That approval be given to **Zoning By-law Amendment Application ZAR-12-057, by 2287135 Ontario Inc., Owner** for a change in zoning from the “D/S-172a” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District and “D/S-437a” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District to the “D/S-1665” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District, in order to permit the adaptive reuse of the existing warehouse building for a commercial wholesale food operation, with an accessory/ancillary office, on the lands located at 273 - 279 East Avenue North (Hamilton), as shown on the attached map marked as Appendix “A” to Report PED13144, subject to the following conditions:

(a) That the draft By-law, attached as Appendix “B” to Report PED13144, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
(b) That the amending By-law, attached as Appendix "B" to Report PED13144, be added to Schedule “E12” of City of Hamilton Zoning By-law No. 6593;

(c) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and City of Hamilton Official Plan.

EXECUTIVE SUMMARY

This application seeks to amend City of Hamilton Zoning By-law No. 6593 to permit a commercial wholesale food operation within the existing building located at 273 - 279 East Avenue North.

The subject lands are split-zoned under two separate site-specific Zoning By-laws, which both permit warehouse and accessory business office uses existing at the time of the passing of the By-law, being August 27, 1985.

Additionally, Committee of Adjustment Application A-85:43 permitted a warehouse and shipping operation with a 3.19m front yard, reduced parking to 4 required spaces, and elimination of the required loading space. This variance application was to facilitate a change in the nature of the warehouse use.

It is noted that the last recognized use is for the warehousing of pallets, software, and displays. Accordingly, a zoning change to consolidate the site-specific zoning under one zone, in order to permit a change in the materials and/or products being warehoused to that of a commercial wholesale food operation, is proposed.

To simplify the zoning provisions, a modification to add a non-product specific “Warehouse” as a permitted use is proposed. However, City of Hamilton Zoning By-law No. 6593 does not define this term. It is noted that City of Hamilton Zoning By-law No. 05-200 defines a “Warehouse” and, accordingly, a modification to include this definition, which also permits the proposed wholesaling by definition, is proposed to be included within the amending By-law.

Furthermore, the application proposes to incorporate the new parking and loading standards for a “Warehouse” use. The parking standards of City of Hamilton Zoning By-law 05-200 require 1 space per 30m² of Gross Floor Area for any accessory office component to the warehousing operation, which reflects the existing Committee of Adjustment approval. Lastly, a modification to the required loading and parking space dimensions and on-site manoeuvring has been requested.
The proposal has merit and can be supported, as it is consistent with the Provincial Policy Statement, and conforms to the Growth Plan for the Greater Golden Horseshoe, the Hamilton-Wentworth Official Plan, and the City of Hamilton Official Plan. As the application is for a change of product to be stored and transported from the existing warehouse located at 273 - 279 East Avenue North, staff supports the subject application.

Alternatives for Consideration - See Page 17.

**FINANCIAL / STAFFING / LEGAL IMPLICATIONS** (for Recommendation(s) only)

Financial:  N/A.
Staffing:  N/A.
Legal:  As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider application for an amendment to the Zoning By-law.

**HISTORICAL BACKGROUND** (Chronology of events)

**Proposal:**

The applicant proposes to amend City of Hamilton Zoning By-law No. 6593 by further amending the existing site-specific zoning to permit the adaptive reuse of the existing building for an existing commercial wholesale food operation, with the incorporation of the Zoning By-law No. 05-200 definition and parking standards for a “Warehouse”, by zoning the lands as “D/S-1665” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District (see Appendix “B”).

It is noted that the land use, a warehouse, was previously established through Zoning By-law Nos. 71-207; 76-309; and 85-167, along with an accessory office not exceeding 10% of the gross floor area of the warehouse existing at the date of the passing of the subject By-laws. Lastly, Committee of Adjustment Application A-85:43 recognized existing front yard setbacks, established a parking requirement of 4 spaces, and eliminated the required loading space for these uses.

