicant for their information.

The **Strategic Planning Section, Public Works Department**, advises that the proposed development is adjacent to a proposed rapid transit corridor and is located along a primary urban corridor. Higher density residential uses are compatible with this location on a main arterial and primary corridor. The at-grade commercial uses are also compatible with pedestrian environments and transit use. To facilitate pedestrian movements, parking should be located at the rear of the building. The proponent has to be aware of the Lower East End Storm Drainage Study and capacity of the sewers. Recommendations of the City of Hamilton Stormwater Master Plan for source control should be incorporated.

The **Forestry and Horticulture Section, Public Works Department**, advises that there are two trees located within the road allowance of Balsam Avenue South which appear to be impacted by the proposed development. These municipal tree assets were found to be in good condition and will require a replacement fee. A Tree Management and Landscape Plan will also be required to be submitted at the Site Plan Control stage.

PUBLIC CONSULTATION

In accordance with the new provisions of the Planning Act and Council's Public Participation Policy, 358 Notices of Complete Application and Preliminary Circulation were sent to property owners, including tenants, within 120 metres of the subject property on November 6, 2009, requesting public input on the application. To date, 2 letters of objection were received, which expressed concerns related to building height and setbacks, impacts related to traffic and parking, impacts on privacy and property values, and usage of commercial units. These concerns are discussed in greater detail in the Analysis/Rationale for Recommendation section of this Report (see Point 4 on Pages 28-30). One letter of support was received which expressed support for the increase in density and good urban design (see Appendix "C"). Staff also received a number of phone calls requesting additional information regarding the proposed development.

Further, a Public Notice sign was posted on the property on November 11, 2009, and Notice of the Public Meeting was given in accordance with the requirements of the Planning Act.

Staff attended an informal neighbourhood meeting on November 24, 2009, organized by the Ward Councillor at the request of neighbouring property owners on Balsam Avenue South. Four residents attended the meeting. The purpose of the meeting was to discuss the proposal, provide the interested residents with additional information regarding process, as well as provide an explanation/overview of applicable policy.

ANALYSIS / RATIONALE FOR RECOMMENDATION

1. Although the proposal is consistent with the Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe, conforms to the Hamilton-Wentworth Official Plan, and contains many positive development objectives, staff cannot support the application as adequate parking for the proposed use is not being provided, which conflicts with Policies A.2.2.37, A.2.2.38, and C.7.1(i) of the Hamilton Official Plan.
2. In review of the application, staff notes that there are many noteworthy and positive elements with the proposed development, which are discussed in detail later in the Report (see Point 3 on Pages 27-28). However, there remains an outstanding concern related to the proposed number of on-site parking spaces provided for the proposed development. The Hamilton Official Plan contains a number of policies that speak to providing adequate on-site parking and loading facilities for residential and commercial developments in order to minimize nuisances on adjacent lands and streets (Policy A.2.2.37, A.2.2.38, C.7.1(i)). As previously mentioned, the proposed development contains 48 one-bedroom residential units with approximately 400 square metres of commercial area on the ground floor. The current Hamilton Zoning By-law No. 6593 requires a minimum 1.25 parking spaces per residential unit, for a total of 60 parking spaces, (48 for tenants and 12 assigned for visitor parking). The application is proposing a minimum 35 on-site parking spaces, or a ratio of 0.73 parking spaces per residential unit. Parking requirements for the commercial component is dependent on the proposed uses. The required parking ratios range from zero (0) parking spaces for retail, general office, personal service and shopping centre type uses, to 1 space per 31 square metres for banks and financial institutions, to 1 space per 19 square metres for medical and dental offices or clinics.

A Parking Study, prepared by Paradigm Transportation Solutions Limited (dated June, 2009), was submitted to support the proposed parking reduction requested by the applicant. The study included a review of the local area conditions, potential parking demand, as well as mitigation of the parking shortfall through a parking management plan. Based on the Institute of Transportation Engineers (ITE) Parking Generation Manual, the study indicates that the reported average peak parking demand for this form of development is generally 1 space per residential unit. The study outlines a number of advantages unique to the proposal that could be expected to reduce the parking demand to 0.8 parking spaces per unit to accommodate parking for both tenants and visitors. The advantages include the fact that the development is geared to seniors and contains units with affordable rents, the development is in a central City location that is walkable to many activities, the property is well serviced by public transit, and the City promotes a number of initiatives (i.e. cycling program) to encourage alternate modes of transportation and the reduced use of automobiles. The Parking Study Addendum, dated February 18, 2011, indicates that the estimated peak parking demand for the development is 43 parking spaces.

