SUBJECT: Applications to Amend the City of Hamilton Official Plan and Zoning By-law No. 6593 for Lands Located at 1686 Main Street West (PED06162) (Ward 1)

RECOMMENDATION:

(a) That approval be given to Official Plan Amendment Application OPA-06-02, 2098601 Ontario Inc., c/o Robert Manherz, owner, for changes in designations on Schedule “A” – Land Use Concept of the City of Hamilton Official Plan from “Major Institutional” to “Residential”, and on Schedule “N1” – Land Use Plan – Ainslie Wood Westdale Secondary Plan of the City of Hamilton Official Plan from “Medium Density Residential” to “High Density Residential”, to permit a mixed-use high density multiple residential building, on the property located at 1686 Main Street West (Hamilton), as shown on Appendix “A” to Report PED06162.

(b) That approval be given to Zoning Amendment Application ZAC-05-29, 2098601 Ontario Inc., c/o Robert Manherz, owner, for changes in zoning from the “B” (Suburban Agriculture and Residential, etc.) District, Modified, to the “E” (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified, to permit the development of the lands for a 9-storey mixed-use multiple residential building with a maximum of 106 dwelling units and commercial uses on the ground floor (Block 1), and to the “A” (Conservation, Open Space, Park, and Recreation) District to permit open space uses (Block 2), for the property located at 1686 Main Street West (Hamilton), as shown on Schedule “A” to Appendix “B” of Report PED06162, on the following basis:

(i) That Block “1” be rezoned from the “B” (Suburban Agriculture and Residential, etc.) District, Modified, to the “E” (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified.

(ii) That Block “2” be rezoned from the “B” (Suburban Agriculture and Residential, etc.) District, Modified, to the “A” (Conservation, Open Space, Park, and Recreation) District.
EXECUTIVE SUMMARY:

The applicant is requesting Official Plan and Zoning By-law Amendments to permit the subject lands to be developed for a nine 9-storey, 106 unit multiple residential building with ground floor commercial uses, for the purpose of providing student housing.

The proposal has merit and can be supported as the change in land use designations and zoning are consistent with the Provincial Policy Statement, and conform to the Hamilton-Wentworth Official Plan and the general residential policies of the City of Hamilton Official Plan. It is an intensified development that efficiently uses urban land and is compatible with adjacent land uses.

BACKGROUND:

The subject lands presently contain a vacant 2-storey building that was previously used by the Canadian National Institute for the Blind (CNIB). The intent is to demolish the existing building in order to accommodate the current proposal. A hydro corridor with 21 parking spaces for CNIB use is located to the east. An Environmentally Significant Area is located to the north and west of the site.

Proposal

The applicant is requesting an Official Plan Amendment to redesignate the subject lands (Appendix “A”) from “Major Institutional” to “Residential” in the Hamilton Official Plan, and from “Medium Density Residential” to “High Density Residential” in the Ainslie Wood Westdale Secondary Plan. The applicant is also requesting a Zoning By-law
Amendment (Schedule “A” of Appendix “B”) to rezone the lands from the “B” (Suburban Agriculture and Residential, etc.) District, Modified, to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified, (Block “1”) and the "A" (Conservation, Open Space, Park and Recreation) District (Block “2”). The “A” District would apply to all lands below the top-of-bank adjacent to the Environmentally Significant Area to the west and north of the site, which would provide a buffer. The proposed modifications to the “E” (Multiple Dwellings, Lodges, Clubs, etc.) District are designed to accommodate the applicant’s development proposal (see Preliminary Site Plan Application below) and are discussed in detail in the Analysis/Rationale Section of this report.

**Preliminary Site Plan Application (PSR-06-015)**

The applicant has submitted a preliminary site plan application for review by all relevant departments for comment (see Appendix “C”). The development proposal comprises a 9-storey mixed-use multiple dwelling building for the purpose of providing housing for students, with commercial uses on the ground floor. The building will contain a total of 106 units to accommodate 450 students, and 8 commercial units on the ground floor. The 106 units will contain a range of three to five bedrooms per unit. The proposal provides 104 parking spaces, 41 of which are to be provided on the surface and the remaining 63 spaces are to be provided in the below grade parking structure. The proposed commercial uses are restricted to those of a neighbourhood commercial nature.

