SUBJECT: Application for Approval of a Draft Plan of Condominium Conversion for Lands Located at 1212 Fennell Avenue East (Hamilton) (PED09297) (Ward 6)

RECOMMENDATION:

That approval be given to Condominium Conversion Application CDM-CONV-09-02, by 1333664 Ontario Inc., Owner, to establish a Draft Plan of Condominium for 23 existing apartment units, and one new apartment unit, located at 1212 Fennell Avenue East (Hamilton), as shown on the attached map marked as Appendix “A” to Report PED09297, subject to the following conditions:

(a) That this approval apply to the plan prepared by A.T. McLaren Limited, and certified by S.D. McLaren, O.L.S., dated October 14, 2009, showing a total of 24 residential apartment units and 28 vehicular parking spaces, attached as Appendix “B” to Report PED09297.

(b) That the Final Plan of Condominium complies with all of the applicable provisions of the applicable Zoning By-law.

(c) That the Owner satisfies all conditions, financial or otherwise, of the City of Hamilton.

(d) That the Owner shall submit a report in accordance with Section 9 (4) of The Condominium Act, 1998, prepared and certified by a qualified Registered Professional Engineer or Licensed Architect, to the satisfaction of the Chief Building Official of the City of Hamilton, to confirm the structural and mechanical integrity of the building and any Owner initiated measures required to correct any deficiencies prior to the release of the final plan for registration.
(e) That the Owner shall include the following warning clause in all Purchase and Sale Agreements and any Rental or Lease Agreements required for occupancy:

“Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the Municipality’s and the Ministry of the Environment’s noise criteria.”

(f) That the Owner shall include the following warning clauses in all Purchase and Sale Agreements and any rental or lease agreements required for occupancy:

(i) That the home/business mail delivery will be from a designated Centralized Mail Box.

(ii) That the developers/owners shall be responsible for officially notifying the purchasers of the exact Centralized Mail Box location, prior to the closing of any home sales.

(g) That the Owner provides the Manager of Design and Construction with evidence that satisfactory arrangements, financial and otherwise, have been made with a telecommunication service provider, approved by the Canadian Radio and Telecommunication Commission (CRTC), that adequate telecommunication service will be provided to the condominium, including 9-1-1 emergency calling service that identifies, at a minimum, the caller’s name and location information.

(h) That the Owner apply for and receive final approval of a Building Permit for the proposed twenty-fourth (24th) dwelling unit, to the satisfaction of the Manager of Building Engineering and Zoning.

Tim McCabe
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

The purpose of this application is to create a Plan of Condominium for 23 existing apartment units, and one proposed apartment unit, within a building located at 1212 Fennell Avenue East. The condominium conversion will allow for the tenure of the units to change from rental to condominium ownership. The building is currently vacant.

The proposed condominium conversion has merit and can be supported, with conditions, as the proposal is consistent with the Provincial Policy Statement, conforms to the “Urban Area” policies of the Hamilton-Wentworth Official Plan, and the “Residential” and “Housing” policies of the City of Hamilton Official Plan.
BACKGROUND:

Proposal

This application seeks approval of a Draft Plan of Condominium to allow a change in tenure of the existing 23 apartment units located within the existing building at 1212 Fennell Avenue East to condominium apartment units. The 23 units are comprised of 11 one-bedroom units, and 12 two-bedroom units. A 24th bachelor unit is also proposed to be created within the existing building in an area previously used for laundry/storage facilities. The existing building on the site is currently vacant and has no tenants. Since the submission of the original application, the draft plan has been revised, based on input from Planning staff, resulting in the draft plan presented in Appendix “B”.

The individual apartment units, including balconies and unit parking spaces (total of 28 spaces), would form the exclusive use areas, while the remainder of the building (including hallways, laundry rooms, lobby, and storage rooms) and the remainder of the site (including landscaped areas, access areas, and amenity space) would form the common use areas (see Appendix “B”).