As only 35 parking spaces are provided on-site, there would be a potential shortfall of 8 parking spaces which would need to be accommodated off-site and absorbed into the neighbourhood. An assessment of the existing capacity of both on-street parking and off-street parking on private property was undertaken within 150 metres of the subject lands. The study concluded that there is a considerable supply of on-street parking spaces, with the exception of Balsam Avenue and Connaught Avenue, and a number of privately owned off-street parking areas available to accommodate overflow parking from tenants and visitors. Staff has a concern with the on-street parking utilization analysis as percentages provided in the study suggest that parking utilization on the local side streets are between 73% - 113% of potential capacity. Staff interprets these numbers to indicate that there is little to no on-street parking available on the local side streets surrounding the proposed development. Staff from Hamilton Municipal Parking System (HMPS) reviewed the parking study and provided comments that indicate there is limited overflow parking available on Balsam Avenue South, Elm Street, Prospect Street South, Leinster Avenue South, and Connaught Avenue South. Additionally, seniors, or any other tenants of the proposed building, should not be expected to park north of Main Street East and cross a four-lane arterial road as the nearest signalized crosswalk is at Gage Avenue South. HMPS staff also provided data that suggests that the current availability of on-street parking is contentious to the residents in the area, as there have been over 200 complaints received by the City within a concentrated area (bounded by Dunsmure Road, Maplewood Avenue, Prospect Street South and Gage Avenue) over the past 5 years.

The parking study also indicated that there are parking spaces available on a number of private properties surrounding the subject lands, and that should additional parking be required, tenants have the option of entering into an agreement with private property owners for the use of a parking space. Staff notes that off-site parking spaces are not counted as legal or recognized parking spaces for a development unless an agreement is registered on title for both properties and provided in perpetuity. Staff is not opposed to the applicant pursuing an off-site parking agreement with surrounding property owners for parking spaces that are in excess of the host properties zoning requirements. To permit this type of arrangement, staff would require proof of such agreement prior to support of the application. Staff also questions whether adequate parking for the other uses on the subject land will be accommodated as the nature of the commercial uses has yet to be determined, and the applicant has also indicated that the existing building is intended to be used for church and other community activities. The parking demands associated with the use of the existing building was not included in the analysis of the parking study. In regards to the proposed commercial uses, staff notes that the applicant is agreeable to eliminating the high parking generating uses such as medical clinics, medical-dental offices, and sit-down restaurants from the list of permitted commercial uses, which may result in minimal parking required based on current Zoning By-law requirements.

Based on the foregoing, staff is of the opinion that the proposed reduction in parking has not been sufficiently justified. Staff is not satisfied that the proposed use of the property will adequately function with the number of parking spaces proposed. It should be noted that alternative development options were discussed. These alternatives included reducing the number of units by reducing the number of storeys or by altering some of the units to 2-bedroom, or providing parking underground. Additionally, the applicant has indicated that the existing church may be demolished in order to accommodate additional surface parking spaces to satisfy staff's requirement. The demolition of the listed building is not a preferred option, and staff would like to see the retention of the building.

Staff does agree that a reduction in parking is warranted based on the fact that the proposed development is well serviced by transit. As such, staff is of the opinion that a parking reduction from the required 1.25 parking spaces per unit to 1 parking space per residential unit is supportable. Providing a minimum 48 parking spaces for the proposed development ensures 1 parking space is available to accommodate both tenants and visitors with the possibility of allowing limited shared parking with the commercial uses.

