SUBJECT: Official Plan Amendment and change in Zoning for lands located at 500, 502 and 510 Concession Street and 340 Upper Wentworth Street (Hamilton) (PED06204) (Ward 7)

RECOMMENDATION:

That **Official Plan Amendment Application OPA-06-10, Hillcrest Dairy Limited and Mohammed Smadi, In Trust, owners** to exempt the subject lands from Policy C.7.11(iii) of the Hamilton Official Plan and **Zoning Application ZAC-06-15, Hillcrest Dairy Limited and Mohammed Smadi, In Trust, owners**, to change the zoning from the “H” (Community Shopping and Commercial, etc.) District, to the “H”-‘H’ (Community Shopping and Commercial, etc. - Holding) District, Modified for Block 1, to change the zoning from the “G-3/S-11” (Public Parking Lots) District, Modified to the “H” – ‘H’ (Community Shopping and Commercial, etc. - Holding) District, Modified, for Block 2 and to change the zoning from the “G-3” (Public Parking Lots) District to the “H” – ‘H’ (Community Shopping and Commercial, etc. - Holding) District, Modified, for Block 3, to permit the development of a pharmacy, medical clinic and associated parking, for lands located at 500, 502 and 510 Concession Street and 340 Upper Wentworth Street (Hamilton), shown as Blocks 1, 2 and 3 on Appendix “A” to Report PED06204, **be denied** on the following basis:

(a) That there is no justification to exempt the subject lands from Policy C.7.11(iii) of the Hamilton Official Plan; and,

(b) That the existing market rent levels for the apartment units proposed to be demolished on the subject lands are significantly below the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling/structure type, contrary to Policy C.7.11(iii) of the Hamilton Official Plan.
EXECUTIVE SUMMARY:

The purpose of the applications are to consider amendments to the Hamilton Official Plan and the Hamilton Zoning By-law to facilitate redevelopment of the subject lands for a pharmacy, medical clinic and associated parking.

The change in zoning is consistent with the Provincial Policy Statement, and it conforms to the Hamilton-Wentworth Official Plan. The commercial proposal is also considered to be compatible with the surrounding neighbourhood. However, the proposal does not meet the demolition of rental housing requirements of Housing Policy C.7.11 (iii) of the Hamilton Official Plan. The proposal requires the demolition of an 8 unit apartment building with rent levels significantly below the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling/structure type. Accordingly, the Department finds itself in a position that it cannot support the amendments on the basis solely of the demolition/housing policies.

BACKGROUND:

Proposal

The proposal is for an Official Plan Amendment and a change in zoning for lands located at 500, 502 and 510 Concession Street and 340 Upper Wentworth Street (see Appendix “A”). The purpose of the applications are to exempt the subject lands from Policy C.7.11 (iii) of the Hamilton Official Plan and to change the current zoning from the “H” (Community Shopping and Commercial, etc.) District, “G-3” (Public Parking Lots) District and “G-3/S-11” (Public Parking Lots) District, Modified to the “H”-‘H’ (Community Shopping and Commercial, etc. - Holding) District, Modified, to permit the development of a pharmacy, medical clinic and associated parking. Currently, there is an existing two-storey restaurant located towards the north-east corner of the site and an apartment building with 8 units (7 occupied) fronting onto Concession Street.

In addition to the buildings, an un-assumed laneway exists east to west through the site and north to south through part of the subject lands. An application to have the portion of the laneway, which separates the properties at 340 Upper Wentworth Street from 502 and 510 Concession Street closed, has been submitted to the Public Works Department.
The application for the lane closure also includes a portion of the north to south laneway, between the properties at 500 and 502 Concession Street.

The applicant has filed a Preliminary Site Plan Application (PSR-06-045), which was reviewed by the Development Review Committee on April 19th 2006. As detailed in the submitted preliminary site plan (see Appendix “B”), the proposal would consist of a single storey building accommodating a pharmacy and medical clinic. This building would be situated at the north-east corner of the site, with frontage onto both Concession Street and Upper Wentworth Street. On-site provisions propose 78 parking spaces and one loading space. The applicant has requested a modification to accommodate a reduced aisle width into the site.

If the application were to be approved, staff would also recommend modifications to the proposed “H” (Community Shopping and Commercial, etc.) District, in order to accommodate an additional setback requirement. This is discussed in greater detail in the Analysis/Rationale Section of the report.

Details of Submitted Application:

Agent: Ed Fothergill, Fothergill Planning & Development Inc.
Location: Municipally known as 500, 502 and 510 Concession Street and 340 Upper Wentworth Street (see Appendix ‘A’).
Description: Frontage: 44.1 m. (East 19th St.)
                         85.2 m. (Concession Street)
                         71.0 m. (Upper Wentworth Street)
Area: 5,060.9 sq.m.

EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th>Subject Lands:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Restaurant and apartment building</td>
<td>H” (Community Shopping and Commercial, etc.) District, “G-3” (Public Parking Lots) District and “G-3/S-11” (Public Parking Lots) District, Modified.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Surrounding Lands:</th>
<th></th>
</tr>
</thead>
</table>
SUBJECT: Official Plan Amendment and change in Zoning for lands located at 500, 502 and 510 Concession Street and 340 Upper Wentworth Street (Hamilton) (PED06204) (Ward 7) - Page 4 of 14

<table>
<thead>
<tr>
<th>North</th>
<th>Retail and Commercial</th>
<th>“H” (Community Shopping and Commercial, etc.) District.</th>
</tr>
</thead>
<tbody>
<tr>
<td>South</td>
<td>Residential</td>
<td>“C” (Urban Protected Residential, etc.) District.</td>
</tr>
<tr>
<td>East</td>
<td>Residential</td>
<td>“C” (Urban Protected Residential, etc.) District.</td>
</tr>
<tr>
<td>West</td>
<td>School</td>
<td>“H” (Community Shopping and Commercial, etc.) District and “C” (Urban Protected Residential, etc.) District.</td>
</tr>
</tbody>
</table>

