MOVED BY COUNCILLOR …COLLINS………………………………………………………

SECONDED BY COUNCILLOR…………………………………………………………

Motion to Lift Information Item ( o) of Planning and Economic Development Committee Report 06-018 respecting Application for a Change in Zoning for the Properties Located at 422, 426, 428, 440, 456, 464 and 466 Beach Boulevard (Hamilton) (PED06397) (Ward 5)

That Information Item ( o) of Planning and Economic Development Committee Report 06-018 respecting Application for a Change in Zoning for the Properties Located at 422, 426, 428, 440, 456, 464 and 466 Beach Boulevard (Hamilton) (PED06397) (Ward 5) tabled by Council on October 25, 2006 be lifted from the table.
Report to: Chair and Members  
Planning and Economic  
Development Committee  

Submitted by: Lee Ann Coveyduck  
General Manager  
Planning and Economic  
Development Department  

Date: September 29, 2006  

File: ZAC-06-44  

Prepared by: Joe Muto  
(905) 546-2424, Ext. 7859  

SUBJECT: Application for a Change in Zoning for the Properties Located at 422, 426, 428, 440, 456, 464 and 466 Beach Boulevard (Hamilton) (PED06397) (Ward 5)  

RECOMMENDATION:  

That approval be given to Zoning Application ZAC-06-44, by Andrin Beaches Limited, c/o Gino D’Ambrosio, owner, for a change to Zoning By-law No. 6593, from the “RT-30/S-1495a” (Street Townhouse) District, Modified to the “RT-20/S-1568” (Townhouse-Maisonette) District, Modified (Block “1”), and from the “DE-2/S-1495a” (Multiple Dwellings) District, Modified to the “RT-20/S-1568” (Townhouse-Maisonette) District, Modified (Block “2”), to permit the construction of 75 townhouse units, for lands located at 422, 426, 428, 440, 456, 464 and 466 Beach Boulevard, as shown on Appendix “A” to Report PED06397, on the following basis:  

(a) That Block “1” be rezoned from “RT-30/S-1495a” (Street Townhouse) District, Modified to the “RT-20/S-1568” (Townhouse-Maisonette) District, Modified.  

(b) That Block “2” be rezoned from “DE-2/S-1495a” (Multiple Dwellings) District, Modified to the “RT-20/S-1568” (Townhouse-Maisonette) District, Modified.  

(c) That the draft By-law, attached as Appendix “D” to Report PED06397, which has been prepared in a form satisfactory to the City Solicitor, be forwarded to Council for enactment.  

(d) That the proposed changes in zoning conform to the Hamilton-Wentworth Official Plan, and the Hamilton Official Plan.


SUBJECT: Application for a Change in Zoning for the Properties Located at 422, 426, 428, 440, 456, 464 and 466 Beach Boulevard (Hamilton) (PED06397) (Ward 5) - Page 2 of 12

(e) That upon finalization of the implementing Zoning By-law, the approved Hamilton Beach Neighbourhood Plan be amended by redesignating Block “2” from “Low Density Apartments” to “Attached Housing”.

____________________________________________________

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

The applicant is requesting a Zoning By-law Amendment to permit the subject lands to be developed for 75 townhouse units (see Appendix “A”). The proposed Zoning By-law Amendment has merit, as it is consistent with the policies of the Provincial Policy Statement, the Hamilton-Wentworth Official Plan, the City of Hamilton Official Plan, and the Hamilton Beach Neighbourhood Plan. The proposal is an appropriate infill development that efficiently uses existing urban land and services.

BACKGROUND:

Proposal

The purpose of the application is to provide for a change in zoning from the “RT-30/S-1495a” (Street Townhouse) District, Modified to the “RT-20/S-1568” (Townhouse-Maisonette) District, Modified, and from the “DE-2/S-1495a” (Multiple Dwellings) District, Modified to the “RT-20/S-1568” (Townhouse-Maisonette) District, Modified (see Appendix “A”).

The effect of the application is to permit the construction of 75 townhouse units (see Appendix “B”).