The preliminary site plan was presented at the Development Review Committee on April 26, 2006. At that meeting, the applicant was advised of all outstanding issues relating to the proposed development.

Prior to the applicant obtaining a Building Permit, a full Site Plan Control Application is required addressing all items relating to site design, noise attenuation, environmental mitigation, site grading and servicing, landscaping, and other relevant site planning matters.

**Location:** 1686 Main Street West

**Owner:** 2098601 Ontario Inc., c/o Robert Manherz

**Property Description:**

- **Frontage:** 91.44 metres
- **Depth:** 106.608 metres
- **Lot Area:** 9,749.0 square metres
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>North</td>
<td>Vacant</td>
<td>“A” (Conservation, Open Space, Park and Recreation) District</td>
</tr>
<tr>
<td>East</td>
<td>Vacant &amp; Hydro Corridor with parking spaces</td>
<td>“A/S-395” &amp; “A/S-395b” (Conservation, Open Space, Park and Recreation) Districts, Modified</td>
</tr>
<tr>
<td>South</td>
<td>Commercial Plaza</td>
<td>“H/S-395” &amp; “H/S-395a” (Community Shopping and Commercial, etc.) Districts, Modified</td>
</tr>
<tr>
<td>West</td>
<td>Vacant</td>
<td>“A” (Conservation, Open Space, Park and Recreation) District</td>
</tr>
</tbody>
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ANALYSIS/RATIONALE:

1. The proposed Official Plan and Zoning By-law Amendments have merit and can be supported for the following reasons:

   i) The proposal implements Policies 1.1.1(a) and 1.1.3(g) of the Provincial Policy Statement respecting growth in existing urban areas and separation distance for sensitive land uses, and is, therefore, consistent with the Provincial Policy Statement.

   ii) The proposal conforms to and implements the “Urban Area” policies of the Hamilton-Wentworth Official Plan.

   iii) The proposal is consistent with the “Residential” designation of the Official Plan, and the “High Density Residential” designation of the Ainslie Wood Westdale Secondary Plan.

   iv) The proposed development is compatible with the surrounding area.

   v) The proposed development is suitably located on a major arterial road (Main Street) with direct access to public transit, and is in close proximity to the McMaster University campus.
2. To implement the proposed development (Appendix “C”), the applicant has requested a number of modifications to the proposed Zoning District. The proposed modifications consist of the following:

- To permit a range of neighbourhood commercial uses within the ground floor of the proposed multiple dwelling.

- A maximum building height of 9-storeys and 30.0 metres, whereas a maximum of 8-storeys and 26.0 metres is permitted.

- A minimum front yard of 2.9 metres, whereas a minimum of 12.0 metres is required.

- A minimum rear yard of 11.0 metres, whereas a minimum of 13.5 metres is required.

- A minimum easterly side yard of 11.0 metres, whereas a minimum of 13.5 metres is required.

- To require a minimum setback of 8.4 metres from the established top-of-bank.

- To permit a maximum gross floor area of 21,500 square metres for all uses, a maximum gross floor area of 895 square metres for all non-residential uses, and a maximum 106 dwelling units, whereas a maximum gross floor area of approximately 13,300 square metres for all uses (maximum floor area ratio of 1.7) is permitted.

- To require one loading space for all uses, whereas a minimum of three loading spaces are required.

- To require a minimum of 104 parking spaces on-site for all uses, whereas a minimum of 143 spaces are required (128 for the dwelling and 15 spaces for the commercial use).

- A parking space located within a below-grade structure shall have minimum dimensions of 3.3 metres by 5.5 metres, whereas minimum dimensions of 2.7 metres by 6.0 metres are required.

- Landscaping strips shall not be provided adjacent to parking areas, whereas a minimum 1.5 metre wide strip is required.

- The access driveway may be located adjacent to a residential district, whereas a minimum setback of 3.0 metres is required.

- To permit an outdoor patio to be located within the front yard.
The existing accessory structure may remain in the west side yard, whereas accessory structures are permitted within the rear yard only.

The intent of locating the proposed high density development on a major arterial road is to encourage student accommodation on the periphery of the neighbourhood, whereby access to public transit is readily available, thereby reducing the demand for parking. The site has access to pedestrian connections and is within proximity to amenities and the McMaster University campus.