3. Despite the foregoing, staff notes that the development proposal contains many noteworthy development objectives that meet both Provincial and local policy direction. In light of the Provincial policy direction of the PPS and Growth Plan, intensification is necessary to minimize land requirements and expansions of the urban boundary, and to make more efficient use of under-developed land and existing infrastructure within the built-up areas of the City. In following this direction, the new Urban Hamilton Official Plan directs intensification to the Corridors, which are identified as areas intended to provide significant opportunities to create pedestrian and transit-oriented places through residential intensification and redevelopment with careful attention to urban design. Staff notes that the subject lands are in a prime location for intensification, and that the proposed building is the type of redevelopment the City is encouraging along the corridor. The Transit Oriented Development (TOD) Guidelines, recently adopted by Council, set out key principles that will help achieve transit supportive development, a number of which include: ensuring a mix of uses/appropriate land uses; requiring density and compact urban form; focusing on urban design; and, addressing parking management. The proposed development represents a form of higher density mixed-use development which diversifies the mix of uses that supports the existing transit routes and has the potential to increase ridership. Promoting development that is oriented towards alternate modes of transportation, including transit, is a key objective of the City's long-term vision.

The Hamilton Official Plan, as well as the new Urban Hamilton Official Plan, contains policies to ensure that new development is compatible with and complementary to the existing neighbourhood, as well as future development. Regard must be given to such matters as: shadowing and overview due to height massing and scale of a building; implications related to traffic and parking; siting and setbacks as they relate to established or planned streetscape patterns; and other nuisances such as noise and lighting. Staff notes that there are other mid-rise residential buildings within the immediate area, and that the proposed development can integrate well with the surrounding uses. The height of the building has been reduced to 7-storeys and would be setback approximately 20 metres from the existing lower rise residential to the south. The proposed building respects the 45 degree angular plane, a general rule used in determining appropriate height as it relates to privacy and overview. Staff notes that the new Urban Official Plan recognizes that a change in built form will be required along the corridors in order to achieve intensification goals and density targets.

The development will maintain ground floor commercial uses with direct access from Main Street East, which will maintain and enhance the commercial character along the Main Street corridor. The proposed development also follows the urban design principles of the new Urban Official Plan as the building is situated close to the street, with parking in the rear. The building is situated to create a streetscape along Main Street East, respect the setback of the existing

church, and to provide adequate setback from the lower density residential to the south. The development concept is anchored to the street through enhanced front yard design including landscaping, pavers, and benches to create a pedestrian-oriented development. The massing of the building is consistent with the surrounding area, particularly along Main Street East as most buildings are situated close to the front lot line and have minimal side yards. The height of the building has been reduced to 7-storeys.

At the request of staff, an Urban Design Brief (dated May 2010), prepared by GSP Group, was submitted. The brief indicates that the building design, although conceptual at this time, will strive to respect the design of the existing Place of Worship. A second floor cornice line will be established to pick up the roofline of the church, and to establish a defined base to the new building. The lower storeys of the building will be finished in brick similar to the existing church. The Urban Design Brief indicates that the upper storeys will be finished with glazing and light coloured stucco in order to minimize the perception of height and mass. The elevator tower will cap the building along the east property line similar to the tower feature along the west side of the church.

Urban Design staff indicated their preference that the design incorporates additional design related elements that will better integrate the proposed development in with the surrounding neighbourhood and create a high quality development. These additional design elements include a varied roofline and additional glazing. Staff notes that further review and discussion of the building elevations would be undertaken at the Site Plan Control stage, should the application move forward to that stage.

The Urban Design Brief contained a sun/shadow analysis in support of the proposed building design. The analysis concluded that there will be no shadow impacts on the lands to the east, west, and south at any time throughout the year, as the shadow will be cast to the north across Main Street East. The properties on the north side of Main Street East will experience minimal shadows around 4:00pm during March and September, which are not expected to have detrimental impacts. The majority of shadow impacts will occur during the winter months (December), however, staff notes that properties on the north side of Main Street East already experience shadowing at this time of year based on the existing built form.

The proposal also represents a quality form of development within an area of the City that has not experienced a great deal of redevelopment. It is also within walking distance to a number of amenities and recreational opportunities.