**ANALYSIS/RATIONALE:**

If the contravention of Policy C.7.11(iii) of the Hamilton Official Plan would not have to be considered, as discussed in comment 6 below, the Department would be in a position to support the commercial land use as the proposal has merits:

1. Subject to all zoning regulations being satisfied, the current “H” (Community Shopping and Commercial, etc.) District zoning of the subject lands would permit a pharmacy and medical clinic on those lots fronting onto Concession Street (500, 502 and 510). However, as detailed in the submitted concept plan (See Appendix “B” to Report PED06204), it is proposed that part of this building and the associated parking be situated within the property at 340 Upper Wentworth Street, which is currently zoned “G-3” (Public Parking Lots) District and “G-3/S-11” (Public Parking Lots) District, Modified, which do not permit the proposed building. The current zoning for 340 Upper Wentworth Street also requires the provision of a 6 foot high solid wood fence along the southern and western boundary. It is therefore proposed by the applicant that the entire subject lands be rezoned to the “H” (Community Shopping and Commercial, etc.) District Modified, to reflect the proposed commercial use of the lands, the associated parking and to accommodate a required modification to the manoeuvring space for the parking area.

If the applications were approved, staff would also recommend modifications in order to ensure residential and visual amenities are preserved. These modifications are discussed in greater detail in the comments relating to Street Character and Residential Amenity (Pages 7 & 8).

2. Vehicular access is proposed from both Concession Street and Upper Wentworth Street, with the new building located within the north-east corner of the subject lands. The building would have a gross floor area of 1,370 m² with associated parking provided on-site. The parking area for the pharmacy is proposed to be located on the west side of the building, while parking for the medical clinic would be located to the south, comprising a total of 78 parking spaces and one loading
Staff note that the amount of on-site parking indicated on the submitted site plan exceeds the minimum provisions set out within the Hamilton Zoning By-law. However, it is noted that additional landscaping and traffic requirements may result in the loss of several of these allocated parking spaces. If the proposal proceeds, these requirements would be addressed at the Site Plan stage and given that the Zoning By-law requires a minimum of 43 parking spaces, it is not considered that, in satisfying these landscaping and traffic requirements, it would prejudice the adequate provision of on-site parking spaces.

3. The Records of Site Condition, MOE, October 2004 Guide, indicates that municipalities may impose such conditions to the approval as in the opinion of the approval authority are reasonable. AMEC has prepared a Phase 1 Environmental Site Assessment study, dated the 15th November 2005, on behalf of the applicant. In this instance while these applications propose a commercial use, AMEC recommends further assessment to delineate the extent of petroleum impacts within the subsurface soils and to confirm the depth of bedrock and re-evaluate if generic standards could be applied to the site. Therefore, if the applications were to be approved, a RSC would be recommended as a condition under an ‘H’ holding provision.

4. Staff note that there are existing municipal watermains and storm and sanitary sewers available to service the subject lands. It has been concluded that all engineering requirements would be dealt with at the Site Plan Application stage if the proposal proceeds.

5. In accordance with Council’s Public Participation Policy, the application was pre-circulated to 284 property owners within 120 metres of the subject lands. Five letters were received in response to the preliminary notice of circulation letter (attached as Appendix “C” to Report PED06204). Several concerns were raised, including the following: traffic generation and pedestrian safety; impact upon street character; impact upon residential amenity and impact upon small businesses. An analysis of these issues follows;

**Traffic Generation and Pedestrian Safety**

Several of the received letters stated concerns over the additional volumes of traffic that would be generated by the proposal. Residents were concerned that this would not only increase traffic congestion but would also have a detrimental impact upon pedestrian safety, particularly with regard to the number of school children who attend the George L. Armstrong School immediately adjacent the site.
The issue of pedestrian safety and the associated traffic implications of the application have been reviewed by the Traffic Section. Comments to date regarding the preliminary site plan indicate that the general layout of the site is in conformity with traffic safety requirements. However, this proposal would be subject to Site Plan Approval, and therefore, additional requirements and more detailed analysis and alterations to the existing layout - including issues such as the proposed ingress/egress and location of transit/HSR stops - would be addressed at that time.

One letter, received from the George L. Armstrong School Council, specifically requested, in response to the concern over pedestrian safety and increased traffic congestion, that the location of the building be revised. It was suggested that the building should instead be located in the north-west portion of the subject lands. It was anticipated that this would discourage students from crossing the parking areas and permit the parking areas to be located away from the school to the west.

An evaluation of the location of the proposed building is discussed in greater detail in the following section, however in summary, it is considered that if the building is relocated to the north-west corner of Concession Street and East 19th Street, any potential public realm benefits for the Concession/Upper Wentworth intersection would be significantly reduced. This would serve to erode the character of the area and limit the visual interest and vitality of the streetscape.

It is considered that instead of relocating the building, a greater emphasis on landscaping along Concession Street and East 19th Street, and on maintaining adequate visibility triangles at each site egress/ingress, would ensure that pedestrians do not utilize the parking area as a short cut to Concession Street which would mitigate issues of pedestrian safety.

Concern over the relationship between the existing Hamilton Street Railway stop and the proposed new site ingress/egress on the south side of Concession Street was also raised by residents. Staff note that this is a heavily used service which runs Routes No. 23 Upper Gage, No. 24 Upper Sherman and No.25 Upper Wentworth. It is considered that the re-location of this bus-stop and the introduction of direct pedestrian pathways and improved lighting could mitigate any potential conflict between HSR users and private motorists entering and leaving the site. If the application were to be approved, the details of this relationship and the potential for relocating the HSR stop would be assessed and secured at the Site Plan Approval stage.