Committee of Adjustment Application HM/A-09:225

An application for minor variance was received in order to allow a greater Floor Area Ratio on the site, and to change several of the parking requirements for the site, including providing a total of 28 parking spaces instead of the required 30, providing no visitor parking spaces, whereas 6 were required as part of the 30 required spaces, and to reduce the dimensions of the parking spaces to 2.6 metres by 5.5 metres. These changes are discussed in greater detail in the Analysis/Rationale section of the report (Part 4). Several other variances were applied for to address/recognize existing deficiencies on the site, including loading spaces, parking area setbacks and landscaped strips, visual barriers for the existing parking area, total landscaped area, the easterly side yard setback for the existing building and balcony projections. The minor variance application was approved by the Committee of Adjustment on September 17, 2009, and became final and binding on October 8, 2009 (see Appendix “C”).

Location: 1212 Fennell Avenue East

Owner/Applicant: 1333664 Ontario Inc.

Agent: IBI Group

Property Description:

- Lot Area: 0.21 hectares
- Lot Frontage: 47.04 metres
- Lot Depth: 45.32 metres
EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th>Subject Lands</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tbody>
<tr>
<td></td>
<td>Vacant</td>
<td>“DE-3” (Multiple Dwellings) District</td>
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<td>(Previously Apartment Rental Units)</td>
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</tbody>
</table>

SURROUNDING LAND USES

<table>
<thead>
<tr>
<th>North</th>
<th>Apartment Dwelling Units</th>
<th>“E-2/S-3” (Multiple Dwellings) District, Modified</th>
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</thead>
<tbody>
<tr>
<td>West</td>
<td>Apartment Dwelling Units</td>
<td>“DE-3” (Multiple Dwellings) District</td>
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<tr>
<td>South</td>
<td>Single Detached Dwellings</td>
<td>“C” (Urban Protected Residential, etc.) District</td>
</tr>
<tr>
<td>East</td>
<td>Apartment Dwelling Units</td>
<td>“E” (Multiple Dwellings, Lodges, Clubs, etc.) District</td>
</tr>
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ANALYSIS/RATIONALE:

1. The proposal has merit and can be supported for the following reasons:
   (i) It is consistent with the Provincial Policy Statement;
   (ii) It conforms to the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan; and,
   (iii) The proposal complies with the City of Hamilton Zoning By-law.

2. At the time the application was received and deemed complete, the building contained only one existing tenant occupying a two-bedroom unit. The applicant has been diligent in advising the existing tenant by registered mail, of their intent to convert the existing apartments into condominiums. An information sheet was circulated to the tenant outlining the application process and the existing tenant’s rights under the Residential Tenancies Act, including confirmation that existing residents not committing to purchase their units will be allowed to continue to rent. The tenant has since moved out of the building (May 27, 2009). The building is currently vacant.
3. The housing policies found in the City of Hamilton Official Plan are intended to guide future growth and development, which includes the protection of a full range of housing, including rental housing, throughout the City. In this regard, Section C.7.11 of the City of Hamilton’s Official Plan identifies the following three conditions that must be satisfied in order to recommend the conversion of rental stock to condominium ownership:

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

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

(iii) The existing market rent levels for the units proposed to be converted are not significantly below the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling/structure type.

The Canada Mortgage and Housing Corporation (CMHC) provides annual statistical information on the national, provincial, and local housing markets. In order to evaluate the proposal against the above noted Official Plan policies, the City uses local housing market data that is specifically-ordered from CMHC (see Table 1 and 2).