4. As briefly outlined in the Relevant Consultation section of the Report (see Pages 23-24), two letters of objection and one letter of support were received as a result of the circulation of the application (see Appendix “C”). The letters of objection expressed concerns related to building height and setbacks, impacts on privacy and existing views, impacts related to traffic and parking, devaluation of property values, and usage of commercial units. The concerns are discussed below:

Building Height and Setbacks

The submissions expressed concerns that the proposed 8-storey building is significantly taller than the existing buildings in the neighbourhood, and that the proposed height would have negative impacts such as loss of sunlight, privacy, and overshadowing of the church’s architecture. As previously mentioned, the height of the building has been reduced to 7-storeys, and staff notes that there are other mid-rise buildings within the area. For example, the existing 6-storey multiple dwelling on Prospect Avenue North, that is located immediately adjacent to a single-detached dwelling with minimal yard separation. The proposed building is also sited towards Main Street East, and the lower density residential will be buffered by the parking area and landscaped area. The proposed building also maintains the 45 degree angular plane along the southerly lot line. Urban Design staff is generally satisfied that the proposed development respects the existing architecture and materials of the church. The existing church is approximately 3 to 5-storeys in height, and the additional 2-storeys in height of the proposed building is not seen as having negative impacts. Additionally, the sun/shadow analysis concluded that there will be no shadow impacts on adjacent properties as most of the shadowing occurs on Main Street East, which already experiences some shadowing from the existing church. With the focus of intensification along the corridors, a change in built form is expected to accommodate the increase in dwelling units.

With respect to building setbacks, the residents are concerned that adequate building setbacks are not being provided for the proposed development. Staff is supportable of the proposed front yard setback for reasons previously mentioned. The applicant is requesting a side yard reduction adjacent to Balsam Avenue South, as a portion of the proposed building will be located 1.8 metres from the side lot line. Staff notes that based on the proposed height of the building, a minimum 3.9 metre side yard setback would be required in the “E-3” (High Density Residential) District. Staff is of the opinion that the minimum side yard requirements of the Zoning By-law should be maintained along Balsam Avenue South to respect the adjacent lower density residential to the east.

Traffic and Parking Implications

The surrounding residents are concerned with the increase in traffic along Balsam Avenue as the only access point is located off this side street. Comments received from the Traffic Planning Section indicate that there are no concerns with the location of the access on Balsam Avenue South; however, they would be supportable of an access off Main Street East. Traffic staff also indicated that the size or use of the proposed development (apartments geared to seniors) did not warrant the submission of a Traffic Study.

Concerns related to a lack of on-street parking were also expressed. Staff discussed the parking concerns in detail in Point 2 above (see Pages 24-26).

Usage of the Proposed Commercial Units

One objection letter expressed concerns related to the introduction of additional residential units within an area of the City that struggles to maintain commercial uses, as is evident by many boarded up vacant store fronts. Staff notes that this is a commercial corridor, and support the inclusion of the commercial component on the ground floor. Commercial businesses thrive when there are higher residential densities whose residents will utilize their services. Through the processing of this application, staff received a call inquiring about the future commercial space, which demonstrates that there is an interest in the new development. A number of the potential commercial uses, including retail, personal service shops and offices, would not require parking under the current Zoning By-law No. 6593 or Zoning By-law No. 05-200. Restricting uses such as medical offices/clinics, which tend to have a high parking demand, would be appropriate.

Existing Landscaping and Greenspace

A concern was raised about the loss of existing vegetation and greenspace. Staff notes that there are 2 municipal trees located on the Balsam Avenue road allowance. Urban Forestry staff indicated that these trees may be impacted by the proposed development and, if so, a replacement fee would be required. The potential impacts will be addressed through detail design and the submission of a Tree Management Plan at the Site Plan Control stage. At the Site Plan Control stage the applicant will also be required to plant additional trees within the municipal road allowance, where space permits, and provide enhanced landscaping on private property through approval of a Landscape Plan. Through these measures, staff is satisfied that the concern related to a loss of existing vegetation and greenspace will be addressed.