Accordingly, the proposed amendment seeks to change the materials and/or products to be warehoused. Staff has, therefore, proposed adding a “Warehouse” and accessory office as a permitted use, along with the associated definition and a parking and loading standard to reflect the previous Committee of Adjustment decision. It is noted that wholesaling will also be permitted, as per the proposed definition of a “Warehouse”.

OUR Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.
OUR Mission: WE provide quality public service that contribute to a healthy, safe and prosperous community, in a sustainable manner.
OUR Values: Accountability, Cost Consciousness, Equity, Excellence, Honesty, Innovation, Leadership, Respect and Teamwork
Chronology:

July 27, 1971: By-law No. 71-207 enacted by the City of Hamilton to permit a warehouse used in the same manner and for the same purpose that the said building continues to be used as it was used on the day the said Zoning By-law No. 6593 was passed, on lands located at 273 and 279 East Avenue North, under the “D/S-172” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District.

March 17, 1976: Ontario Municipal Board adoption of By-law No. 76-309 to permit the extension or enlargement of the existing warehouse building, located at 273 and 277 East Avenue North, onto the land located at 279 East Avenue North, for the same purpose that part of the warehouse building was used on the date of the passing of By-law No. 6593 on July 25, 1950, and the whole of the warehouse building was used on the date of the passing of By-law No. 71-207 on July 27, 1971, under the “D/S-437a” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District.

June 11, 1985: Committee of Adjustment File A-85:43 approved by City of Hamilton Committee of Adjustment for a 3.19m front yard, reduction to 4 required parking spaces, and elimination of the required loading space to facilitate the warehouse and shipping building located at 273 and 279 East Avenue North.

August 27, 1985: By-law No. 85-167 enacted by the City of Hamilton to permit an accessory use of a business office accessory to the warehouse existing on the day this By-law is enacted, and shall not occupy more than 10% of the gross floor area of the warehouse under the “D/S-172a” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District, and “D/S-437a” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District.


December 17, 2012: Submission of Zoning By-law Amendment Application ZAC-12-057 by IBI Group (Agent), on behalf of 2287135 Ontario Inc. (Owner).

January 11, 2013: Application ZAC-12-057 is deemed complete.
January 21, 2013: Circulation of Notice of Complete Applications and Preliminary Circulation for Applications ZAC-12-004 and 25T-201201 to all residents within 120m of the subject lands.

February 11, 2013: Public Notice Sign was erected on the subject lands.

July 26, 2013: Circulation of Notice of Public Meeting to all residents within 120m of the subject lands.

Details of Submitted Application:

Location: 273 - 279 East Avenue North (see Appendix “A”)

Owner/Applicant: 2287135 Ontario Inc. (c/o Sarino Genovese)

Agent: IBI Group (c/o Sergio Manchia)

Property Description:

Lot Frontage: 24.32m

Lot Depth: 37.3m (Irregular)

Lot Area: 882 sq. m.

Servicing: Existing municipal services

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>Warehouse Existing at the Date of Passing of By-law No. 85-167. Last Recognized Use is for the Warehousing of Pallets, Software, and Display Materials</td>
<td>“D/S-172a” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District.</td>
<td></td>
</tr>
</tbody>
</table>
Surrounding Lands:

<table>
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<tr>
<th></th>
<th>North</th>
<th>South</th>
<th>East</th>
<th>West</th>
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</table>

POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS

Provincial Policy Statement:

The applications have been reviewed with respect to the Provincial Policy Statement (PPS). Staff recognizes that the applications are consistent with the policies that focus growth in Settlement Areas 1.1.3.1.

As the proposal is for an adaptive reuse of the existing building for an existing commercial wholesale food operation, which is similar in nature to the previous use of the property, and is located within a Settlement Area, the proposal is consistent with the policies of the Provincial Policy Statement.