Table 1: Vacancy Rate and Average Market Rent for One-Bedroom and Two-Bedroom Apartment Units in CMHC Zone 6 - Hamilton Mountain

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<tbody>
<tr>
<td>One-Bedroom</td>
<td>2.7%</td>
<td>$645</td>
<td>2.6%</td>
<td>$632</td>
</tr>
<tr>
<td>Two-Bedroom</td>
<td>2.5%</td>
<td>$759</td>
<td>3.0%</td>
<td>$754</td>
</tr>
</tbody>
</table>

Source: CMHC (2008)

Table 2: Vacancy Rate and Average Market Rents for One-Bedroom and Two-Bedroom Apartment Units in the City of Hamilton

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<tbody>
<tr>
<td>One-Bedroom</td>
<td>3.5%</td>
<td>$637</td>
<td>3.7%</td>
<td>$624</td>
</tr>
<tr>
<td>Two-Bedroom</td>
<td>3.4%</td>
<td>$775</td>
<td>3.9%</td>
<td>$762</td>
</tr>
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</table>

Source: CMHC (2008)
The subject property is located in Hamilton Mountain (Zone 6). As outlined in the above tables, the vacancy rate for the City of Hamilton and for all unit types has been above 2% for the proceeding 24 months. In addition, the conversion of the subject rental units to condominiums does not negatively impact vacancy rates such that current rates would fall below 2% for one-bedroom and two-bedroom apartment units in CMHC Zone 6 or the City of Hamilton. Therefore, the proposed conversion meets Conditions C.7.11 (i) and (ii) of the Official Plan.

The proposed units to be converted were being rented during the approximate time period at the end of 2008 and beginning of 2009, prior to the building becoming vacant. The units were being rented at an average of $577.10 for the one-bedroom units and $682.75 for the two-bedroom units. In this case, the differences between average rents and the rents being charged for the existing apartments were -9.40% (one-bedroom units) and -11.90% (two-bedroom units) in the City of Hamilton, and -10.53% (one-bedroom units) and -10.05% (two-bedroom units) in the local housing market zone. The average rents, which were being charged in the existing building, are considered to be significantly lower (more than 10% lower) than the average market rent for one and two-bedroom units in the City of Hamilton and the local housing market Zone.

However, Condition C.7.11(iii) above is a policy which generally applies to occupied units, where, under the Residential Tenancies Act, rent increases are controlled, and rents which are significantly less than the average for the area would be maintained. The existing building currently has no tenants, and therefore, there are no controls on the rents which may be charged if the Owners started renting the dwelling units. The Owners of the property have advised that based on their business model for the property and the average market rents in the Housing Market Zone, if the units were to be rented out once renovated, the rent levels would be approximately $700.00 a month for the proposed bachelor unit, $850.00 per month for a one bedroom unit, and $975.00 per month for a two-bedroom unit. These rent levels would be higher than the average rent levels for the City of Hamilton and the local housing market Zone. The City's Housing Division has also advised that the proposed condominium units would be considered affordable homeownership units if sold at the estimated selling prices provided by the proponent. Therefore, the general intent of Policy C.7.11(iii) is being met.

In summary, the proposed condominium conversion conforms to the policies of the City of Hamilton Official Plan.

4. The recognized use of the property is a legally established 23 unit multiple dwelling, with legal non-conforming parking. As noted previously, the applicant intends to convert additional, existing space in the building to create a 24th unit (bachelor apartment unit). In order to legally establish a 24th unit, a variance for parking and for the Floor Area Ratio was required, as the new unit would result in an increase in the liveable area of the building, and a change in parking requirements from the previous legal non-conforming status.
The existing building currently provides 24 parking spaces. As part of the subject application, the applicant has proposed to reconfigure the parking on the site and decrease the size of the spaces to 2.6 metres by 5.5 metres, in order to increase the number of parking spaces to 28 in total. The Zoning By-law requires 1.25 parking spaces per dwelling unit (1 parking space and 0.25 visitor parking spaces for each unit) resulting in a requirement for 30 parking spaces, of which 6 would normally be used for visitor parking. Therefore, although the parking on the site has been increased, the applicant is still deficient by two spaces.

To address the zoning deficiencies, the applicant applied for variances to permit the increase in the Floor Area Ratio, to permit a minimum of 28 parking spaces, and to permit a reduction in the dimensions of the required parking spaces. The applicant also requested that all spaces be available for use by the tenants. A number of additional variances were granted through the same application to recognize pre-existing site conditions. Final approval of the variances was granted on October 8, 2009 (see Appendix “C”).