5. It should also be noted that there are public watermains available to supply the proposed development on Main Street East and Balsam Avenue South. However, the applicant will be required to provide private internal pressure boosting to the upper floors of the building. It is recommended that future connection be made to either of the trunk mains on Main Street East (450mm) or Balsam Avenue South (600mm) in order to provide adequate supply, unless it can be demonstrated, through flow testing, that the 150mm watermains on either of these streets can provide the necessary fire flows. Wastewater may be discharged to either the 800mm combined sewer on Main Street East or the 300mm combined sewer on Balsam Avenue South. Storm water must be directed to the 525mm storm sewer on Balsam Avenue South. It should be noted that at the Site Plan Control stage, the applicant will be required to submit a detailed stormwater management design to address the fact that in the absence of an overland flow route the 100 year storm shall be controlled to the capacity of the pipe to which the system outlets. The existing and designated road allowance widths on Main Street East and Balsam Avenue South are 20.12 metres. As such, no future road allowance widenings are anticipated.

ALTERNATIVES FOR CONSIDERATION

If the proposed applications are denied, the subject lands could be developed for uses permitted within the "H" (Community Shopping and Commercial, etc.) District, which includes a range of commercial, institutional, and limited residential uses.

Should Council deem the proposed application to be appropriate and approve the amended zoning application, an 'H' Holding Provision should be placed on the subject lands to require a Record of Site Condition (RSC) be filed with the Ministry of the Environment prior to the property being used for residential purposes.

CORPORATE STRATEGIC PLAN

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

Social Development

- ◆ Everyone has a home they can afford that is well maintained and safe.

Environmental Stewardship

- ◆ Reduced impact of City activities on the environment.