Site Plan Application (File No. DA-04-59)

On August 30, 2004, the previous owner/applicant received conditional approval for 18 street townhouse units and 75 condominium apartments (see Appendix “C”), which implemented By-law No. 04-025. The previous owner was not able to fulfil the conditions within the one year approval period, and a subsequent extension was granted. However, the previous owner did not finalize the approval and it has now lapsed.
Rezoning Application (File No. ZAC-03-33)

On February 11, 2004, Council passed By-law No. 04-025 to permit the redevelopment of the subject lands for 18 street townhouse units fronting onto Beach Boulevard and 3 condominium apartment buildings containing a total of 75 units backing onto the QEW. The amending By-law included site-specific regulations which related to setbacks, lot area, location of parking areas and planting strips. An “H” Holding provision was also placed on the implementing By-law. This provision was related to the applicant fulfilling four requirements: that an acoustical report be completed and mitigative measures in place; second, that a Record of Site Condition be submitted and signed; third, that the proposal receive draft plan of condominium approval; and lastly, that land assembly occur. On January 26, 2005, Council passed By-law No. 05-010 to remove the “H” Holding provision as the applicant fulfilled the requirements of the holding provisions.

Details of Submitted Application

Owner/Applicant: Andrin Beaches Limited, c/o Gino D’Ambrosio

Location: 422, 426, 428, 440, 456, 464 and 466 Beach Boulevard (Hamilton)

Description:
- Frontage: 148.29 metres along Beach Boulevard
- Depth: 100.24 metres
- Lot Area: 17,715 square metres

EXISTING LAND USE AND ZONING:

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<th>Existing Zoning</th>
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<td>“RT-30/S-1495a” (Street Townhouse) District, Modified and “DE-2” (Multiple Dwellings) District, Modified</td>
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<tr>
<td>East</td>
<td>Single Detached Dwellings</td>
<td>“C” (Urban Protected Residential Etc.) District</td>
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ANALYSIS/RATIONALE:

1. The proposed Zoning Amendment has merit and can be supported for the following reasons:

   i) The proposal is consistent with the Provincial Policy Statement.

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

   iii) The proposal conforms to the “Residential” designation of the City of Hamilton Official Plan.

   iv) The proposed use is compatible to the existing residential uses, and is in keeping with the character of the Beach Neighbourhood.

2. The site went through various environmental and planning approvals in both 2003 and 2004 to develop the subject lands. However, market demand for the 75 condominium apartment units on the rear portion of the lands was low and development did not proceed. At that time, some of the lands were City-owned and the sale of those lands was approved by Council on January 22, 2003, subject to numerous conditions of approval. Those conditions were fulfilled and the sale of the lands to the previous owner became final on June 16, 2005.

3. The current owner of the subject lands has had preconsultation discussions with City staff, the Ward Councillor and the Beach Neighbourhood Group with respect to this proposal. There has been no objection to the proposal in principle as it complements the existing character of the Beach Neighbourhood. The preliminary design concept of the townhouse units fronting onto Beach Boulevard includes a staggered front yard setback and wrap around porches at both ends of the townhouse block, various elevational treatments, second floor canopy railings and stepped roof ridgelines (see Appendix “E”). This proposed design will break up the block townhouses by creating a staggered sequence and aesthetically pleasing look to the streetscape. This proposed concept will be reviewed in further detail during the site plan approval process.
4. The applicant has requested the following Zoning By-law modifications:

   i) A reduction in the front yard setback from 6.0 metres to 5.1 metres. This can be supported as it is identical to the current site-specific requirement and maintains an enhanced streetscape.

   ii) A reduction in the number visitor parking spaces from 0.30 to 0.20 spaces per Class A dwelling unit. The applicant is proposing 28 spaces, whereas 23 are required. However, due to the 14 metre MTO buffer zone, 13 of the spaces can not be considered as required parking, the remaining spaces would technically be deficient by 8 visitor parking spaces. Municipal Parking System staff can support this reduction as Beach Boulevard currently provides on-street parking along both sides of the road.

   iii) An increase in height from 11.0 metres to 11.9 metres can be supported as it is considered minor in nature and less than the existing site-specific zoning which permits up to eight storeys (26 metres), but was previously approved under site plan control for three storeys (15.6 metres).

   iv) A reduction in the separation distances between buildings from 15.0 metres to 9.0 metres. The reduced separation distances will be regulated by the Building Code and will be reviewed at the site plan stage.

   v) A reduction in the parking space dimensions from 2.7 metres by 6.0 metres to 2.6 metres by 5.5 metres is consistent with the requirement in the new Hamilton Zoning By-law No. 05-200, which is only applicable in Downtown Hamilton at this time.