The design of the proposed building has been examined as part of the Preliminary Site Plan application. In order to minimize the impact of the proposed building height of 9 storeys and 30.0 metres, the applicant has agreed to vary the facade to reduce the visual impact. The colour and materials of the proposed building will be varied such that a contrast between floors can be achieved. This will ensure that the mass of the building is broken into smaller components when viewed from a distance. The elevation plans show that the various floors will be recessed, with window details such as sills and control joints in order to break down the facade into distinct parts. The proposed building height is considered appropriate development for the subject lands, and is a result of maximizing the use of the lands.

The proposed zoning provides maximum densities of development for each of the residential and commercial uses, in order to reflect the overall scale of development proposed, to ensure that the commercial component on the ground floor remains a secondary use with limited traffic impact, and to ensure that adequate parking is provided for the number of residential units permitted (see below).

The proposed commercial uses consist of a variety of neighbourhood commercial uses that are consistent with the uses permitted in the “CR” (Commercial-Residential) District. The intent is that the uses serve the day to day needs of the residents of the building, in addition to residents residing in the immediate neighbourhood.

The setbacks that are proposed for the subject building are similar to the setbacks that are currently provided by the existing CNIB building. As noted previously, the design of the building will be subject to Site Plan Control, and the impact of the reduced yards will be mitigated through the design of the building elevations.

The proposed parking modification for a minimum of 104 parking spaces has been reviewed against the standard minimum requirements of the Zoning By-law. Staff supports a reduction in parking for the residential component from 128 spaces to 89 spaces, as the dwelling units are proposed to be for rental accommodation for students of McMaster University. Given that access to public transit is readily available and the site has access to pedestrian connections to McMaster University, sufficient parking will be provided. Staff recommends a minimum parking rate of 0.8 spaces per dwelling unit for the residential component. The
commercial component will be required to provide the minimum number of spaces required in accordance with the standard Zoning By-law provisions, being 15 spaces, since some of these uses will serve patrons from outside the building. Staff notes that 21 parking spaces exist within the easterly hydro corridor, which are zoned to be only used in conjunction with CNIB use. These spaces could be used for the proposed development upon a successful rezoning application.

With respect to the proposed reduction in the parking space size to 3.3 metres by 5.5 metres for spaces in the below-grade structure, staff notes that this is consistent with the regulations of the new downtown Zoning By-law. The applicant is also proposing to provide one loading space on-site. The proposed loading space will accommodate the proposed commercial uses. Staff recognizes that for the use of residents, a loading space is not warranted as the vehicles that are typically used for moving are cube vans and trucks, which can be accommodated in the provided parking area. As a result, the proposed loading space is considered sufficient.

Minor modifications in zoning are proposed to delete the requirement for landscaping adjacent to the surface parking area, and to delete the setback distance for the driveway from a residential district, which are supported by staff as these features exist and no additional negative impacts will be created. The lands are surrounded by an existing Hydro Corridor and Environmentally Sensitive lands, which are zoned “A” (Conservation, Open Space, Park and Recreation) District. By definition, the “A” District is considered to be a Residential District, and recognizing the modifications to the Zoning By-law is considered a technicality.

The setback that is proposed to be provided from the established top-of-bank is discussed in Comment 6 of this Analysis/Rationale Section.

The outdoor patio use is proposed to be used in conjunction with one of the commercial uses on the ground floor. The impacts of the patio are considered minor as the lands surrounding to the north, west and east are vacant, and the lands to the south are comprised of an existing commercial plaza. Given the proposed location of the patio at the front of the building, and direct access to Main Street West, it is anticipated that impacts can be mitigated.

The accessory structure (existing gazebo) may remain in the west side yard as this is an existing situation. There are no negative impacts as a result of the accessory structure remaining on-site.

In addition, the special “Design Requirements” of the “CR” Districts will be applied in order to completely segregate from any commercial use pedestrian movement to and from the residential use.