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

The subject applications are consistent with the Guiding Principles, Section 1.2.2, and the Managing Growth policies of the Plan, through a planned and managed growth that supports a strong and competitive economy, while protecting, conserving, enhancing, and wisely using the valuable natural resources of land, air, and water for current and future generations; optimizing the use of existing and new infrastructure to support growth that is in a compact, efficient form; and establishing a built compact, vibrant, and complete community.
As the proposal is for an adaptive reuse of the existing building, utilizing the existing infrastructure, with no proposed changes to the building and/or structure, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (Places to Grow Plan).

Hamilton-Wentworth Official Plan:

The subject property is designated as “Urban Area” in the Hamilton-Wentworth Official Plan. Policy C-3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas.

As the proposal is for an adaptive reuse of the existing building located within the Urban Area, with no proposed changes to the building or existing servicing, the application conforms to the policies of the Hamilton-Wentworth Official Plan.

City of Hamilton Official Plan:

The subject property is designated as “Commercial” on Schedule “A” - General Land Use Plan. It is the general intent that commercial development occur in an orderly manner, consistent with the needs of the community in reference to the hierarchy of commercial categories that best serve the residents of the City, and to recognize and accommodate the locational, trade area, or special requirements of businesses of varying size and function.

Development should be of a high aesthetic quality, which minimizes the impacts on adjacent land uses, most importantly, Residential uses. Accordingly, it is intended that all commercial areas be readily and safely accessible and be provided with adequate parking and loading facilities.

Furthermore, Sub-section A.2.2 provides policy direction with respect to the “Commercial” designation. In particular, Policy A.2.2.2 states that:

“Council recognizes that the COMMERCIAL structure of the City operates within a hierarchy of categories ranging from the Central Policy Area (which, as defined by the Regional Official Plan, is intended to function as the "Regional Centre"), to Local Commercial Uses of a convenience type. Except for the Central Policy Area and Sub-Regional Centres, the hierarchy is not designated on Schedule "A" to this Plan. The location and distribution of such categories will be identified through Neighbourhood Plans, as set out in Sub-section D.2.”
It is noted that the Lansdale Neighbourhood Plan, which is discussed in further detail below, identifies the subject lands as “Commercial”. In review of the hierarchy of commercial categories, the proposed development would fall under an “Extended Commercial” development, subject to the policies of Sub-section A.2.2.14.

The proposal is to recognize the existing commercial wholesale food operation, located in proximity to the existing stretches of individually managed Commercial establishments along Arterial Roads, being Barton Avenue, with a specialized commercial use attracting automobile borne traffic from beyond the local area.

Although the proposed commercial use is not open to the public, the intent of the above noted policy is met, given that the operation will serve consumers from beyond the local area through the distribution of product to retailers from this location.

Additionally, this Sub-section provides further policy direction to address the design of extended commercial development, including adequate parking and outdoor storage. Policy Sections A.2.2.34 to Policy A.2.2.40, inclusive, provides additional general provisions for commercial development in proximity to existing residential.

The proposal is for an adaptive reuse of the existing building, and will provide the required parking, as established through the modification for the incorporation of the parking standards of Zoning By-law No. 05-200 for a Warehouse, and will complement the scale, design, and character, while maintaining continuity and harmony with adjacent Commercial developments in the area.

As mentioned above, industrial zoning standards have been established for “Warehouse” uses under City of Hamilton Zoning By-law No. 05-200. The applicant has requested that the definition, permission for an accessory/ancillary office and parking requirements for such a Warehouse, be incorporated into the amending By-law (see Appendix “B”).

It is noted that the new parking standard would require one space for every 30 sq. m., which accommodates the office component of the Warehouse use. A 120 sq. m. office space is proposed and would, therefore, necessitate 4 parking spaces. Additionally, the owner/applicant has also requested that the minimum parking space dimensions of Zoning By-law No. 05-200 be applied. As per the conceptual plan (see Appendix “C”), the required spaces, being 2.6m wide x 5.5m long, are provided with access from the public assumed alleyway, with the two most northerly spaces, being 3.0m wide x 5.5m long, located at the rear of the subject lands.
Moreover, City of Hamilton Zoning By-law No. 05-200 does not have loading requirements for a “Warehouse” use, and the proposed operation is to be serviced by loading/deliveries internal to the existing building by smaller vehicles with a maximum dimension of 2.75m wide x 9m long. Based on the foregoing, staff supports the requested parking and loading modifications.