Furthermore, the area is currently being reviewed for a pedestrian signal at the school cross walk. This also, would be further examined at the Site Plan Control stage.
Impact Upon Street Character

The subject lands are sited at the junction of two arterial roads – Concession Street and Upper Wentworth Street, and form part of a vibrant commercial area accessed by large numbers of both pedestrian and vehicular traffic. This important strategic location is reflected in the area’s BIA designation. The development of the subject lands are therefore required to protect and enhance this character, ensuring that the layout and orientation of the built form responds positively with the streetscape and area in general.

As detailed in the submitted concept plan (see Appendix “B”), the proposed new building would be located in the north-east corner of the site, fronting the two principle streets of Concession and Upper Wentworth. This location is considered to reinforce this important intersection and contribute positively to the built form of the area.

The decision to locate a principal entrance to the building from Concession Street further enhances this relationship between the building and the surrounding area, providing direct pedestrian street access and supporting a pedestrian friendly environment. It is considered that this layout, in combination with complementary and attractive visual barriers and landscaping provided between the public street and the parking area, would serve to protect and enhance the character of the existing streetscape. These factors would be assessed and controlled in greater detail at the site plan approval stage.

Impact Upon Residential Amenity

The main concern regarding residential amenity, outside of those issues discussed with regard to traffic generation, surround the potential impact of the parking and medical clinic upon the residential properties to the south of the subject lands. In particular, residents of these properties are concerned over a loss of privacy and an increase in noise disturbance.

Staff note that the residential dwelling at 348 Upper Wentworth Street is within close proximity to the southern boundary of the subject lands. It must be noted that the present situation permits the use of the property at 340 Upper Wentworth Street as a commercial parking lot, and as such, it is not considered that the proposed parking area as illustrated in the submitted concept plan (See Appendix “B”) would have any additional impact over and above the existing as-of-right use of the lands.

The proposed rezoning of 340 Upper Wentworth Street to the “H”-‘H’ (Community Shopping and Commercial, etc. - Holding) District, Modified is however required by the applicant, as this property is needed for a parking area in conjunction with the proposed medical clinic.
In addition, a portion of the proposed medical clinic would be located on these lands, currently zoned to permit a parking lot. It is considered that the "H" District’s requirement for a planting strip of a minimum 1.5m width and a visual barrier of between 1.2m and 2.0m height required between boundaries separating commercial and residential districts, would mitigate potential noise and/or privacy impacts that may arise from the proposed development. Notwithstanding these standard regulations, given the proximity of the adjacent dwelling to the subject lands, it is considered that if the application were to be approved, it would be prudent to further safeguard existing residential amenity. Modifications to the proposed "H" (Community Shopping and Commercial, etc.) District would subsequently be recommended.

These modifications would include an increase to the minimum setback from this boundary to ensure a minimum distance of 12m is maintained between any building or structure and a residential lot line. This would ensure any potential noise or privacy impacts from the proposed clinic would be sufficiently distanced or screened from residential properties. Given this modification and the existing zoning regulations, it is considered that any potential privacy or noise impacts would be satisfactorily mitigated.

**Impact Upon Surrounding Businesses**

There is no data or information available to support the claim that the proposed development would negatively impact upon the economic viability of surrounding small businesses. The Commercial Market Analysis and Action Plan for the Concession Street BIA identified the notion of family and care as the over-reaching theme for the business district. The vision for retailing within the business district is to serve the local residents plus a specialty regional function focused on health care services, among others, due to the location of the Henderson Hospital and Cancer Centre within the business district. Therefore, the Shopper’s Drug Mart proposal is considered an appropriate and positive use of the property and would be a welcome addition to the Concession Street BIA.

6. With respect to the proposed Official Plan Amendment, Policy C.7.12 of the Hamilton Official Plan states:

   “Demolition of rental apartment and/or townhouse units comprised of six or more units will be permitted provided one of the following criteria is met: (OPA 151)"

   i)  *the building is determined to be structurally unsound through the submission of a structural audit, prepared by a qualified professional, and such audit is deemed acceptable by the City; or,*

   ii)  *the criteria as set out in Policy C.7.11.”*
Pursuant to Policy C.7.11 of the Hamilton Official Plan, the following conditions must all be met:

“i) The rental vacancy rate by dwelling/structure type for the City and the respective local housing market zone has been at or above 2.0% for the preceding twenty-four (24) months”

The vacancy rate has been above 2% for the past 24 months for all unit sizes in Zone 6 and all of Hamilton as seen in Table 1 and Table 2.

Table 1: Vacancy Rates for Zone 6 in Hamilton

<table>
<thead>
<tr>
<th>Private Apartments, 6+ Units</th>
<th>Vacant</th>
<th>Universe</th>
<th>Vacancy Rate</th>
<th>Vacant</th>
<th>Universe</th>
<th>Vacancy Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Former City of Hamilton</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bachelor</td>
<td>100</td>
<td>1580</td>
<td>6.33%</td>
<td>60</td>
<td>1613</td>
<td>3.72%</td>
</tr>
<tr>
<td>One-Bed</td>
<td>696</td>
<td>13911</td>
<td>5.00%</td>
<td>517</td>
<td>13759</td>
<td>3.76%</td>
</tr>
<tr>
<td>Two-Bed</td>
<td>626</td>
<td>12999</td>
<td>4.82%</td>
<td>564</td>
<td>13344</td>
<td>4.23%</td>
</tr>
<tr>
<td>Three-Bed+</td>
<td>57</td>
<td>1675</td>
<td>3.40%</td>
<td>50</td>
<td>1370</td>
<td>3.65%</td>
</tr>
<tr>
<td>Total</td>
<td>1479</td>
<td>30165</td>
<td>4.90%</td>
<td>1192</td>
<td>30105</td>
<td>3.96%</td>
</tr>
</tbody>
</table>