The current proposal is a form of intensified development, which minimizes any impacts to the adjacent properties. The built form will be compatible to the
3. The proposed residential development directly fronts onto a major arterial road, Main Street. In this regard, the owner has investigated noise levels on the site and has submitted an Acoustical Study that has been reviewed by staff against the Ministry of Environment’s recommended sound level limits. Based on the findings of the study, staff recommends the following measures be imposed as part of the Site Plan Control and Building Permit processes:

- The following warning clause to be included in all offers of purchase and lease agreements: “This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality’s and the Ministry of the Environment’s noise criteria”.

- The location and installation of the air conditioning units to comply with the noise criteria of MOE Publication NPC-216, Residential Air Conditioning Devices and thus minimize the noise impacts both on and in the immediate vicinity of the subject property.

- The provision for the incorporation of specific building components in the interior construction of the project to meet the Ministry of Environment’s noise level criteria guidelines.

4. In accordance with the Hamilton-Wentworth Official Plan, the applicant has submitted a Scoped Environmental Impact Study (EIS) that has been reviewed by the Environmentally Significant Areas Impact Evaluation Group (ESAIEG).

In accordance with the submitted EIS prepared by LGL, the purpose of the analysis contained in the EIS is to provide the following:

- “A description and evaluation of the biophysical resources and features within and adjacent to the subject property (vegetation, wildlife, aquatic, linkages, physiography) based on the existing background information and supplemental field data.

- Field confirmation and delineation of natural areas, buffers and linkages.

- Identification of opportunities and constraints for future development.

- An evaluation of potential impacts on the future development on core natural areas and linkage functions.

- An assessment of the proposed functional servicing and storm water management.
SUBJECT: Applications to Amend the City of Hamilton Official Plan and Zoning By-law No. 6593 for Lands Located at 1686 Main Street West (PED06162) (Ward 1) - Page 9 of 15

- A series of recommended mitigation measures to reduce development related impacts, protect sensitive environmental features, and achieve habitat enhancement where feasible."

The summary of recommendations, as noted in the submitted EIS, are as follows:

“With the implementation of appropriate storm water management controls, renaturalization and fencing of the western ESA slope, modifications to the site plan to accommodate a stable top-of-bank setback, and erosion/siltation protection measures, a high level of protection will be provided to the adjacent ESA lands.”

ESAIEG notes that the proposed development will create a larger buffer area from the Environmentally Sensitive Area than what currently exists. Based on the nature of the proposal and the completion of the EIS, ESAIEG has no concerns with the project and no further follow-up is required. ESAIEG recommends that the mitigation measures outlined in the submitted EIS be implemented during the site plan process, which will include standard conditions relating to sediment and erosion control techniques, timing of construction, tree preservation and landscaping enhancements.

6. The Hamilton Conservation Authority (HCA) has advised that the subject property is located partially within the valley feature associated with a tributary of Ancaster Creek, which traverses the lands to the west and north of the site. The HCA staked the top-of-bank and requested that a geotechnical investigation of the slope be undertaken to assess slope stability and determine appropriate development setbacks from the top-of-bank, based on HCA policy that new development must be located a minimum of 7.6 metres from the top-of-bank or stable slope line, whichever is greater. As a result, it was established that the building setback to be provided from the top-of-bank is 8.4 metres incorporating the HCA minimum 7.6 metre setback, plus 0.8 metre which is the average additional setback determined from the slope stability analysis. This setback has been incorporated into the proposed implementing Zoning By-law.

HCA comments Pages 8-9 of this report) indicate that additional matters will be addressed through the application for Site Plan Control.

7. The owner has advised of the intention to apply for certification from the Canada Green Building Council for Leadership in Energy and Environmental Design (LEEDS) program. The LEEDS Rating System recognizes leading edge buildings that incorporate design, construction and operational practices that combine healthy, high-quality and high-performance advantages with reduced environmental impacts.
Implementation of any LEEDS certification may necessitate future additional planning approvals (e.g. future zoning modifications and/or minor variances, site plan amendment(s)), and review for conformity with approved engineering and servicing standards which will have to be evaluated on their own merits.

**ALTERNATIVES FOR CONSIDERATION:**

Should the proposed applications for amendments to the Official Plan and Zoning By-law be denied, the uses permitted on the subject lands shall be in accordance with the “B” (Suburban Agriculture and Residential, etc.) District, Modified.