A building permit would also be required for the creation of the 24th unit prior to the final registration of the condominium, which has been included in the conditions of condominium approval (Condition (h)).

5. In accordance with Section 9(4) of the Condominium Act, when an application is made to convert a residential building from rental to condominium tenure, the municipality shall require the owner/applicant to retain a qualified professional to inspect the property and report to the municipality all matters that it considers may be of concern. As such, in order to ensure the quality and safety of future residents, it is essential that the City receives an engineering report that is signed by a professional engineer or architect which will address all requirements that are set out within the present Building Code. As a condition of approval (Condition (d)), staff has recommended that the Owner submit a report to confirm the structural and mechanical integrity of the building and implement any measures required to correct any deficiencies.

6. There are existing public watermains and combined storm and sanitary sewers fronting the property on Fennell Avenue East. There are no future road widenings for Fennell Avenue East along the frontage of the property.

**ALTERNATIVES FOR CONSIDERATION:**

Should the proposed condominium conversion not be approved, the existing units will remain as rental tenure.
FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial: N/A.

Staffing: N/A.

Legal: The Planning Act does not require a notice of Public Meeting for an application for Condominium Conversion. However, formal notice was given to the existing resident prior to submission of the application.

POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Staff notes that the subject application is consistent with the policies that focus growth in Settlement Areas 1.1.3.1.

However, Policy 1.7.1(e) outlines that long term economic prosperity will be supported by planning so that major facilities (such as transportation corridors) 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. As the subject lands are located adjacent to Fennell Avenue East, staff has included a condition of approval (Condition (e)) that requires the Owner to include a noise warning clause in all Development Agreements and Offers of Purchase and Sale or Lease Agreements.

Hamilton-Wentworth Official Plan

The subject property is designated “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. Urban Areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.

As the nature of the application is for the conversion of the existing rental apartment units into a plan of condominium, the proposal conforms to the Hamilton-Wentworth Official Plan.

The City of Hamilton Official Plan

The subject lands are designated “Residential” on Schedule “A”, Land Use Concept of the City of Hamilton Official Plan. The proposal conforms to the “Residential” designation of the Official Plan.
As previously mentioned, the Official Plan also provides guidance in assessing the merits of proposed condominium conversions under Section C.7.11. These Official Plan policies have been addressed in the Analysis/Rationale section of this report. The proposal satisfies the conversion policies of the Plan.

New Urban Hamilton Official Plan

The New Urban Official Plan for the City of Hamilton was adopted by Council on July 9, 2009. The Plan has been forwarded to the Province of Ontario for final approval, and is not yet in effect.

This plan contains several housing policies, which are intended to maintain a proper balance of primary rental and ownership housing stock. In this regard, Chapter B, Section 3.2.5.1 of the City of the Plan, identifies policies that must be satisfied in order to recommend the conversion of rental stock to condominium ownership:

“3.2.5.1 To protect the adequate provision of a full range of housing, conversion to condominium of rental apartment or townhouse buildings or groups of buildings comprised of six or more units shall be permitted if any one of three general criteria are met, outlined as a), b) and c) below:

a) All of the following criteria are met:

(i) The rental vacancy rate by dwelling unit and structure type for the City and the respective local housing market zone, as identified on Schedule G - Local Housing Market Zones and based on CMHC data, has been at or above 2.0% for the preceding twenty-four months;

(ii) The proposed conversion shall not reduce the rental vacancy rate by dwelling unit and structure type to below 2.0% for the City and the respective local housing market zone;

(iii) The existing market rent levels for the units proposed to be converted are not significantly (approximately 10%) below the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling unit and structure type and size; and,

(iv) For vacant rental units, the last market rent levels charged prior to vacancy for the units proposed to be converted were not significantly (approximately 10%) below the average market rent levels at the time for the City and respective local housing market zone for rental units of a similar dwelling unit and structure type and size; or,
b) At least 75% of the current tenants support the conversion to condominium, as demonstrated to the satisfaction of the City; or,

c) The subject building or group of buildings is a protected heritage property on the date of application.”