Table 2: Vacancy Rates for all of Hamilton

<table>
<thead>
<tr>
<th>Private Apartments, 6+ Units</th>
<th>Vacant</th>
<th>Universe</th>
<th>Vacancy Rate</th>
<th>Vacant</th>
<th>Universe</th>
<th>Vacancy Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Hamilton</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bachelor</td>
<td>102</td>
<td>1678</td>
<td>6.08%</td>
<td>61</td>
<td>1688</td>
<td>3.61%</td>
</tr>
<tr>
<td>One-Bed</td>
<td>750</td>
<td>15149</td>
<td>4.95%</td>
<td>547</td>
<td>14973</td>
<td>3.65%</td>
</tr>
<tr>
<td>Two-Bed</td>
<td>686</td>
<td>14795</td>
<td>4.64%</td>
<td>608</td>
<td>15134</td>
<td>4.02%</td>
</tr>
<tr>
<td>Three-Bed+</td>
<td>59</td>
<td>1821</td>
<td>3.24%</td>
<td>50</td>
<td>1520</td>
<td>3.29%</td>
</tr>
<tr>
<td>Total</td>
<td>1597</td>
<td>33443</td>
<td>4.78%</td>
<td>1267</td>
<td>33354</td>
<td>3.80%</td>
</tr>
</tbody>
</table>

“ii) the proposed conversion will not reduce the rental vacancy rate by dwelling/structure type to below 2.0% for the City and the respective local housing market zone”

The number of units (8) is small compared to the total vacancies in this zone and overall will not cause the vacancy rate to drop to below 2%.

“iii) the existing market rent levels for the units proposed to be converted are not significantly below the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling structure or type.”
Table 3: Difference in Average Rents for Zone 6

<table>
<thead>
<tr>
<th>Private Apartments, 6+ Units</th>
<th>Average Rent</th>
<th>502 Concession Average Rent</th>
<th>Difference</th>
<th>Percentage Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bachelor</td>
<td>$491</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>One-Bed</td>
<td>$611</td>
<td>500</td>
<td>$111</td>
<td>18%</td>
</tr>
<tr>
<td>Two-Bed</td>
<td>$738</td>
<td>600</td>
<td>$138</td>
<td>19%</td>
</tr>
<tr>
<td>Three-Bed+</td>
<td>$879</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Total</td>
<td>$673</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

*Note: One bedroom rent is $455.92, with a difference of $155 or 25%

Table 4: Difference in Average Rents for all of Hamilton

<table>
<thead>
<tr>
<th>Private Apartments, 6+ Units</th>
<th>Average Rent</th>
<th>502 Concession Average Rent</th>
<th>Difference</th>
<th>Percentage Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bachelor</td>
<td>$489</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>One-Bed</td>
<td>$615</td>
<td>500</td>
<td>$115</td>
<td>19%</td>
</tr>
<tr>
<td>Two-Bed</td>
<td>$745</td>
<td>600</td>
<td>$145</td>
<td>19%</td>
</tr>
<tr>
<td>Three-Bed+</td>
<td>$881</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Total</td>
<td>$680</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

*Note: One 1-bedroom rent is $455.92, with a difference of $159 or 26%

For both Zone 6 and the City of Hamilton, the rent levels of 502 Concession are 18-19 percent lower than the average rents.

Following this analysis, staff conclude that the proposal does not comply with criterion iii) of Policy C.7.11 as the existing rents are substantially below the average market rent levels. Furthermore, there is no justification to support an Official Plan Amendment to exempt the subject lands from this Policy. Staff consider that the proposal could potentially allow for the dislocation of tenants without adequate opportunity for affordable housing. Staff recommend denial of Official Plan Amendment and Zoning By-law amendment on this basis.

7. As per the Tenant Protection Act, 1997, it should be noted that the following provisions apply with respect to the proposed demolition of the existing apartment block:
“53 (1) A landlord may give notice of termination to a tenancy if the landlord requires possession of the rental unit in order to,

a) demolish it;

(2) The date of the termination specified in the notice shall be at least 120 days after the notice is given and shall be the day a period of the tenancy ends or, where the tenancy is for a fixed term, the end of term.

55. A landlord shall compensate a tenant in an amount equal to three months rent or offer the tenant another rental unit acceptable to the tenant if,

a) the tenant receives notice of termination of the tenancy for the purposes of demolition or conversion to non-residential use;

b) the residential complex in which the rental unit is located contains at least five residential units; and

c) in the case of a demolition, it was not ordered to be carried out under the authority of any other Act. 1997, c.24, s.55.”

ALTERNATIVES FOR CONSIDERATION:

Under the existing zoning, the subject lands could be developed for commercial uses consistent with the regulations of the “H” (Community Shopping and Commercial, etc.) District, the “G-3” (Public Parking Lots) District and the “G-3/S-11” (Public Parking Lots) District, Modified. However, a demolition permit for the apartment building would be subject to Council approval.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial: No implications on financial resulting.

Staffing: No implications on staffing resulting.

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for an Official Plan Amendment and a change in Zoning.

POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS). The application is consistent with the principles and policies of the PPS.
Hamilton-Wentworth Official Plan

The subject property is designated as “Urban Area” within the Hamilton-Wentworth Official Plan. Policy 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.

Therefore, as the nature of the application is to amend the current zoning designation to facilitate development of the site for commercial purposes, the proposal conforms to the Hamilton-Wentworth Official Plan policies.

City of Hamilton Official Plan

The subject lands are designated “Commercial” on Schedule “A”, Land Use Concept Plan and are situated within the Concession Street BIA. The nature of the commercial use proposed is considered “Extended Commercial” within the Hamilton Official Plan. The “Extended Commercial” category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade.

However, demolition of the existing 8 unit apartment building, given that the rents are significantly below average market rent levels, does not conform to Official Plan Policy C.7.11 iii) as discussed in Comment 6 on pages 8-10 of this report. The proposal would therefore create a situation of dislocation of tenants without adequate opportunity for alternative affordable housing.