**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 applications for Official Plan and Zoning By-law Amendments.

**POLICIES AFFECTING PROPOSAL:**

**Provincial Policy Statement**

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Staff recognizes that the application has shown proper regard towards focusing growth in settlement areas.

Policy 1.1.3 (g) 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 (i.e. vibration). A noise study has been submitted and reviewed as part of this application. The recommendations are outlined in the Analysis/Rationale section of this report.

**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. As well, portions of the property contain an Environmentally Sensitive Area (ESA No. 42 – Cootes Paradise). As a result, the applicant has been required to complete a scoped Environmental Impact Statement (EIS) as per Policy 1.2.2 of the
Plan. The recommendations and findings of the study will be implemented through the related site plan approval, and are discussed in the Analysis/Rationale section of this report.

Therefore, as the nature of the applications is for the rezoning and redesignation of the subject lands to permit the construction of a multi-unit mixed-use residential/commercial development, the proposal conforms to the policies of the Hamilton-Wentworth Official Plan.

City of Hamilton Official Plan

The subject property is designated “Major Institutional” on Schedule “A” – Land Use Concept and “Medium Density Residential” on Schedule “N1” – Land Use Plan – Ainslie Wood Westdale Secondary Plan in the City of Hamilton Official Plan. An Official Plan Amendment is required to redesignate the lands from “Major Institutional” to “Residential” and from “Medium Density Residential” to “High Density Residential”, respectively, in order to permit the proposed development. The following policies from the City of Hamilton Official Plan are applicable to the proposal:

“A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all Residential areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing, where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

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.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:

(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.
(ix) Support the concept of a Residential community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents.”

The following policies from the Ainslie Wood Westdale Secondary Plan which provide more detailed policies for the site, state:

“6.4.1.1 General Residential Policies

(viii) Other complementary uses to be permitted in the Residential designation, in addition to those specified for each density type, will include home occupations, accessory uses, home day care, small residential care facilities, small scale neighbourhood commercial, and small community-based places of worship.

6.4.1.4 High Density Residential

(i) High Density Residential areas permit multiple dwellings to a maximum height of 10-storeys, except in the case of existing buildings which may be higher. Additional height is permitted for new buildings, provided it will not produce any adverse wind impacts, or adverse shadow impacts on public spaces and/or private outdoor amenity spaces.

(ii) The residential densities associated with the High Density Residential uses will generally be about 50-125 units per gross hectare.

(iii) These High Density Residential areas are located along major roads, specifically sections of Main Street West shown on Schedule 1. Such uses may also be considered on other redevelopment sites where compatibility with adjacent uses can be ensured, in terms of such matters as building height, massing, and preservation of views. Such sites will require an amendment to Schedule 1 of this plan.”

The proposed ground floor commercial uses are complementary to that of the residential uses. The proposed commercial uses will cater to residents within the proposed multiple dwelling, in addition to serving the day to day needs of the surrounding neighbourhood.

The proposed 9-storey multiple dwelling will be compatible with the surrounding area. The proposed density of 109 units per hectare complies with the Ainslie Wood Westdale Secondary Plan, which permits a density ranging from 50-125 units per hectare. The property is subject to Site Plan Control, and, as a result, matters dealing with site design will be addressed at that time.
The proposal would conform to the “Residential” and “High Density Residential” designations of the City of Hamilton Official Plan and the Ainslie Wood Westdale Secondary Plan.

Neighbourhood Plan

The subject lands are designated “Civic and Institutional” in the approved Ainslie Wood North Neighbourhood Plan. As part of the implementation of the proposed amendments to the Zoning By-law and Official Plan, the Ainslie Wood North Neighbourhood Plan should also be amended by redesignating the subject lands from “Civic and Institutional” to “High Density Apartments” to reflect the proposed long term use of the lands.

**RELEVANT CONSULTATION:**

The following Departments and Agencies had no comments or objections:

- The Hamilton-Wentworth District School Board
- Public Works Department (Traffic Engineering & Operations Section)
- Public Works Department (Operations and Maintenance - Forestry Section)
- Corporate Services (Budgets and Finance)
- Public Works Department (Operations and Maintenance - Forestry Section)
- Community Services Department (Culture and Recreation Division)

**Public Works Department (The Hamilton Street Railway) has advised of the following:**

The proposed mixed land uses contribute to a healthy transit operation by accommodating a range of travel options and trip purposes. The high density development located in such proximity to Main Street West is transit supportive, as it will generate additional passenger revenue without the need to extend routes or increase service frequency. The bus stops and shelters adjacent to the site will be repositioned to encourage pedestrians to use existing signalized crosswalks.