Lastly, it should also be noted that the previous similar warehouse operation co-existed harmoniously with the existing land uses and did not result in any major adverse issues and/or impacts. Given the similar nature of the proposed warehouse, and as the development will not be open to the public, requiring minimal parking for employees and delivery personnel, the requested modifications and form of development is supportable.

As the proposal is for the adaptive reuse of the existing building for a specialized commercial wholesale food operation, with no proposed changes to the current function or design of the existing structure or site, the proposal conforms to the “Extended Commercial” policies of the City of Hamilton Official Plan.

**Lansdale Neighbourhood Plan:**

As mentioned above, the subject lands are identified as “Commercial” within the Lansdale Neighbourhood Plan. The proposed commercial wholesale food operation conforms to the “Commercial” policies of the City of Hamilton Official Plan, and as per the implementation policies of Section D of this plan, are deemed to also conform to the “Commercial” designation of the Lansdale Neighbourhood Plan. Based on the foregoing, staff supports the subject application.

**New Urban Hamilton Official Plan:**

The Urban Hamilton Official Plan received Ministerial Approval from the Ministry of Municipal Affairs and Housing on March 16, 2011, and, therefore, can no longer be modified. As the final decision on the Urban Hamilton Official Plan has been appealed to the Ontario Municipal Board, and the Ontario Municipal Board’s decision to bring into force and effect, the undisputed portion of the Urban Hamilton Official Plan is pending.

The subject lands are designated as “Neighbourhoods” on Schedule “E” - Urban Structure and Schedule “E-1” - Land Use Designations. In particular, Policy E.2.6.5 states that a range of commercial uses, including retail stores and services, is permitted.
Furthermore, Policy E.2.6.6 of Volume 1 states that permitted uses within the “Neighbourhoods” designation may include arterial commercial type uses in appropriate locations through specific land use designations, as specified in Section E.4.0 - Commercial and Mixed-Use Designations, and where designated on Schedule E-1 - Urban Land Use Designations.

These uses include services catering to the traveling or drive-by consumer, as well as retail stores, which are land extensive, require outdoor storage, or have a warehouse-type character, and cannot be appropriately accommodated in the Urban Nodes.

In review of Section E.4.0, as the proposal is in proximity to a major arterial roadway, Barton Street, and is similar in nature to the previous commercial operation which was harmonious and suitable with the existing surrounding lands uses, and as no proposed changes to the existing site and/or operation are proposed, staff is of the opinion that the proposed use is an appropriate form of commercial development for this area.

It is noted that the subject lands are not identified on Schedule E-1 of the Urban Hamilton Official Plan as “Commercial” and/or “Mixed-Use”; however, Policy Section F-1.12 recognizes that there are some previously existing land uses that do not presently comply with the goals and objectives set out in this Plan. In some cases, there are some existing uses that do not comply with the Official Plan or conform to the Zoning By-law.

As the warehouse use is an existing land use, and as the proposal will permit a change in product to be housed and wholesaled with no actual changes to the primary use of the lands, nor the existing building, Policy F-1.12.8 would apply, in that:

Where appropriate, the City may amend the Zoning By-law to recognize the legal non-complying use as an existing use provided that all the following criteria shall be met:

a) The Zoning By-law shall permit only the existing use and the associated performance standards;

b) The use does not constitute a danger to surrounding uses and persons by virtue of their hazardous nature or by the traffic generated; and,

c) The use is in compliance with appropriate provincial and municipal regulations.
As the proposal is for an adaptive reuse of the existing warehouse building and will, therefore, maintain the existing streetscape and neighbourhood character with no actual proposed changes to the site, and given there are no perceived adverse impacts as a result of the proposed change in materials to be warehoused, staff is of the opinion that the proposal complies with the above noted policy and, therefore, conforms to the Urban Hamilton Official Plan.