Notwithstanding the above policies, the City may also approve an application for conversion if it is demonstrated to the City that repair or retrofitting is immediately required to meet health and safety standards; and income received from rent and available from government funding programs, including rent increases permitted under provincial legislation, is not capable of supporting the work required.

Since the subject property is currently vacant, the application would be evaluated under Policy 3.2.5.1a) if these policies were in effect. As noted in Part 3 of the analysis, some rent amounts that were being charged when the building was occupied are approximately 10% or more below the average market rent levels for the City (11.9% below for two bedrooms), and for the local housing market zone (10.53% for one bedrooms and 10.05% for two bedrooms), and therefore, if interpreted literally, would not meet Part (iv) of the policy. Aside from this policy, it is noted that in accordance with Policy 3.2.5.1b), notwithstanding the existing vacancy rates and rental rates, a conversion may occur if 75% of the current tenants support the application. The single tenant in the building at the time of application was provided information about the intent to convert the building to condominium, and their associated rights with regards to their rental unit. The tenant has since moved out and did not provide a response, therefore it is unknown if the existing tenant would have been supportive. However, if the tenant had been supportive, the application would meet conversion Policy 3.2.5.1b).

Notwithstanding these considerations, staff is satisfied that the application meets the current City of Hamilton Official Plan policies which are in effect, and can be supported.

**RELEVANT CONSULTATION:**

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

- Infrastructure Planning and Source Water Protection, Public Works Department.
- Municipal Property Assessment Corporation.
- Health Protection, Public Health Services.
- Budgets and Finance, Corporate Services Department.
- Hamilton Police Services.
- Taxation Division, Corporate Services Department.
- Hamilton Emergency Services.
- Horizon Utilities.
- Hydro One.
- French Catholic School Board.
- French Public School Board.
Canada Post

This condominium will receive mail service to centralized mail facilities provided through our Community Mailbox Program. The following conditions are requested:

The Owner shall complete, to the satisfaction of the Director of Engineering of the City of Hamilton and Canada Post:

a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:

i) That the home/business mail delivery will be from a designated Centralized Mail Box.

ii) That the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.

b) Canada Post’s multi-unit policy, which requires that the owner/developer provide the centralized mail facility, at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor, or sheltered space.

Staff has addressed Canada Post’s concerns through the inclusion of Condition (f) in the recommendation of the report.

Traffic Planning, Public Works Department

The access widths on the plan of condominium are noted as less than 6 metres, however, a site visit indicates that the previous traffic flow on the site was inbound only at the westerly access, and outbound only at the easterly access. In our review of this application, we have assumed that this traffic flow will be maintained in the future. Any changes to the access use and site layout will require further review by Traffic staff.

There is evidence on site of a pedestrian connection from Fennell Avenue to the building, however, this connection is not shown on the submitted plan. A sidewalk connection is required.

The applicant has addressed Traffic Planning concerns by showing the existing pedestrian connection from the building to the municipal sidewalk along Fennell Avenue on their revised draft plan, attached as Appendix “B”.
Hamilton Municipal Parking System

Staff has reviewed this application and has no additional concerns. The applicant should ensure that all existing and future parking requirements, including visitor parking, are met on-site. Parking is not permitted on Fennell Avenue, and although some of the side streets can accommodate some overflow parking, this cannot be guaranteed in perpetuity. The applicant must also be aware that passenger vehicles can park on an unregulated street for a maximum duration of 12 hours.

Strategic Planning

If it is determined that any structural changes are to be done to the existing building or property, recommendations of the City of Hamilton Stormwater Master Plan for source and conveyance control should be incorporated into the servicing plans.