**Hamilton Conservation Authority (HCA) has advised of the following:**

The subject property is located partially within the valley feature associated with a tributary of Ancaster Creek, which traverses the lands to the west and north of the site. The HCA staked the top-of-bank and requested that a geotechnical investigation of the slope be undertaken to assess slope stability and determine appropriate development setbacks from the top-of-bank, based on HCA policy that new development must be located a minimum of 7.6 metres from the top-of-bank or stable slope line, whichever is greater. As a result, it was established that the building setback to be provided from the top-of-bank is 8.4 metres incorporating the HCA minimum 7.6 metre setback, plus 0.8 metre which is the average additional setback determined from the slope stability analysis.
The valley feature located on the west and north sides of the subject property also form part of the Cootes Paradise Environmentally Significant Area (ESA). In conjunction with the Site Plan process, the HCA will review the submitted Scoped Environmental Impact Study to ensure that the proposed development will have no negative impacts on the natural features or ecological functions of the ESA.

The proposed development is located partially within the Authority’s new regulated area, under its new Generic Regulation, Development, Interference with Wetlands, and Alterations to Watercourses, Ontario Regulation 97/04, which has been in effect since May 1, 2006. A permit from the HCA will be required for the construction of the new building and parking facilities, and the associated grading works.

**The Environmentally Significant Areas Impact Evaluation Group (ESAIEG) has advised of the following:**

During the preliminary consultation process, the top-of-bank was staked on the property in consultation with the Hamilton Conservation Authority, and the applicant. This has been incorporated into the design of the site. Based on the submitted preliminary site plan, ESAIEG notes the new building will create a larger buffer area from the Environmentally Significant Area (ESA) boundary than what currently exists. As the site is largely developed, ESAIEG is satisfied with the new design of the site and the improved buffering. ESAIEG has no concerns with the scope of the work proposed for the site, and the delineation of the ESA boundary.

Overall, based on the nature of the proposal and the Environmental Impact Study (EIS) completed, ESAIEG has no concerns with the project and no further follow-up is required. ESAIEG recommends that the mitigation measures outlined on Pages 19 and 20 of the EIS be implemented during the Site Plan process, which includes standard conditions such as sediment and erosion control techniques, timing of construction and tree preservation and landscaping enhancements.

In addition to the recommendations outlined in the EIS, ESAIEG recommends that:

1. The landscape plan incorporate native non-invasive species that are locally sourced; and,
2. The Japanese Honeysuckle (Lonicera japonica) located on the property be removed.

**Public Consultation**

In accordance with the new Public Participation Policy that was approved by Council on May 29, 2003, this application was pre-circulated to 198 residents including both property owners and tenants within 120 metres of the subject lands. A Public Notice sign of the proposal was also posted on the site. In addition, the owner initiated a Public Information Meeting on March 27, 2006, advising residents of the development
proposal, of which 5 residents were in attendance. To date, staff has received no comments on the proposal.

The Notice of Public Meeting was circulated and posted on the Public Notice sign as of May 19, 2006.

**CITY STRATEGIC COMMITMENT:**

By evaluating the “Triple Bottom Line”, (community, environment, and 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
Partnerships are promoted. The public are involved in the definition and development of local solutions.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Ecological function and the natural heritage system are protected.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Infrastructure and compact, mixed use development minimize land consumption and servicing costs.