**RELEVANT CONSULTATION**

The following Departments and Agencies had no comments or objections to the applications:

- Operations and Waste Management Division, Public Works Department.
- Forestry and Horticulture Section, Public Works Department.
- Recreation Division, Community Services Department.

**Traffic Engineering Section (Public Works Department)** has identified concerns that the proposed parking spaces may result in contact with the existing Bell Canada pole. In consultation with Bell Canada, staff has included a modification increase to the parking space width of the two most northerly parking spaces to allow for additional manoeuvring area and minimize the probability of contacting the Bell Pole.

Lastly, Bell Canada has requested that the owner/applicant be advised that in the event contact is made with the existing Bell Pole, the owner/applicant may be required to relocate the pole, with all costs to be borne by the owner/applicant, if deemed necessary by, and to the satisfaction of Bell Canada.

As the amending By-law has incorporated the requested parking space modifications, and as the owner/applicant has been advised of the potential requirements in the event of contact with the existing Bell Canada pole, staff is satisfied and has no further comments and/or concerns.

**Taxation Division (Corporate Services Department)** has advised that there is an outstanding tax balance for the subject lands. The owner/applicant has rectified this issue and, accordingly, staff has no further comments and/or concerns.

**Hamilton Municipal Parking System** has noted that the original site plan has not delineated the on-site parking for this development. The applicant shall ensure that all required parking is to be accommodated on-site given there is almost no opportunity for overflow parking in this area. Accordingly, a revised plan has been submitted identifying the required parking (see Appendix “C”).
It is noted that in review of the proposal, staff has incorporated the new industrial standard for “Warehouse” uses. In particular, the new parking standards being one space per 30m$^2$ of Gross Floor Area for any accessory office component. The proposed development has provided the 4 required spaces, in light of the proposed 120m$^2$ of office space, with the incorporation of the minimum parking space dimensions of Zoning By-law No. 05-200, being 2.6m wide x 5.5m long.

As all required parking is accommodated on-site, the above concerns have been appropriately addressed, and staff has no further comments and/or concerns.

**Environment and Sustainable Infrastructure Division (Public Works Department)** has identified that Transit Oriented Development, Transportation Demand Management, and Accessibility for Ontarians with Disabilities Act provisions should be included within the development.

However, as the proposal is for the adaptive reuse of the existing building and existing site conditions, staff notes that there is minimal opportunity for such measures, but has recommended that the applicant include development provisions to address the above, where feasible. Based on the foregoing, staff has no further comments or concerns.

**Bell Canada** is satisfied with the proposed parking layout, subject to the oversizing of the two most northerly parking spaces along with the inclusion of the following advisement for the applicant/owner:

“The owner/applicant be advised that in the event contact is made with the existing Bell Pole, the owner/applicant may be required to relocate the pole, with all costs to be borne by the owner/applicant, if deemed necessary by, and to the satisfaction of Bell Canada.”

Staff is satisfied the above concerns have been met, as the appropriate modification has been incorporated into the amending By-law, and as the owner/applicant has been advised of the potential requirements in the event of contact with the existing Bell Canada pole.

**Horizon Utilities** has provided their standard comments and advisements. In particular:

- For Residential/Commercial electrical service requirements, please contact our Customer Connections Department @ 905-317-4746 or visit our website @ [www.horizonutilities.com](http://www.horizonutilities.com).

- Do not excavate within 2m of hydro poles and anchors.
Excavation within 1m of underground hydro plant is not permitted, unless approval is granted by a Horizon Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner’s expense.

Horizon Utilities must be contacted if the removal, isolation, or relocation of the existing plant is required, and all costs associated with this work will be at the owner’s expense.

CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.

Clearances from Overhead and Underground existing electrical distribution system must be maintained in accordance to:

- Electrical Safety Code Rule 75-312.
- Occupational Health and Safety Act (OH&SA) - Construction Projects (Electrical Hazards).
- CAN/CSA-C22.3 No. 1-10, Overhead System.
- C22.3 No. 7-10 Underground Systems.

PUBLIC CONSULTATION

In accordance with the new provisions of the Planning Act and the Council-Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 328 property owners within 120m of the subject property on January 21, 2013, for the proposed Zoning By-law Amendment.

A Public Notice sign was also posted on the property on February 11, 2013.

Finally, Notice of the Public Meeting was given in accordance with the requirements of the Planning Act on July 26, 2013.

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

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

1. The proposal has merit and can be supported for the following reasons:
(i) It is consistent with the Provincial Policy Statement and conforms with the Growth Plan for the Greater Golden Horseshoe, as it represents an opportunity for adaptive reuse and growth in Settlement Areas.

(ii) It conforms to the policies of the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.

(iii) It conforms to the policies of new Urban Hamilton Official Plan.

(iv) The proposed development is compatible with existing land uses in the immediate area and represents good planning by, among other things, providing for the adaptive reuse of the existing building and maintaining the existing streetscape along East Avenue North, while making efficient use of land and existing infrastructure within the urban boundary.

2. The applicant has requested modifications to City of Hamilton Zoning By-law No. 6593 in order to recognize the existing commercial wholesale food operation under the “D/S-1665” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District, with a special exception:

“D/S-1665” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District:

In order to recognize the existing commercial wholesale food operation, a further amendment to the permitted uses of the existing site-specific zoning is required.

It is noted that the requested modifications below shall be restricted to a warehouse operation within the building existing at the date of passing of this amending By-law.

Permitted Uses:

It is noted that the last recognized use of the property is a commercial operation for the warehousing of pallets, software, and display material, with an accessory office within the building existing as of the date of passing of By-law No. 85-167, being August 27, 1985.

As the principle use has already been established, being a warehouse and accessory office, and given that the proposal is for a change in materials to be warehoused and distributed, the proposed modification to permit a “Warehouse” and “Accessory/Ancillary Administrative Office” within the building existing at the date of passing of the amending By-law, along with the inclusion of the corresponding definition, is supportable.
Definitions:

In particular, as a “Warehouse” is an undefined term under City of Hamilton Zoning By-law No. 6593, the following definition shall be added to Section 2(2)(D):

“Warehouse” shall mean the use of land, building or structure, or part thereof, for the bulk storage or distribution of goods to industrial, commercial, or institutional business users or other wholesalers, but shall not include the retailing of goods to the general public. A Warehouse shall not include a Waste Management Facility, Salvage Yard, or Towing Establishment.

As a Warehouse is an undefined term within Zoning By-law No. 6593, the incorporation of the above definition, to better define and reflect the existing commercial wholesale food operation, is supportable. It should be noted that the wholesaling component of the proposed use would also be permitted, as per the requested definition above.

Parking and Loading Requirements and Dimensions:

It is further noted that Zoning By-law No. 05-200 has also established new parking and loading standards for a “Warehouse” use. Therefore, to better reflect the proposed operation and maintain consistency with Zoning By-law No. 05-00, the new standards are to be incorporated into the amending By-law. It should also be noted that Committee of Adjustment Decision A-85:43 approved a reduction from 16 parking spaces to the 4 proposed parking spaces.

Similarly, Zoning By-law No. 05-200 establishes a parking ratio of 1 parking space for each 30.0 sq. m. of gross floor area, which accommodates the office component of the warehouse use, and with the proposed accessory/ancillary office being 120m² of gross floor area, a total of 4 parking spaces is required.

As per the proposed concept plan (see Appendix “C”), the required 4 parking spaces are provided with access from the public assumed alleyway to the rear of the subject lands.