   In addition, an inclusion of a minimum ground floor elevation of 76.0 metres above mean sea level as defined by the Geodetic Survey Datum, and an inclusion that no basements or cellars shall be permitted have been included, as they are standard requirements within the Beach Neighbourhood and are being carried over from the previous site-specific zoning.

5. The previous rezoning and site plan approvals for the subject lands addressed the issue of noise. Given that the configuration of the proposal has been revised, the owner/applicant will be required to reinvestigate the noise levels on the site and determine the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment's recommended sound level limits. An amended acoustical report” prepared by a qualified Professional Engineer containing the recommended control measures should be submitted to
the satisfaction of the City of Hamilton, Director of Development and Real Estate. This will be addressed at the site plan control stage of Development.

**ALTERNATIVES FOR CONSIDERATION:**

Should the application for a change in zoning not be approved, development of the subject lands for residential purposes (townhouses and apartments), would be permitted based on the existing zoning, and subject to a new site plan application process.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

- Financial: N/A.
- Staffing: N/A.
- Legal: As required by The Planning Act, Council shall hold at least one Public Meeting to consider an application for a Zoning By-law Amendment.

**POLICIES AFFECTING PROPOSAL:**

**Provincial Policy Statement**

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Staff recognizes that the application is consistent with the policies that focus growth in settlement areas 1.1.3.1.

Policy 1.7.1(e) outlines that long term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries and aggregate activities) and sensitive land uses are appropriately designed, buffered and separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety. Due to the proximity of the subject lands to the Queen Elizabeth Expressway, a noise assessment shall be conducted by the applicant/owner to address this concern. This will be addressed at the site plan stage of development. On this basis, the proposal is consistent with the policies of the Provincial Policy Statement.

**Region of 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. The proposal is consistent with the Policies of the Hamilton-Wentworth Official Plan.

**City of Hamilton Official Plan**

The subject lands are designated “RESIDENTIAL” in the City of Hamilton Official Plan.

*A.2.1.1* The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

*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.2.1.13* Plans for redevelopment will, to the satisfaction of Council, ensure that the RESIDENTIAL character of the area will be maintained or enhanced and that the redevelopment will not burden existing facilities and services.

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

i) Provision and maintenance of adequate off-street parking;
C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;

v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;

vi) Support new RESIDENTIAL development that provides tenure options and a range of prices/rents for new dwellings that will be "affordable" to Hamilton residents;

ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents;

xii) Encourage development at densities conducive to the efficient operation of Public Transit and which utilizes designs or construction techniques that are energy efficient; and,

xiii) Support residential and neighbourhood development that respects safety concerns.

The proposed development conforms to the City of Hamilton Official Plan.

NEIGHBOURHOOD PLAN

The subject lands are located within the Hamilton Beach Neighbourhood. The applicable land use designations are “Attached Housing” (Block “1”) and “Low Density Apartments” (Block “2”). Approval of the application would require a Neighbourhood Plan amendment to redesignate Block “2” from “Low Density Apartments” to “Attached Housing”. This redesignation reverts back to the original designation, which was
changed to “Low Density Apartments” as part of the previous approval for three condominium apartment buildings.

**RELEVANT CONSULTATION:**

Ministry of Transportation (MTO) has advised that the proposal falls within MTO’s permit control area and will require MTO review and approval.

The owner must also be advised that Ministry building/land-use permits for all buildings and structures within 46 metres (150 feet) from the QEW property limit, and 396 meters from the intersection of QEW and Eastport Drive will be required prior to any grading and construction on the site. Separate building/land-use permits will be required for each stormwater management pond serving the site. Sign permits will be required as well.