Bell Canada

The following paragraphs are to be included as conditions of Draft Plan of Condominium approval:

1. The Developer is hereby advised that prior to commencing any work within the Plan, the Developer must confirm that sufficient wire-line communication / telecommunication infrastructure is currently available within the proposed development to provide communication / telecommunication service to the proposed development. In the event that such infrastructure is not available, the Developer is hereby advised that the Developer may be required to pay for the connection to and/or extension of the existing communication / telecommunication infrastructure. If the Developer elects not to pay for such connection to and/or extension of the existing communication / telecommunication infrastructure, the Developer shall be required to demonstrate to the municipality that sufficient alternative communication / telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication / telecommunication services for emergency management services (i.e. 911 Emergency Services).

Please Note: There is an existing plant at this location. Please contact Bell Canada if relocation of the plant is required for estimates/coordination.

Staff has addressed Bell’s concerns (outlined above) through the inclusion of Condition (g) in the Recommendation of this report.

Community Services Department (Housing Division)

The Official Plan sets policies to guide future growth and development of a community which includes fostering a healthy rental housing market. A “healthy” or “balanced” rental market vacancy rate is generally considered to be between 2% to 3%. Section C.7.11 of the former City of Hamilton’s Official Plan identifies three conditions that must
be satisfied in order to recommend condominium conversion. *Keys to the Home: A Housing Strategy for Hamilton* highlights the importance of maintaining and/or increasing the current rental housing market stock, particularly for low income households. Preserving rental housing stock is essential given the limited number of purpose built rental housing in recent years.

The average vacancy rates for one-bedroom and two bedroom apartments in the local housing market zone and in the City of Hamilton in 2007 and 2008 were above 2%. The conversion of the subject rental units to condominiums does not negatively impact vacancy rates such that rates would fall below 2% for one-bedroom and two-bedroom apartment units in CMHC Zone 6 or the City of Hamilton.

Information provided by the proponent indicates that rent for the 1-bedroom units is $580.26 (except for one 1-bedroom unit at $548.66), and rents for the 2-bedroom units range from $648.66 to $773.68. The rent for the 1-bedroom units at $580.26 is not significantly below the average market rent for 1 bedroom units for the City of Hamilton. However, rent for the 1 bedroom units is significantly below the average market rent for 1 bedroom units in the local housing market zone. All the rents for the 2 bedroom units, except 1 unit, are significantly below that of the City of Hamilton and the local market zone.

This application for condominium conversion provides an estimated selling price of $89,000 for the bachelor unit, $139,000 for the 1-bedroom units, and $159,000 for the 2-bedroom units. The Provincial Policy Statement defines affordable homeownership as housing for which the purchase price results in annual accommodation costs which do not exceed 30% of gross annual household income for households within the lowest 60% of the income distribution for the regional market area (Hamilton). The estimated selling prices for the proposed condominium units would be affordable to households with incomes approximately between 20% and 30% of the income distribution in Hamilton (based on a 10% down-payment and the current posted 5-year closed mortgage rate for chartered banks). As such, the proposed condominium units would be considered affordable homeownership housing.

In conclusion, the City of Hamilton recognizes the importance of maintaining and increasing the number of affordable rental units in Hamilton. The loss of any private rental stock is significant due to the lack of new purpose-built privately initiated rental construction in Hamilton. Current trends indicate that new privately initiated rental construction is unlikely to keep up with demand and, therefore, it is unclear when new rental construction would replace the proposed condominium conversion of these 24 units.

The proposed condominium units would be considered affordable homeownership units if sold at the estimated selling prices provided by the proponent. This would provide an opportunity for affordable homeownership in Hamilton.

The City’s Housing Division has advised that the following Official Plan requirements for both the local housing market zone and City of Hamilton have been met:
1. Vacancy rates have been above 2% for the past two years; and,

2. The loss of stock does not negatively affect vacancy rates.

However, the following Official Plan requirement for both the local housing market and the City of Hamilton has not been met.

3. The existing market rent levels for the units proposed to be converted are not significantly below the average market rent levels for the City and the respective local housing market zone.

As noted earlier in the Analysis/Rationale section of the report (Part 2), the general intent of Policy C.7.11(iii) of the Official Plan is being maintained, since there are currently no existing units being rented, and the rent levels of the units, once renovated, would not be significantly below the average market rent levels for the City and local housing market.