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

:SM

Attachs. (3)
City of Hamilton

By-law No. __________

To Amend Zoning By-law No. 6593 (Hamilton), Respecting the Property Located at
1686 Main Street West

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

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

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

AND WHEREAS the Council of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Section of Report of the Planning and Economic Development Committee at its meeting held on the day of , 2006, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this by-law will be in conformity with the Official Plan of the City Hamilton, upon approval of Official Plan Amendment No.____:

NOW THEREFORE the Council of the City of Hamilton enacts as follows:
1. That Sheet Nos. W-46 and W-50 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), are amended,

(a) by changing from the "B/S-395" (Suburban Agriculture and Residential, etc.) District, Modified to the "E/S-1553" (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified, for the lands comprised of Block “1”; and,

(b) by changing from the "B/S-395" (Suburban Agriculture and Residential, etc.) District, Modified to the "A" (Conservation, Open Space, Park and Recreation) District, for the lands comprised of Block “2”;

the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That the “E” (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of Zoning By-law No. 6593, applicable to the lands comprised of Block “1”, are modified to include the following special provisions:

a) That notwithstanding Section 11(1), only the following uses shall be permitted:

   Multiple Dwelling;
   Retail Store;
   Bakery;
   Personal Service Shop;
   Photography or artist studio;
   Restaurant without any dancing or other entertainment except music, excluding a drive thru;
   Outdoor patio;
   Business and Professional Offices;
   Commercial or private school;
   A collecting or distributing station for a laundry or dry cleaning establishment;
   A wall sign or window sign in accordance with Section 15B (5) of Zoning By-law No. 6593; and,
   Accessory uses.

b) That all non-residential uses shall be contained jointly with commercial uses and shall only be located on the ground floor of a building containing Multiple Dwelling units.

c) That notwithstanding Section 11C(2)(ii), a maximum building height of nine (9) storeys and 30.0 metres is permitted.

d) That notwithstanding Section 11C(3)(i)(b), a minimum front yard depth of 2.9 meters shall be provided and maintained.
e) That notwithstanding Section 11C(3)(ii)(b), a minimum easterly side yard width of 11.0 metres shall be provided and maintained.

f) That notwithstanding Section 11C(3)(iii)(b), a minimum rear yard depth of 11.0 metres shall be provided and maintained.

g) That notwithstanding Section 11C(5), a maximum total gross floor area of 21,500 square metres shall be permitted for all uses; a maximum total gross floor area of 895 square metres shall be permitted for all non-residential uses, and a maximum of 106 dwelling units shall be permitted.

h) That notwithstanding Sections 18A(1)(c) and (d), and Section 18A(17)(b), a minimum of 1 loading space shall be provided and maintained for all uses.

i) That notwithstanding Sections 18A(1)(a) and (b), and 18A(17)(a), a minimum of 0.8 parking spaces shall be provided for each dwelling unit.

j) That notwithstanding Section 18A(7), a parking space located within a below-grade structure shall have dimensions of not less than 3.3 metres wide and 5.5 metres long.

k) That Sections 18A (11) and (12) shall not apply.

l) That Sections 18(A) (25) and (26) shall not apply.

m) That notwithstanding Section 18(11)(b)(1), an outdoor patio shall be permitted in the front yard.

n) That a minimum setback of 8.4 metres shall be provided and maintained from the top-of-bank.

o) That notwithstanding Section 18(4)(iv), the accessory structure existing on the date of the passing of this By-law, being the ___ day of _____, 2006, shall be permitted.

p) That no residential use or accessory use thereto shall be located,
   i) except functionally completely separate from any commercial use; and
   ii) except in such a manner as will completely segregate from any commercial use pedestrian movement to and from any residential use.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the “E” (Multiple Dwellings, Lodges, Clubs, etc.) District, provisions, subject to the special requirements referred to in Section 2 of this by-law, for the lands comprised of Block "1".
4. Zoning By-law No. 6593 (Hamilton) is amended by adding this by-law to Section 19B as Schedule S-1553.

5. Sheet Nos. W-46 and W-50 of the District Maps are amended by marking the lands referred to in Section 1(a) of this by-law as S-1553.

6. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED and ENACTED this day of , 2006.

__________________________________________  __________________________________________
MAYOR                                          CLERK

ZAC-05-29
This is Schedule “A” to By-Law No. 06—

Passed the ………….. day of ………….., 2006

Clerk

Mayor

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Schedule “A”

Map Forming Part of By-law No. 06—______

to Amend By-law No. 6593

Subject Property

1686 Main Street West (Hamilton)

- Block 1 - Change in zoning from "B/S-395" (Suburban Agriculture and Residential, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified

- Block 2 - Change in zoning from "B/S-395" (Suburban Agriculture and Residential, etc.) District to "A" (Conservation, Open Space, Park and Recreation) District