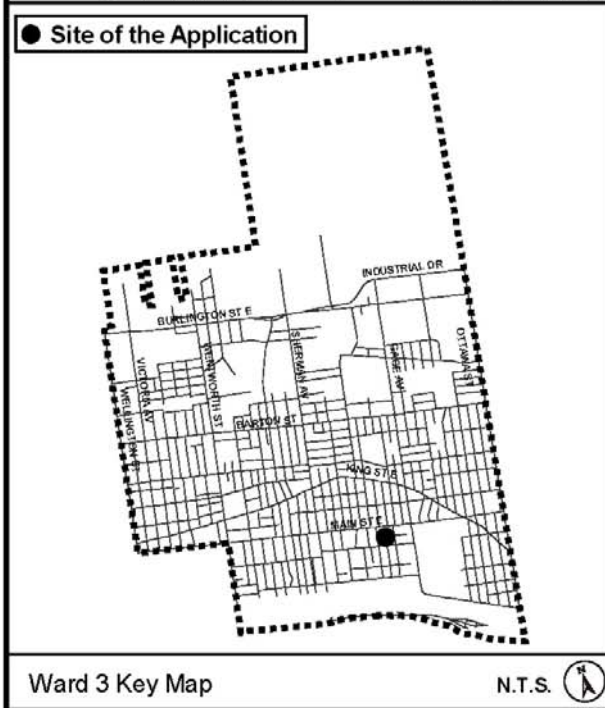
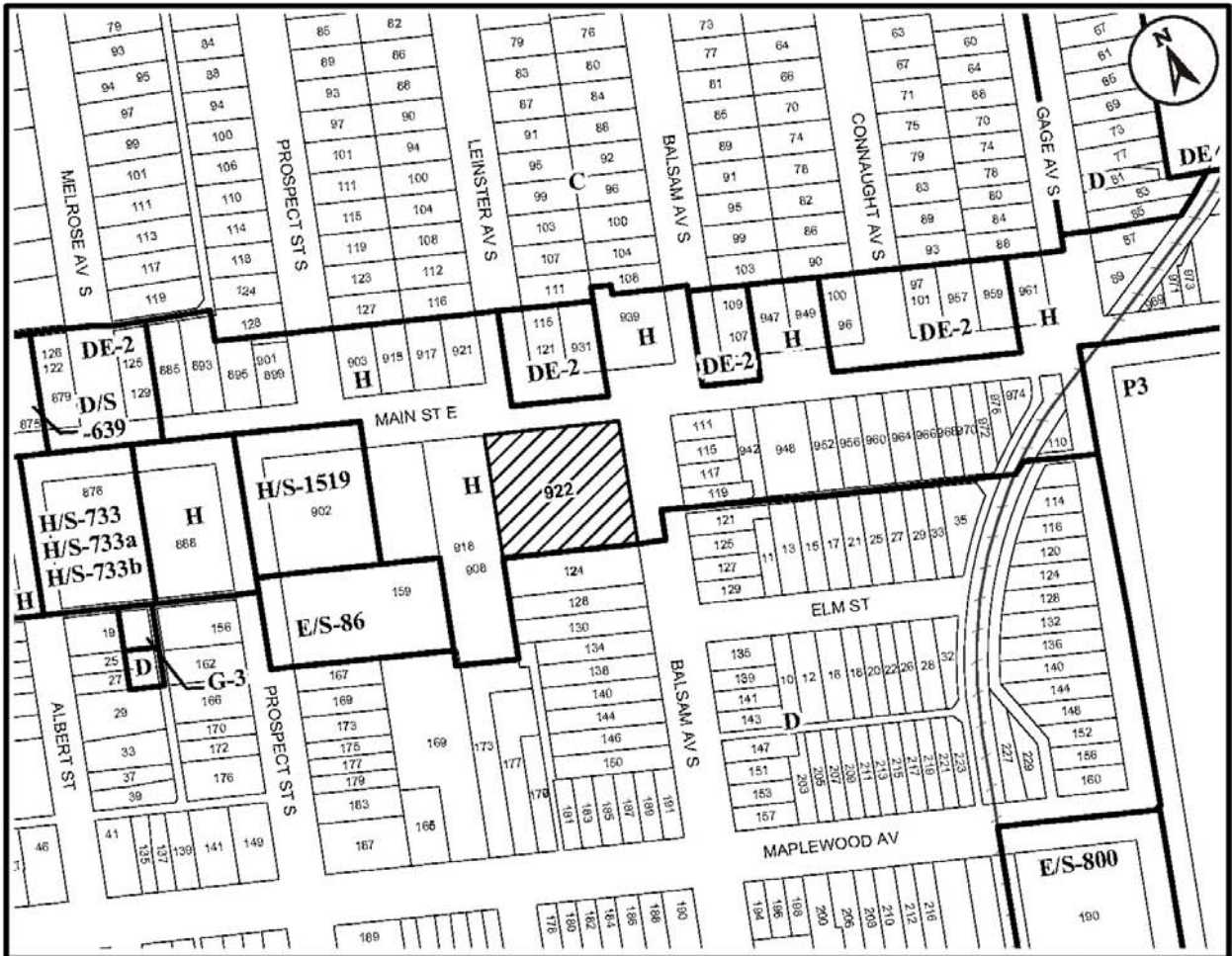
Healthy Community

- ◆ Plan and manage the built environment.
- ◆ An engaged Citizenry.

APPENDICES / SCHEDULES

- Appendix "A": Location Map
- Appendix "B": Concept Plan
- Appendix "C": Comments Received from the Public

:JH
Attachs. (3)



Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-09-039

Date:
October 22, 2009

Appendix "A"	Scale: N.T.S.	Planner/Technician: JH/AL
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Subject Property

922 Main Street East

N.T.S.





Figure 3
SITE RENDERINGS
922 MAIN STREET EAST
City of Hamilton

Source: Cianfrone Architect Inc.

Haan, Jennifer

From: Karen Baxmeier [REDACTED]
Sent: Monday, November 09, 2009 4:27 PM
To: Haan, Jennifer
Subject: Zoning Bylaw 922 Main St. E. Hamilton

Dear Jennifer,

Absolutely opposed to the proposal. It will devalue our house. And, we already have a halfway house across the street from the proposed high rise. This house is loud, noisy, and the residents wander up and down our street all day. On Balsam Ave S to the end of the street, there are about 6 halfway houses that have not been rezoned since we've lived here.

We live directly across the street from the proposed zoning, and it will mean noise of cars starting up 24/7, much more street traffic, and a lot more strangers to our area.

If this comes about, please give us enough notice to sell our house and move before it is changed.