**RELEVANT CONSULTATION:**

**Department/Agencies with no concerns or objections:**

- Corporate Services Department, Budget and Fiscal Policy Services Section;
- Hamilton Municipal Parking Services, Downtown Renewal Division; and
- Traffic Engineering and Operations Section, Public Works Department.

Hamilton Street Railway submitted the following comments:

- HSR currently runs routes #23 Upper Gage & #24 Upper Sherman & #25 Upper Wentworth buses along Concession by this site with no planned changes in service.
- HSR supports the inclusion of high quality pedestrian amenities at this development like walkways, lighting etc.
- mixed land uses contribute to a healthy transit operation by accommodating a range of travel options or trip purposes.
- the parking provided/required ratio of (78/43) or +91% is not transit supportive.
• high quality, direct pedestrian pathways from bus stops to developments are appreciated by transit customers and are especially handy for those using personal mobility devices.
• the developer is responsible for the costs related to the relocation of the bus shelter.

Concession Street BIA submitted the following comments:

• Any new business and rejuvenation on the street is a good thing.
• There are some general concerns about the vehicular traffic in that area as it is a busy intersection partly due to the new Tim Horton's across the street
• We would also like to see some planting around the parking area.
• Concerns were raised with regard to the loss of a restaurant in that area and the fact that there are pharmacies in the area which will potentially be affected. However as previously stated, the general feeling is that the BIA approves of the development.

Public Consultation

In accordance with the Public Participation Policy approved by Council on May 29, 2003, this application was pre-circulated to 284 property owners within 120 metres of the subject lands. In addition, the applicant conducted their own Public Open House meeting inviting local residents and staff to attend a presentation meeting. Five letters have been received which are attached as Appendix “C” and are discussed in the “Analysis/Rationale” section of the report.

Notice of the Public Meeting will be provided to the same property owners and a sign posted on the site will advise of the Public Meeting date in accordance with the requirements of the Planning Act.

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☐ Yes ☑ No
Proposal could allow for the dislocation of tenants without adequate opportunity for affordable housing.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Human health and safety are protected.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Investment in Hamilton is enhanced and supported.
SUBJECT: Official Plan Amendment and change in Zoning for lands located at 500, 502 and 510 Concession Street and 340 Upper Wentworth Street (Hamilton) (PED06204) (Ward 7) - Page 14 of 14

Does the option you are recommending create value across all three bottom lines?

☐ Yes  ☑ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants?

☐ Yes  ☑ No

EJ/
Attachs. (3)
Change in Zoning from the "B" (Suburban Agriculture and Residential, etc.) District to the "C" (Urban Retail) District.

Lands to be rezoned from "AA" (Agricultural District, Modified) to "AA-H" (Agricultural – Holding District, Modified).

Location Map

File Name/Number: OPA-06-10/ZAC-06-15
Date: June 20, 2006
Appendix "A"

Subject Property:
500, 502 and 510 Concession Street and 340 Upper Wentworth Street (Hamilton)

- Block 1 - from "B" (Suburban Agriculture and Residential, etc.) District, Modified, to "C" (Urban Retail) District, Modified.
- Block 2 - from "G-3/S-11" (Public Parking Lots) District, Modified to "H" (Community Shopping and Commercial, etc. Holding) District, Modified.
- Block 3 - from "G-3" (Public Parking Lots) District, to "H" (Community Shopping and Commercial, etc. Holding) District, Modified.
Juana Mejia  
4-502 Concession Street  
Hamilton, Ontario, L9A 1C4

April 7, 2006

Edward John  
City Of Hamilton  
Planning & Development Dept.

Mr. Edward John:

Further to your letter regarding the rezoning application, ZAC-06-15 for location 500, 502 & 510 Concession Street.

I must say, that I am still in a shock. Your information letter got me out of guard; up until now I still waiting for answers or explanations from my landlord, which I haven’t receive yet. Therefore, I will have to digest all the information at once when it arrived. Due this fact my comment will have to wait because I don’t have all the facts to make a comment on the whole issue so new to me.

My thanks to you for let me know about this new project that will take place in the apartment building where I currently live. Otherwise, I would still in the dark about this whole issue.

Sincerely,

Juana Mejia
April 13th, 2006

City of Hamilton
Planning & Development Dept., Development and Real Estate Division
City Hall, 71 Main Street West, 7th Floor
Hamilton, ON
L8P 4Y5

Re: File Number ZAC-06-15

Dear Mr. John,

We are writing in regards to the Preliminary Circulation for Rezoning Application we recently received. We reside at 502 Concession Street and would like to strongly protest this application for the following reasons:

1. Concession Street is a richly historical shopping district on Hamilton’s beautiful Mountain Brow. Businesses like the newly renovated Movie Palace have attempted to retain this history. Destroying part of the street to build a big box store does not fit into this street’s historical image.

2. Small businesses, which are at the heart of this pedestrian friendly street, will lose precious business with the building of this big box store. There are also numerous convenience stores that sell essential items and lottery tickets. There are many small, family run pharmacies that will lose business if a Shopper’s Drug Mart is built. The neighborhood grocers will suffer if this big box store ends up selling grocery items.

3. The Shopper’s Drug Mart located at the nearest major intersection (Upper Wentworth and Fennel) closed last year. Perhaps there was not enough demand for a Shopper’s Drug Mart in this area. Why build another one?

We enjoy living on this street very much and find it disheartening to be given such short notice to have to possibly move away from here. We would appreciate the opportunity to participate in any public meetings regarding this matter. Thank you for your time.

Yours sincerely,

Teresa O’Regan

Teresa O’Regan, Apartment 8, 502 Concession Street, Hamilton, ON, L9A 1C4

Elhami Elhainia, Apartment 9

Juliana Horvath, Apartment 7
Dear Sir:

This rezoning is not a good plan. We already have problems since the Tim Horton’s was opened. There is a public school across the street.