Any new structures, above and below ground shall be setback a minimum distance of 14 metres from the ultimate highway property line. This includes any new buildings, internal roads, essential parking, catch basins, fire routes, storm water management ponds and any other essential structures for the development. The applicant should be made aware that Ministry permits are required for all structures above and below ground, located within the Ministry’s permit control area. Furthermore, the MTO has specifically advised that a minimum building setback of 14 metres from the rear property line for Buildings 6, 7, 10, 11 and 12 will be required, and that Building 1 may be set back a minimum of 7 metres from the MTO property line.

Subsequent requests will require the applicant to submit a site plan, a survey plan, an illumination report, a site servicing and grading plan, a traffic impact study and a stormwater management report.

A Traffic Impact Study (TIC) will be required to assess the potential impacts of traffic caused by the proposed development onto the QEW and to identify the necessary highway improvement to ensure the provincial highway system will operate at an acceptable level upon completion of the proposed development. A Stormwater Management Report detailing the intended treatment of calculated runoff for 5, 10, 50 and 100 years storm is required.

Public Works Department (Traffic Engineering & Operations Section) has advised that any new or change in access to Beach Boulevard requires the applicant/owner to apply for and receive an Access Permit from the Public Works Department. Prior to commencing any work within the road allowance, they recommend that the applicant/owner contact all the respective Utilities. Any costs for Utility relocation or other items are the sole responsibility of the applicant/owner. All abandoned accesses
along Beach Boulevard must be closed and have the boulevard and curb reinstated to the satisfaction of the Public Works Department.

Public Works Department (Forestry and Horticulture Section) has advised that there are Municipal Forestry concerns or conflicts. There are numerous trees located off the Road Allowance of this proposed development and one tree, a 73cm d.b.h Burr Oak, is located on Municipal Property.

These trees are governed under the City of Hamilton Tree By-Law No. 06-151. With the current information supplied and the scope of the proposed development, it is quite possible that the trees located on Municipal property will be removed.

The Forestry and Horticulture Section has further requested that all trees within this development area be identified as municipal or private and that a Tree Management Plan be submitted for all trees on municipal property so a final determination can be made. Via the site plan application process, the owner will be required to provide Tree Preservation & Protective Measures For Trees Affected by Construction Policy, the Reforestation Policy – Municipally Owned Lands. Director approval will be required for removals of all healthy Municipal trees as per the Public Tree Removal Policy. All Municipal stump removals will be the responsibility of the Developer and shall be removed during the construction process.

Further, the developer shall agree to provide and implement, at the their expense, a Street Tree Planting Plan and a Landscape Plan for road allowance trees, as prepared by a Landscape Architect, to be submitted for approval prior to any street tree plantings.

Horizon Utilities Corporation has advised that there is an existing hydro plant (ductrun, vault and cabling) that resides within the proposed development. The plant will have to be relocated at the developer’s expense. Horizon Utilities would also need to receive an easement over the proposed development.

Corporate Services (Budgets and Finance) has advised that there is a required commutation amount for sanitary sewers and private drain connection for local improvement charges which are to be paid to the Budgets and Finance Section of the Corporate Services Department, City Hall.

Hamilton Conservation Authority (HCA) has advised that the Hamilton Beach Neighbourhood has had extensive studies related to flood problems and drainage. The Neighbourhood has overland drainage problems as a result of normal water levels for Lake Ontario and Hamilton Harbour, with water levels on Lake Ontario controlling ground water levels in the area. The 1:100 year still water flood elevation is 76 metres. Although the lot should not be directly affected by the 1:100 year flood from Lake
Ontario, the lot could, however, be affected by flood waters through rising ground water conditions.

The Master Drainage Plan (1999) was prepared to address flooding issues and high ground water conditions in the Hamilton Beach Neighbourhood. The Master Plan indicated that there would be increased peak flows and run-off due to redevelopment. For the proposed townhouse development, post development flows must be controlled to pre-development 100 year conditions. The Hamilton Beach Master Drainage Plan also identifies minimum lot development requirements for this area, with lot drainage being directed from front to back to the QEW for major and minor systems. The Master Drainage Plan also indicates that swales should convey the 10 year storm and have a minimum slope of 0.5%. Quality control is required to meet Normal criteria. A stormwater management report should be submitted to HCA to address these aspects and support the design as well as a grading and servicing plan. The HCA will require confirmation that no basements are being proposed, in accordance with the Zoning By-law requirements.