Public Consultation

The single tenant in the building was provided with an information package on May 5, 2009, where details of the proposal and the tenants’ rights under the Tenant Protection Act were provided. Staff has received no form of opposition to the change in tenure. The tenant has since moved out of the building, and the building is currently vacant.

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
Affordable home ownership opportunities are provided within the community.

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

Economic Well-Being is enhanced. ☒ Yes ☐ No
Reuse and renewal of existing infrastructure minimizes 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

:MP
Attachs. (3)
Location Map

File Name/Number: CDM-CONV-09-02
Date: May 15, 2009
Appendix “A”
Scale: N.T.S.
Planner/Technician: MP/SL

Subject Property

1212 Fennell Avenue East

Ward 6 Key Map

N.T.S.
IN THE MATTER OF The Planning Act, R.S.O., 1990, c.P. 13 as amended and of the Zoning By-Law No. 6593, of the City of Hamilton, Sections 10C, 18 and 18A.

AND IN THE MATTER OF the Premises known as Municipal number 1212 Fennell Avenue East, in the City of Hamilton and in a "DE-3" (Multiple Dwellings) district;

AND IN THE MATTER OF AN APPLICATION by the agent IBI Group on behalf of the owner 1353664 Ontario Inc. (c/o Mike Valvasori), for relief from the provisions of the Zoning By-Law No. 6593, under Section 45 of The Planning Act, R.S.O. 1990, c. P. 13, so as to permit the conversion of the existing twenty-three (23) unit multiple dwelling into a twenty-four (24) unit multiple dwelling notwithstanding that:

1. No loading space shall be provided instead of the minimum required one loading space;

2. Twenty-eight (28) parking spaces shall be provided instead of the minimum required thirty (30) parking spaces;

3. No visitor parking spaces shall be provided instead of the minimum required six (6) visitor parking spaces;

4. Parking stalls for all parking spaces with the exception of parallel spaces shall be 2.6m x 5.5m instead of the minimum required parking stall size of 2.7m x 6.0m;

5. The parking area shall be located at the property line instead of the being the minimum setback of 1.5m from the adjacent residential properties to the south, east and west;

6. No landscaped area shall be provided between the parking area and the adjacent residential properties to the south, east and west instead of the minimum required 1.5m landscaped area containing a planting strip between the parking area and the adjacent residential properties to the south, east and west;

7. No visual barrier shall be provided between the parking area and the adjacent residential properties to the south, east and west instead of the requirement for a visual barrier with a minimum height of 1.2m and a maximum height of 2.0m between the parking area and the adjacent residential properties to the south, east and west;

8. A total landscaped area of approximately 7% of the lot area shall be provided on the entire lands instead of the minimum required landscaped area of 25% of the lot area for the entire development;

9. A side yard depth along the east side of the building of 4.5m shall be provided instead of the minimum required side yard depth of 4.9m;

10. Balconies shall project into the required side yards a maximum distance of 1.6m instead of the maximum permitted projection of 1.0m into any yard; and

11. A floor area ratio of 97% of the lot area shall be provided instead of the maximum permitted floor area ratio of 90% of the lot area.
THE DECISION OF THE COMMITTEE IS:

That the variances, as set out in paragraph three above, are GRANTED for the following reasons:

1. The Committee having regard to the evidence is of the opinion that the relief granted is of a minor nature.

2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.

3. The Committee having regard to the evidence is satisfied that there will be no adverse impact on any of the neighbouring lands.

DATED AT HAMILTON this 17th day of September, 2009

M. Dudzić (Chairman)

D. Smith _______________________________ D. Serwatk _______________________________

D. Drury _______________________________ V. Abraham _______________________________

C. Lewis _______________________________ L. Tew _______________________________

L. Gaddye _______________________________ M. Switzer _______________________________

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS October 7th, 2009.

NOTE: This decision is not final and binding unless otherwise noted.