Cars coming north on Upper Wentworth (at speeds in excess of 30km), turning left onto Concession do not give way to pedestrians. I am surprised that no one has been injured yet.

Cars for the Hillcrest and the bowling alley park on Upper Wentworth at least 4 feet from the fire hydrants and with their cars over driveways. This makes it difficult to get into the driveways.

I think that this project should be located at another spot.

Regards

Mrs Blanche Richards
April 13, 2006

Edward John
City of Hamilton
Planning and Development Department
Development and Real Estate Division
City Hall, 71 Main Street West, 7th floor
Hamilton ON L8P 4Y5

Dear Edward John

RE: File No. ZAC-06-15

I Janet Bridge, the owner of 348 Upper Wentworth Street, strongly disagree with the proposal to change the zoning of 340 Upper Wentworth Street.

Please note that I have owned the property directly beside the area in which this medical clinic is to be built for over 29 years. I totally disagree with this proposed change in zoning. This change would allow for a building to be placed extremely close to my property, not only bringing my property value down, but also impinging on my privacy. The proposed plan is to have the entrance facing directly towards my house, not to mention my bedroom window, and this I assure you will cause many problems, not to mention noise and traffic control. My house is located only three feet from the fence, which separates 348 from 340 Upper Wentworth Street. This will also cause pollution concerns from vehicles running directly under my bedroom window.

I have lived here with my family for many years and will not sit by and just take the noise and other problems this is sure to cause. I must make clear to you and all involved that I have many concerns with this issue. I feel as owner of the property directly beside this location, that I should have been thought of in some way, but this is not the case. Therefore, please be advised that I will not idly sit by and say nothing if anything at all concerns or disrupts my property or myself. This includes noise control and if this is to be a 24-hour clinic then I assure you there will be noise issues. (Cars, patients ECT.)

My house is located only three feet from the fence, which separates 348 from 340 Upper Wentworth.

Again, I strongly object to this proposed zoning change.

Sincerely,

Janet Bridge
348 Upper Wentworth Street
Hamilton ON L9A 4T5
Dear Mr. Kelly:

This past February, our School Council was made aware of the proposed development of the property(ies) on the south side of Concession Street between Upper Wentworth and East 19th Streets, namely Shoppers Drug Mart/Medical Offices. After a brief discussion by the parent and administrative members, I attended the Open House held by Fothergill Planning and Development Inc. at the Hillcrest Restaurant and spoke at length with Mr. Edward Fothergill regarding specific concerns I hold regarding this proposal. As a member of a Council that represents the families of more than 500 local children, the mother of 5 young children who attend the school, and as a former Zoning Officer with a neighbouring Building Department, I hold genuine apprehensions with the proposed plan, namely:

- The current proposal locates the building on the north-east corner of the property, directly on the corner of Upper Wentworth and Concession streets, with vehicular access to parking both from Upper Wentworth and Concession streets. The existing corner already carries a high volume of traffic; however, typically, the Hillcrest Restaurant business does not impact the area with regular traffic throughout the workday, whereas this proposal would increase this significantly.
- The building currently situated on the corner already greatly restricts visibility, and the wind blowing down Upper Wentworth Street can be excessively strong; problems which would continue.
- The Tim Hortons located on Concession Street at East 19th produces enough vehicular flow (or non-flow to be more exact) to be of concern by itself, let alone with the increase of traffic resulting from this proposal.
- The bus stop on the south side of Concession Street between Upper Wentworth and East 19th is one of the busiest on the mountain, handling riders on at least four major bus routes. Pedestrian traffic along this stretch is already at risk without the immediate interaction with vehicular traffic.
- The majority of the pedestrians along Concession between Upper Wentworth and East 19th are young children and elderly persons. This would not change.
I reported my impressions back to Council, who in turn has asked that I confirm their full support of these considerations with respect to any furthing of this project. The following alternatives to help alleviate some of these concerns were well received by the Council:

If the building design was mirrored and rotated to sit on the north-west corner of Concession and East 19th, facing Upper Wentworth, while restricting access from Concession, allowing only two access points from Upper Wentworth, the property would provide considerably more benefits than dangers:

✓ With a small landscaped area and proper signage right on the corner of Upper Wentworth and Concession, the property would still enjoy as much visibility as otherwise, while opening up lines of view for traffic at the corner and dispersing some of the wind which has managed to knock down the odd child and small adult.

✓ Continue the landscaped strip along Concession to the existing bus stop and you will provide a welcome addition to what is already a proud neighbourhood.

✓ Patron traffic to and from the new business would have no impact on the existing tie-ups with Tim Horton’s.

✓ Pedestrian and bus-rider traffic on Concession Street would not have to compete with vehicular traffic in and out of the site, an impact which would likely be considerable.

✓ Vehicular access from Upper Wentworth would be aided directly by the timing of the existing traffic light at the corner, and would not be competing with any other high traffic situations in the immediate area.

✓ The parking area would be slightly offset from the building, but could be used positively if staff were encouraged to park at the far south side of the lot along Upper Wentworth, out of the way of the customer traffic.

✓ The existing access points off Upper Wentworth to the Hillcrest would be adequate for the new building for access and egress, as well as internal flow for both customers and emergency vehicles. Additionally, the building’s proximity to Concession Street and the existing HSR bus stop would make pedestrian access more convenient and likely.

✓ Truck access to the store off of East 19th would be acceptable since this is viewed as the lesser safety risk to our children than customer traffic to and from Concession. Competent, professional truck drivers are certainly more predictable than some of the expected customer base to the store and medical facility. The City garbage trucks routinely park along East 19th while lunching at Tim Horton’s every week without interference.