Karen and Michael Baxmeier
119 Balsam Av. S.
[REDACTED]

Haan, Jennifer

From: Karen Baxmeier [REDACTED]
Sent: Wednesday, November 25, 2009 11:04 AM
To: Haan, Jennifer; Morelli, Bernie
Subject: Letter of Objection to be filed with Proposed Development 922 Main St. East, Hamilton

Good morning!

Thank you for your expertise and support at the meeting at our house re 922 Main St. East. Information is important, but correct and accurate explanations are the key, don't you agree?

Mike and I wish to be on record to oppose this development as it is right now. We are concerned about how this building will integrate with our neighbourhood for the following reasons:

1. We do not want it to overshadow the church, a historic building whose architecture belongs in the neighbourhood as it is. The building should be no higher than the church roofline.
2. The loss of privacy to our home is immediately impacted by the front door apartment entrance and the location of the garbage bins. This will be disruptive 24/7.
3. The landscaping and setback from the street takes the limited greenspace almost to the curb, which is directly across from our house.
4. Increased street traffic (both pedestrian and vehicle) will severely limit our parking. We do not have a driveway and rely on open spots in the street. In addition, we already share parking space with 3 apartment buildings within 400 feet of the proposed, as well as a hairdressing business.
5. We will lose our sunset, which we love to watch during the summer when we enjoy our front porch after work. I know a sun/shadow impact assessment will be done, in March and September, but it will not truly reflect the comfort we have in enjoying our home every day.

We are clear that development is going to happen. We want the proposal to co-exist with the the neighbourhood. We want the focus of this development to comply with Sec. C7-3 III. Please add our concerns to your report. We wish to be kept informed of future discussions and amendments.

Regards,
Karen and Mike Baxmeier
119 Balsam Av.S

Paul and Debbie Williams
121 Balsam Av. S

Jennifer Smith
125 Balsam Av. S

Rick and Laurie Myke
127 Balsam Ave. S

11/25/2009

Haan, Jennifer

From: Bruce and Mary Anne Duncan [REDACTED]
Sent: Friday, November 27, 2009 10:12 PM
To: Morelli, Bernie; Haan, Jennifer
Subject: Proposed development at 922 Main St E Hamilton (File Number ZAC-09-039)

To City Staff and Council

Re Proposed development at 922 Main St E Hamilton (File Number ZAC-09-039)

We realize that the new Urban Hamilton Official Plan is trying to encourage mixed-use development throughout the city, but any development must be both appropriate and complementary to what is currently there. The proposal brought forth in the site plan for 922 Main St E is neither appropriate nor complementary. We would like to provide our comments to be included as part of the staff report as we are one of the homeowners directly to the east of the property.

We wish to point out that although the building as planned appears to be quite attractive and would be a great asset to Hamilton, there are a number of issues that have to be answered prior to being built in this location, the major ones being building height and parking. Additional concerns include green space/setbacks, traffic/noise, usage.

Height

As planned: the drawings provided by the developer show on pages A04, A05 and A06 the height to the top of the building at being 93'0". Currently they would be allowed eight stories at 26.0 metres (85.30') when the sideyard is over 3 metres (9.84'), four stories if the side yard is under that width. Looking at the site drawing from the front, it at first appears to have a mechanical room on top of the building which the drawings list as a penthouse – a ninth floor. They are over the maximum allowed in both height and number of floors.

Current: The homes on Balsam St. are single or multi-family, mainly two-and-a-half story in height. Buildings nearby in the H District on Main St E range from two-and-a-half up to four stories. The height of the existing church, which will be remaining, is approximately five to six stories at the steeple. The senior's building at Maplewood and Gage, three blocks away, is six stories. The height of the proposed building would dwarf the neighbourhood from its sheer size and density resulting in the loss of sunlight and privacy.

Parking

As planned: the drawings show that the building will have 56 residential units and 4 commercial/retail units with 34 parking spots in total. At one and a quarter parking spots per unit, 70 parking spaces are needed for the residential alone. On top of 70 spots needed, what of parking for the commercial/retail (13 spots needed for the 4300 sq ft – one per 325 sq ft?); loading zone (shows only one spot); visitors parking (shows none). What of parking for the church? Will it become a community centre? Will it need separate parking? The developers will have well under half of the parking required for the building with either existing or new zoning.