The concerns raised by the HCA will be addressed at the site plan control stage of development.

The following Departments and Agencies had no comments or objections:

- Bell Canada.

Public Consultation

The Public Participation Policy, adopted by Council on May 29, 2003, provides that preliminary circulation shall not be required where in the opinion of the City’s Manager of Development Planning, in consultation with the Ward Councillor, preliminary circulation of the application was seen to have minimal purpose or benefit.

In this regard, the properties have been previously subject to various planning applications (e.g. zoning, site plan). With respect to this proposal, a Public Notice board was placed on the subject lands on August 14, 2006. The applicant and their consultant have held community information meetings on several occasions. On April 18, 2006, the project team and Ward Councillor had a meeting in which general introductions and project overview were discussed. On May 2, 2006, the project team met with Mr. & Mrs. Santini (owners of property abutting to the east at 420 Beach Blvd). A third meeting was held on May 16, 2006, with the project team, Ward Councillor and executives of the Hamilton Beach Preservation Committee. Finally, a fourth meeting was held June 6, 2006, with the project team and general members of Hamilton Beach Preservation Committee. To date, no comments have been received from the public. The Notice of
Public Meeting was circulated in accordance with the provisions of the Planning Act to 52 property owners within 120 metres of the subject lands.

**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
The public are involved in the definition and development of local solutions.

**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.

**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

:JM
Attachs. (5)
CITY OF HAMILTON

MOTION

Council Date: January 10, 2007

MOVED BY COUNCILLOR …COLLINS…………………………………………………………

SECONDED BY COUNCILLOR………………………………………………………………

That the following be added as Item 30 to the Planning and Economic Development Committee Report 06-018 as follows:

30. Application for a Change in Zoning for the Properties Located at 422, 426, 428, 440, 456, 464 and 466 Beach Boulevard (Hamilton) (PED06397) (Ward 5)

That approval be given to Zoning Application ZAC-06-44, by Andrin Beaches Limited, c/o Gino D’Ambrosio, owner, for a change to Zoning By-law No. 6593, from the “RT-30/S-1495a” (Street Townhouse) District, Modified to the “RT-20/S-1568” (Townhouse-Maisonette) District, Modified (Block “1”), and from the “DE-2/S-1495a” (Multiple Dwellings) District, Modified to the “RT-20/S-1568” (Townhouse-Maisonette) District, Modified (Block “2”), to permit the construction of 75 townhouse units, for lands located at 422, 426, 428, 440, 456, 464 and 466 Beach Boulevard, as shown on Appendix “A” to Report PED06397, on the following basis:

(a) That Block “1” be rezoned from “RT-30/S-1495a” (Street Townhouse) District, Modified to the “RT-20/S-1568” (Townhouse-Maisonette) District, Modified.

(b) That Block “2” be rezoned from “DE-2/S-1495a” (Multiple Dwellings) District, Modified to the “RT-20/S-1568” (Townhouse-Maisonette) District, Modified.

(c) That the draft By-law, attached as Appendix “D” to Report PED06397, which has been prepared in a form satisfactory to the City Solicitor be forwarded to Council for enactment

(d) That the proposed changes in zoning conform to the Hamilton-Wentworth Official Plan and the Hamilton Official Plan.
(e) That upon finalization of the implementing Zoning By-law, the approved Hamilton Beach Neighbourhood Plan be amended by redesignating Block “2” from “Low Density Apartments” to “Attached Housing”.
CITY OF HAMILTON

MOTION

Council Date: January 10, 2007

MOVED BY COUNCILLOR …COLLINS……………………………………………………

SECONDED BY COUNCILLOR…………………………………………………………

That Item 30 of the Planning and Economic Development Committee Report 06-018 be amended by adding the following subsections as follows:

30. Application for a Change in Zoning for the Properties Located at 422, 426, 428, 440, 456, 464 and 466 Beach Boulevard (Hamilton) (PED06397) (Ward 5)

(f) That notwithstanding Subsection 10E.5(a), of Zoning By-law No. 6593, a distance of not less than 3.0 metres between two exterior walls containing no window or windows shall be provided and maintained;

(g) That Council determines that no further notice is needed regarding this minor change, pursuant to 34(17) of the Planning Act.