✓ An open parking lot along the corner of Concession and East 19th is an invitation to our students to make the shorter walk through a busy and dangerous parking area, as opposed to a solid building on the corner, which will encourage pedestrian traffic more appropriately down to the corner.
While it is generally felt that the addition of a full-sized Shoppers Drug Mart to this neighbourhood is imposing and far beyond the scale of the existing feel of the area – a smaller, more neighbourhood-friendly pharmacy would be more appropriate, and less a threat to existing small businesses here – it is also understood that its infiltration is inevitable. However, given that we will be its customer base and that the business’s success remains largely dependant on its location, we are confident that our concerns will be seriously addressed and remedied. Of course business is business, and a powerful machine it is. But when weighed against the good of the neighbourhood, and more importantly, the safety of our children, the priority is obvious.

Should you require further input from me or our School Council, we would be only too pleased to meet with you; your attendance at one of our meetings would be most welcome. I will make every attempt to keep up with the developments of this project, but would appreciate any arrangements you could make to help keep us informed. I can be reached through the school, at (905)385-5337 or at home, at (905)575-8480.

Thank you for your attention and support in this matter. We look forward to a positive relationship between our school community and our new neighbours.

Respectfully,

Alexandra Brown, Vice-Chair,
G. L. Armstrong School Council

Cc: Kim Hockney, Chair, G. L. Armstrong School Council
    Peter Maliphant, Principal, G. L. Armstrong School
    Edward Fothergill, President, Fothergill Planning & Development Inc.
    — Edward John, Planner, City of Hamilton
May 29, 2006

Ms. Alexandra Brown, Vice Chair
G. L. Armstrong School Council
460 Concession Street
Hamilton, ON L9A 1C3

Dear Ms. Brown:

I received a copy of your letter to Councillor Kelly dated April 28, 2006. I agree that the issues outlined in your letter and reviewed with us directly at the Open House are legitimate concerns that need to be addressed. For that reason, I have asked that other members of the project team review your letter in detail and provide a response to these matters. Attached for your consideration are specific responses from both Shoppers Drug Mart and the project architect, who have taken time to carefully consider the issues in your letter. As you can see from the responses, there are some elements of the plan that can and have been changed in response to input we have received not only from those in the neighbourhood, but also from staff at the City of Hamilton. However, there are limitations to the ability of both the proponent and Shoppers Drug Mart to accommodate all of the site plan modifications that you have suggested.

As part of this review of site plan details, it is important to understand this exercise within the context of broader planning documents. As you may or may not know, the Province has in the past few years become increasingly involved in local planning matters. Rather than simply encouraging municipalities, they have been in fact forcing places like Hamilton to intensify urban development and minimize the opening up of new greenfield areas for urban growth. A direct result of this Provincially mandated program will be an increasing intensification of urban areas over the next 10-20 years. This will result in much higher densities of development, a greater mix of uses and a resulting increase in activity levels in urban settings. This means not only increased pedestrian activity, but also increased activity on our roads, in our parks, schools and other community facilities.

I would expect this movement toward intensification will also change zoning regulations to prevent much higher densities than are currently allowed in the City of Hamilton Zoning By-law. Again, to keep this proposal in perspective, the current zoning is ‘H’ Commercial which allows a wide range of uses on the property up to a maximum building area of 400% of lot area. That is, the zoning would permit development on this property to take place at four times the existing lot area, which could generate over 15,000 sq.m. of development just on that part of the property which is currently zoned ‘H’. This compares with the current building coverage of approximately 60% with the existing Hillcrest Restaurant and residential building and the proposed coverage of 52% with the construction of the new Shoppers Drug Mart and medical clinic.

In the end, therefore, under existing zoning regulations, the site as currently zoned could accommodate ten times the development density that is being proposed with this project. A project of this size could be implemented simply through a site plan review process which would not involve any public review or input.

While this form of intensive development is currently not being proposed for the site, it is a relevant planning consideration in the assessment of what is being brought forward to the City through a zoning review. It is also a relevant consideration if the Shoppers Drug Mart proposal does not move forward and/or if the site is ultimately redeveloped for more intensive uses at a later date.

Page 1 of 2
It is also important to remember that the rezoning application is simply to recognize that a portion of the building will be located on the part of the property which is currently zoned for use as a parking lot. In response to a recommendation from the City, the proponent has elected to rezone the entire property.

Notwithstanding this technical analysis, both Shoppers Drug Mart and the developer recognize they have responsibilities to the community and the neighbourhood beyond the technical regulations of the zoning by-law. Shoppers Drug Mart wants to contribute to the neighbourhood in a positive way as they have in other locations throughout the City of Hamilton as outlined in the correspondence from Mr. Stoyanovich.

In summary, I believe the proposed development is appropriate for the site. It complies with zoning regulations in terms of intensity of development. The total building coverage proposed on the site of 32% is not much greater than the existing building coverage currently occupied by the Hillcrest and apartment building of approximately 27%. In addition, the proposal retains the buildings generally in the same location as they currently exist.

As noted in the correspondence from the architect, design options are limited given the size and configuration of the property and the building needs of Shoppers Drug Mart. Our design options are further limited by the existence of the alleyway. In initial plans sent to the City, it was proposed that at least a portion of the alley be used for manouevring areas on the site. Given that the City cannot guarantee continued access to any part of the alleyway, they have required the proponent to ensure that all aspects of the proposed development can be accommodated without requiring any use of the alleyway. This in itself introduces a further restriction on design options that are available for this site.

As a result, we are continuing our discussions with the City on site plan matters with some revisions to the original proposal, however, the size and orientation of the building for the reasons outlined in this correspondence have remained the same.

We believe this is the best option for the site, however, at the same time, we will continue to make modifications as required to improve upon the visual and operational aspects of the development, including consideration of alternative locations for the existing bus stop, modifications to proposed landscaped areas, and the institution of appropriate buffering measures for neighbouring properties.