Current: Main St E has only limited hours for parking, and very few spots at that. Balsam St S is extremely crowded and very difficult to find parking now. Some of the Balsam homes have 'grandfathered' parking on their front lawn, but others don't. Even if a homeowner were to pay the approx. \$1300 in fees to be allowed to have a drive, and then the cost to make the drive on top of that, they would not be allowed due to the mature tree canopy of the area. Operating business in the area have a hard time providing parking for their customers now and have to compete with homeowner for spots.

11/30/2009

Green Space/Setbacks

As planned: the drawings show a few planting and sod squares at the front and east side of the building. The width of the concrete sidewalk is too narrow and the large amount of pedestrian traffic would eliminate any grass very quickly. The few new trees would likely not survive the planting space provided. The building itself will be built too close to the curb, eliminating current green space.

Current: although it is a parking lot at present, there are a few trees on the east survey line, one being approx. 30-35 years. It is not a tree to lose. There is a green space of grass about 12 feet from the sidewalk to the survey line. This is well used by neighbourhood dogs, really, a big part of people getting out for a walk and making what it is we call a neighbourhood.

Traffic/Noise

The additional street traffic of having vehicles from 56 residential units plus 4 commercial units entering and exiting onto Balsam could be overwhelming. This is a huge increase for the street to bear. Would the large trucks coming to empty out garbage bins be set to a specific time? The noise from the increase in cars and the pedestrian traffic coming in to both a parking lot and building pedestrian front door entrance on Balsam would be huge. Could a traffic study be done to explore the option of changing the entrance/exit onto Main St E if the building plans were to be revised?

Usage

The developer is planning on having four commercial/retail ground floor units. The neighbourhood can barely support commercial at present. Drive on Main or King St between Sherman and Gage and you will notice there is block after block of papered windows of vacant retail units. Who will move into these four new ones? Will they also be vacant for a large period of time? What impact will four new units have on owners trying to lease out current properties in the area?

There is most likely other issues to be brought forward by other neighbours. If possible, could we be notified of any advances in the planning process.

Mary Anne and Bruce Duncan

Homeowners of 117 Balsam Ave S Hamilton

Mailing Address: 121 Sterling St Hamilton L8S 4J6

Haan, Jennifer

From: Jason Leach [REDACTED]
Sent: Tuesday, December 01, 2009 3:19 PM
To: Haan, Jennifer; Fletcher, Al R (Planning)
Subject: Re: 922 Main Street East, Hamilton

Hi Jennifer,

Thanks for sending along this info.
This looks like a great project. A couple of points/questions for you:

1. I realize the retail units aren't claimed yet, but I wonder if a patio area at the NE corner of the building adjacent to that retail space might be an option IF a food/cafe operation were to locate there.
2. Are you aware of what sort of housing this will be? Just normal rents, or is a subsidized building etc....?
3. Are any architect renderings available that would indicate the colour scheme/design of the building?

I love the fact that they are preserving the church and actually am familiar with the group involved as they designed a 5-storey apartment building on my street (Strathcona Ave) in which they also saved the old Strathcona Fire Hall.

As for comments - I'm very supportive of plans that increase the density in our city and use land more wisely along with good urban design. Having parking in the rear with a nice mixed use street presence is a welcome development for this part of Hamilton which hasn't seen anything like this in many years.

Cheers,
Jason

>
> -----Original Message-----
> From: Jason Leach [REDACTED]
> Sent: Tuesday, December 01, 2009 11:40 AM
> To: Economic Development
> Subject: 922 Main Street East, Hamilton
>
>
> Hi There,
>
> I am a property owner at 918 Main Street East and received a notice
> for a zoning change at our neighbours property - 922.
>
> The sign out front says to refer to file number ZAC 09-039 for more
> info.
>
> I'm wondering if a building rendering and/or site plan would be
> available for me to see before sending in any necessary comments in
> support of this project, or with any concerns.
>
> Thank you very much,
>
> Jason
> <Zoning Amendment Application form.pdf><SP1-Site Plan.pdf><A04-N