Appropriate modifications have also been included with respect to off-site maneuvering to accommodate the location of the proposed parking spaces, which are discussed below.
However, in light of concerns with the potential for contact with the existing Bell Canada pole, modifications to the minimum parking dimensions have been included. In particular, the 2 most northerly parking spaces shall have a minimum dimension of 3m wide x 5.5m long; with all other required parking to have minimum dimensions of 2.6m wide x 5.5m long.

Furthermore, notwithstanding the modification to the 2 most northerly parking spaces, Bell Canada has advised the applicant/owner that in the event contact is made with the existing Bell Pole, the owner/applicant may be required to relocate the pole, with all costs to be borne by the owner/applicant, if deemed necessary by, and to the satisfaction of Bell Canada.

Therefore, as the proposed modification for the 2 most northerly spaces, being a minimum dimension of 3m wide x 5.5m long, is to address maneuvering and will exceed the minimum dimensions of the new City standard, with all remaining required spaces having a minimum dimension of 2.6m wide x 5.5m long, as per the new City standard of Zoning By-law No. 05-200, the proposed modifications are supportable.

With respect to loading, it is noted that the current operation is serviced internal to the building by smaller service vehicles of 2.75m wide x 9m long. Of note, Zoning By-law No. 05-200 does not establish loading requirements. However, to better reflect the existing operation, staff has included and supports the modification to establish a loading space to be provided and maintained within the building existing at the date of passing of the amending By-law.

In review of the requested modifications, as the proposal is for the adaptive reuse of the existing building, with no major changes to its operation or site conditions, and as the proposed uses are in keeping with the intent of the current Site-Specific By-law and will also ensure consistency with the standards of City of Hamilton Zoning By-law No. 05-200, staff is of the opinion that the proposed modifications will have minimal impacts, and are supportable.

**On-Site Manoeuvring:**

Due to the location of the existing parking, being the rear of the subject lands, accessed by the public assumed alleyway, the proposal will require a modification to permit off-site manoeuvring for the proposed parking spaces.

A modification to eliminate the on-site manoeuvring has been proposed, and given the proposed parking spaces are currently in existence and have been accessed with off-site manoeuvring without incident, staff is of the opinion there are minimal impacts and, therefore, support the requested modification.
It should be noted that the proposed modifications provided above shall apply only to the warehouse operation within the building existing as of the date of passing of this amending By-law.

3. Engineering Approvals (Development Engineering) has advised that as the proposed amendment is to allow for a commercial wholesale food operation within the existing warehouse building, and as there does not appear to be any modification to either the exterior of the building, existing grading, or servicing, staff has no comments and/or concerns.

There is an existing public watermain and combined storm and sanitary sewer on East Avenue North to service the property, and no road widenings are required.

4. To date, no letters have been received from the public in response to the preliminary circulation of the Zoning By-law Amendment.

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<tr>
<th>ALTERNATIVES FOR CONSIDERATION</th>
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<tr>
<td>(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)</td>
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</tbody>
</table>

If the application is denied, the applicant would be able to retain the existing building or redevelop the lands, in accordance with the existing “D/S-172a” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District and “D/S-437a” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District.

In particular, the warehousing of pallets, software, and display materials, with an office accessory to the warehouse operation, in addition to the list of uses as permitted under the Residential, Institutional, and Public Uses prescribed by the “D” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District, could be developed.

| ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN: |

| Strategic Priority #1: A Prosperous & Healthy Community |

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.
OUR Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.

OUR Mission: We provide quality public service that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Values: Accountability, Cost Consciousness, Equity, Excellence, Honesty, Innovation, Leadership, Respect and Teamwork

Strategic Objective:

1.1 Continue to grow the non-residential tax base.
1.6 Enhance Overall Sustainability (financial, economic, social and environmental).
1.7 Adaptive reuse of an existing building and municipal infrastructure and services.