We will make ourselves available to meet further with yourself and/or other representatives from the school if you feel it would be helpful. In the meantime, if you have any questions, please do not hesitate to contact my office.

Sincerely,

FOTHERGILL PLANNING & DEVELOPMENT INC.

E.J. Fothergill, M.C.P., R.P.P.
President

Encl.

cc.

Councillor B. Kelly, City of Hamilton
David Kemper, President, Belmont Equity Group Inc.
Rob Mueller, Project Manager, K. Paul Architects
Chris Stoyanovich, Director of Planning & Dev., Shoppers Drug Mart
Edward John, Planner, City of Hamilton
Kim Hockney, Chair, G.L. Armstrong School Council
Peter Maliphant, Principal, G.L. Armstrong School Council
Appendix “C” to Report PED06204  
(Page 10 of 12)

May 12, 2006

Mr. E.J. Fothergill, M.C.I.P., R.P.P.
President
Fothergill Planning & Development Inc.
62 Dafodil Cres.
Hamilton, Ontario
L8K 1E1

Dear Mr. Fothergill:

Re: Preliminary Site Plan Application – 500, 602, & 510 Concession Street, Hamilton

This letter is intended to clarify certain issues that have been raised in the preliminary meetings with City of Hamilton staff and the residents in the area.

The majority of our stores, which total almost 1000 stores across the country, operate during the hours of 8:00 am to 12:00 midnight in order to provide convenience products, accessibility and prescription services to the communities that they serve. We propose to offer these same services in this location during those same hours.

In terms of deliveries, this proposed store would receive goods delivered by 45 foot trailer trucks which would deliver goods to this store approximately 4 times per week. These deliveries will originate from our central distribution centre in Mississauga and will be supplemented with deliveries in much smaller trucks from various suppliers delivering cosmetic products, beverages, milk, newspapers, magazines and greeting cards for approximately another 14 deliveries per week.

As Shoppers Drug Mart operates at least another 18 stores in the greater City of Hamilton we believe that those other existing stores are operating to our high standards and are contributing positively to those respective communities. We would intend to operate this proposed store in the same manner.

Feel free to forward a copy of this letter to City staff and should there be any other questions or concerns, please do not hesitate to contact me.

Yours truly,

Chris Stoyanovich M.C.I.P., R.P.P.
Director of Planning & Development
Shoppers Drug Mart/Pharmaprix

cc: David Kamper
Appendix “C” to Report PED06204
(Page 11 of 12)

May 25, 2006

G.L. Armstrong School Council
460 Concession Street
Hamilton, Ontario L9A 1C3

Attention: Ms. Alexandra Brown, Vice Chair

Re: Belmont – Hamilton Upper Wentworth
Upper Wentworth and Concession Street
Hamilton, Ontario

Dear Ms. Brown,

We received a copy of your letter to Mr. Bill Kelly dated April 28, 2006 with your concerns and we offer the following design comments:

1. Concern: Increased traffic on Concession Street
   Comments: We completed a proposal showing an access off East 19th instead of Concession Street. However, this proposal was viewed negatively from a site plan design point (entrance too close to Concession Street intersection, too much traffic directly on residential East 19th Street, of which major student movement from Jay-walking could be anticipated, poor parking planning available), viewed negatively from the tenant’s design requirements and viewed negatively from the residential neighbors (increased traffic congestion on East 19th Street). The decision to provide the entrance on Concession Street directly, although perhaps not perfect to some, presented the most ideal solution. Currently, City of Hamilton “Site Plan Guidelines Section 3.2” requires us to screen the parking lot from the streets, which will prevent students from walking diagonally across our site and forcing them to use sidewalks instead. If we provide an access onto East 19th, we will actually be encouraging students to cut across our parking lot.

2. Concern: Existing bus stop and pedestrian congestion on Concession Street.
   Comments: We received similar comments during the open house from other parties. Based on these, we have proposed relocating the bus stop to the other side of East 19th Street. This proposed location shifts pedestrian congestion further away from the intersection of Concession and Upper Wentworth and, at the same time, eliminates vehicle congestion concerns at our access points. Ultimately, we will comply with Hamilton Transit recommendations.

3. Concern: Building placement and massing on site.
   Comments: The current design complies with City of Hamilton “Site Plan Guidelines Section 3.2” that specifies building massing to be along both Concession Street and Upper Wentworth Street. A secondary requirement of this section is that we maintain existing massing to reinforce the urban intersection. We have given your suggestion some serious consideration, however after review we cannot locate the building on the North-West side of the site simply because the area is not sufficient to accommodate the tenant’s and developers needs. Even if the building could fit, it would require the loading area and garbage collection area to be immediately adjacent the residential properties, which is not acceptable to either the residents or the City. The current building design is already...
significantly smaller than the standard Shoppers' Drug Mart prototype. We simply have no further room to massage the building to sit on that side of the site and accommodate all the other requirements as well. It has been made very clear to us by city officials during multiple meetings to leave the building in the location as designed.

   Comments: Section 18A(27) of the current Zoning By-Law prohibits us from accessing this residential laneway for commercial purposes, an article that is being strictly enforced by city officials during our approvals process. Refer to Item #1 above for additional comments regarding access from East 19th Street.

We are working diligently to address concerns from all parties in a satisfactory manner, yet being on a very tight, urban site cannot design the perfect solution that satisfies all parties. We at K. Paul Architect understand your concerns, especially when it comes to the safety of children, and will attempt to accommodate as many of your suggestions as possible.

Yours truly,

K. PAUL ARCHITECT INC.

Per:
Rob Mueller
Project Manager

cc: David Kempor
Ed Fothergill
Chris Stoyanovich

Reviewed By:
Kamal Paul
Principle

Belmont
Fothergill Planning
SDM

Via Fax: (905) 602-9993
Via Fax: (905) 546-0545
Via Fax: (416) 490-2547