APPENDICES / SCHEDULES

- Appendix “A”: Location Map
- Appendix “B”: Amendment to the City of Hamilton Zoning By-law No. 6593
- Appendix “C”: Proposed Conceptual Site Plan

:AC
Attachs. (3)
Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: ZAR-12-057
Date: Jan. 15, 2013

Appendix "A" Scale: N.T.S.
Planner/Technician: AC/DB

Subject Property

273, 277 & 279 East Avenue North

Ward 3 Key Map N.T.S.
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 Corporation 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 Item [ ] of Report 13-[ ] of the Planning Committee, at its meeting held on the [ ] day of [ ], 2013, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Sheet No. E12 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended;

   (i) by changing the zoning from the “D/S-172a” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District, with a Special Exception, to the “D/S-1665” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District, with a Special Exception, the lands identified as “Block 1”; and,

   (ii) by changing from the “D/S-437a” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District, with a Special Exception, to the “D/S-1665” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District, with a Special Exception,

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

2. That the “D” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District provisions, as contained in Section 10 of Zoning By-law No. 6593, be modified to include the following provisions:

   (a) That notwithstanding Section 10(1) of Zoning By-law No. 6593, “Requirements As To Use”, a “Warehouse” and “Ancillary/Accessory Administrative Office”, shall be permitted within the building existing on the date of passing of this By-law, being the day of , 2013.

   (b) That notwithstanding Section 2(2)(D) of Zoning By-law No. 6593, “Interpretations and Definitions - Commercial Uses”, a “Warehouse” shall be defined as follows:

   “Warehouse” shall mean the use of land, building or structure, or part thereof, for the bulk storage or distribution of goods to industrial, commercial, or institutional business users or other wholesalers, but shall not include the retailing of goods to the general public. A Warehouse shall not include a Waste Management Facility, Salvage Yard, or Towing Establishment.

   (c) That notwithstanding the provisions of Section 18A(1)(a), Table 1, a minimum of 1 parking space per 30m² of gross floor area, which accommodates the office component of the Warehouse use, shall be required and maintained.
(d) That notwithstanding the provisions of Section 18A(7), that the 2 most northerly parking spaces shall have dimensions of not less than 3m wide and 5.5m long, and every other required parking space, other than a parallel parking space, shall have dimensions of not less than 2.6m wide and 5.5m long.

(e) That notwithstanding the provisions of Section 18A(1)(d) and (e), and Tables 4 and 5, a minimum 2.75m wide x 9.0m long loading space shall be provided within the building existing on the date of the passing of this By-law, being the [blank] day of [blank], 2013.

(f) That notwithstanding the provisions of Section 18A(1)(f), (9) and (10), no on-site manoeuvring shall be required.

3. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1665.

4. That Sheet E12 of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as S-1665.

5. That 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 “D” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District, provisions, subject to the modifications referred to in Section 2.

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

PASSED and ENACTED this [blank] day of [blank], 2013.

__________________________  ____________________________
R. Bratina  Rose Caterini
Mayor  Clerk

ZAR-12-057
This is Schedule "A" to By-Law No. 13-

Passed the .......... day of ..................., 2013

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Mayor

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Clerk

Schedule "A"

Map Forming Part of
By-Law No. 13—______
to Amend By-law No. 6593

Subject Property
273, 277 & 279 East Avenue North

- Block 1 - Change in Zoning from the
"D/S-172a" (Urban Protected Residential - One
and Two Family Dwellings, Etc.) District, with a
Special Exception, to the "D/S-1665" (Urban
Protected Residential - One and Two Family
Dwellings, Etc.) District

- Block 2 - Change in Zoning from the
"D/S-437a" (Urban Protected Residential - One
and Two Family Dwellings, Etc.) District, with a
Special Exception, to the "D/S-1665" (Urban
Protected Residential - One and Two Family
Dwellings, Etc.) District

Scale: N.T.S. File Name/Number: ZAR-12-057
Date: June 4, 2013 Planner/Technician: ACIAL

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT