SUBJECT: An Application for an Amendment to Zoning By-law 05-200 (Hamilton) for Lands Located at 153 George Street (PED08173) (Ward 1)

RECOMMENDATION:

That approval be given to **Staff Amended, Zoning Application ZAC-07-042, Community Residential Care Homes (Kathleen Ward and Michael Powers), Owners**, for a change in zoning from the Neighbourhood Institutional “I1” Zone to the Neighbourhood Institutional “I1” Zone, Modified, to permit the expansion of an existing Residential Care Facility from 15 residents to 24 residents, on lands located at 153 George Street (Hamilton), as shown on Appendix “A” to Report PED08173, on the following basis:

(a) That the subject lands be rezoned from the Neighbourhood Institutional “I1” Zone to the Neighbourhood Institutional “I1” Zone, Modified.

(b) That the draft By-law, attached as Appendix “B” to Report PED08173, which has been prepared in a form satisfactory to the City Solicitor, be held in abeyance until such time that a legal agreement to abandon the uses at 255 Caroline Street South has been signed and registered, to the satisfaction of the Director of Planning.

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

Tim McCabe
General Manager
Planning and Economic Development Department
EXECUTIVE SUMMARY:

The purpose of the application is for approval of a change in zoning in order to permit an existing residential care facility to accommodate a maximum 24 persons. The existing 15 person residential care facility would accommodate the additional 9 persons through a 3-storey rear addition to the existing dwelling (see Appendix “C”).

The proposal has merit and can be supported since the change in zoning is consistent with the Provincial Policy Statement and implements the intent of the Hamilton-Wentworth Official Plan and the Hamilton Official Plan. The proposal is compatible with surrounding residential uses, will make efficient use of existing services, and through the consolidation of two existing facilities within the area, will comply with the general intent of the residential care facilities Zoning By-law, which seeks to provide accommodation that meets a variety of housing needs without resulting in an over-concentration of such facilities.

BACKGROUND:

Proposal

The applicant is proposing an addition to 153 George Street to provide for the expansion of the existing residential care facility to accommodate a maximum 24 persons. The expansion includes the relocation of an existing residential care facility located at 255 Caroline Street, which is licensed for nine beds and is within the Durand Neighbourhood Moratorium Area. The development proposes to maintain the existing residential dwelling and construct a 3-storey addition to the rear of the dwelling at 153 George Street (see Appendices “C” and “E”).

The existing front driveway and informal parking area is to remain relatively unchanged, with minor changes made only to formalize the existing parking spaces. This would result in the provision of two on-site parking spaces.

Location: 153 George Street (see Appendix “A”)

Owner: Community Residential Care Homes (Kathleen Ward and Michael Powers)

Property Description:

- **Frontage:** 21.6m
- **Depth:** 42.06m
- **Total Land Area:** 895m²
EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject Land:</td>
<td>Institutional</td>
</tr>
<tr>
<td>Neighbourhood Institutional “I1” Zone</td>
<td></td>
</tr>
</tbody>
</table>

SURROUNDING LAND:

<table>
<thead>
<tr>
<th>North:</th>
<th>Residential (Single-Detached) and Commercial</th>
<th>“D” (Urban Protected Residential, etc.) District</th>
</tr>
</thead>
<tbody>
<tr>
<td>West:</td>
<td>Residential (Single-Detached and Low-Rise Apartments)</td>
<td>“E” (Multiple Dwellings, Lodges, Clubs, etc.) District</td>
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<tr>
<td>South:</td>
<td>Residential (Single-Detached and Low-Rise Apartments)</td>
<td>“E” (Multiple Dwellings, Lodges, Clubs, etc.) District</td>
</tr>
<tr>
<td>East:</td>
<td>Residential (Single-Detached)</td>
<td>“D” (Urban Protected Residential, etc.) District</td>
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ANALYSIS/RATIONALE:

1. The proposal, as amended by staff, has merit and can be supported for the following reasons:
   
   i) It is consistent with the Provincial Policy Statement and implements the intent of the Hamilton-Wentworth Official Plan and the Hamilton Official Plan.
   
   ii) It is consistent with the type and form of residential development in the surrounding neighbourhood.
   
   iii) It will make efficient use of existing services and complies with the general intent of the residential care facilities Zoning By-law, which seeks to provide accommodation that meets a variety of housing needs without resulting in an over-concentration of such facilities.

2. The applicant is proposing to expand an existing Residential Care Facility, facilitated through a 3-storey rear addition (see Appendix “C”). The Zoning By-law contains the following requirements for new or expanding Residential Care Facilities:
The applicant has, therefore, requested the following modifications to the Zoning By-law requirements:

- An increase to maximum capacity for a Residential Care Facility from 15 to 24 residents;
- Relief from the Radial Distance Separation;
- A reduction to the rear yard setback requirement from 7 metres to 1.20 metres; and,
- A reduction in the number of required parking spaces from 9 spaces to 2 spaces.

3. In accordance with the Public Participation Policy that was approved by City Council on May 29, 2003, a preliminary notice of these applications was sent to 393 property owners within 120 metres of the subject lands. Thirteen responses were received to the preliminary notice of circulation letter (attached as Appendix “D”). Twelve of these letters stated support for the proposal, acknowledging the good work and minimal impact of the existing facility. One letter raised concerns over the scale of the expansion, with particular reference to parking and loading, traffic congestion, over-concentration of facilities and impact upon the residential character of the neighbourhood.

These issues will be dealt with in detail in the following review. However, it should be noted that the proposal has been amended since the preliminary notice was issued. Originally, the subject lands included both 153 and 149 George Street, and requested a maximum of 40 persons to be accommodated within the two adjoining properties. The revised scheme would instead utilize only 153 George Street, and requests an expansion to permit 24 residents instead of the initial request for 40 residents.
4. Character of the Neighbourhood

The surrounding neighbourhood contains a variety of uses, including commercial, multiple residential, institutional, public, and low density residential uses. While at one time this area comprised mainly of large single detached dwellings, these units have predominately been converted to apartments and offices or replaced with apartment buildings. Immediately to the east of the subject lands are other residential buildings converted to apartments or mixed use buildings. On the north side of George Street are three single detached dwellings, owned by a single corporation, the “Trustees of the Moore Sovereign Consistory”, and a large commercial/private club operation known as “The Scottish Rite of Hamilton”.

Despite the variety of uses operating along George Street, the area continues to have an overt residential appearance, with minimal signage for those commercial operations and attractive landscaped yards for both the higher and lower density residential developments. The area is ideally located for higher density development due to the availability of transit, relative location to the downtown core and because it is located between two major arterial roads. Consequently, it is staff’s opinion that provided the residential character of the area is maintained, an increase in the density of development is supportable.

The existing facility is a large 2-½ storey brick building, situated on a corner lot. The facility benefits from a large landscaped front yard that provides a circular driveway and two parking spaces. The density increase would be facilitated through a large 3-storey rear addition. The proposed height, area and side yard setbacks would conform to the existing zoning regulations, however, to accommodate the addition as proposed, the minimum rear yard setback would have to be modified from 7m to 1.2m (see Appendix “C”).

In assessing the impact of this modification, the reduced performance standard must be considered acceptable with respect to the amenity of adjoining residents, as well as safeguard the character of the existing property and the area in general. In particular, Hamilton Official Plan Policies A.2.1.13, A.2.6.2 and C.7.3 state the following:

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.2.6.2 Permits institutional uses in Residential Neighbourhoods on sites adjacent to other institutional uses or commercial uses, subject to the following provisions:

ii) Proposal is of a scale that will be compatible to and integrate with the character of the established area.
C.7.3 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; (OPA No. 128).

With regard to neighbouring amenity, the potential for overshadowing and overlooking are of particular concern. Those properties most affected would be 149 George Street and 41 Ray Street South. It should be noted that both these properties are under the same ownership as that of 153 George and, as such, the owners have stated no concern with the proposal. Notwithstanding this, given the length of the addition and the proximity of the end elevation to the rear lot line, concern remains over the impact of such a large modification to the existing minimum rear yard setback.

With regard to the impact of the modification upon the character of the existing property and area, staff must be satisfied that the existing amenity and residential character of both the dwelling and the street is maintained.

The existing dwelling is situated on a corner lot, fronting onto George Street and flanked by Ray Street South. The grade falls considerably from George Street to Main Street West (along Ray Street South). As a consequence, while the addition is to the rear of the property, views from the intersection of George Street and Ray Street South (given the changes in grade and corner lot location), result in the addition remaining somewhat visible from public vantage points (see Appendix “E”). It is considered that through detailed designs at the site plan stage, in addition to the existing trees within and around the property, that the overall visual impact of an addition could be mitigated. However, given the sheer scale and bulk of the proposed addition, and the loss of outdoor amenity space, concern remains that a modification to the minimum rear yard setback from 7m to 1.2m would result in an addition that detracts from the scale and character of the property and the area in general.

In the absence of sufficient design evidence supporting the ability of the subject lands and area to accommodate the addition as proposed, staff has amended the original proposal and recommended that the minimum rear yard setback be maintained to a maximum of 4.5m. It is considered that this setback would ensure conformity with the above policies by achieving an addition that is in proportion with the existing dwelling and one that protects the character of the established residential area.
5. **Traffic, Parking and Loading**

The Traffic and Engineering and Operations Section has provided comments regarding this application and raise no objections to the zoning application. With respect to parking, the Parking Services Division has noted that there is very limited potential for overflow parking on the streets in this area, and that the local residents are very vocal about existing deficiencies in on-street parking. Many streets in the area already have restricted parking, and the regulations may become so restrictive that eventually no overflow parking may be available in the immediate area.

Furthermore, a Secondary Plan is presently being prepared for the Strathcona Neighbourhood, and through this process staff has identified parking availability in this neighbourhood as an issue of concern. It is, therefore, recommended that all existing and future parking requirements within this neighbourhood are met on-site.

With respect to this application, a total of 2 on-site parking spaces are proposed, whereas the By-law requires the provision of 9 spaces. These spaces are to be provided for staff and visitors, with no parking for the residents who do not drive. In support of this reduction, the applicant has provided a planning justification report in addition to confirming the operational requirements for parking and loading for the existing and proposed facility. In summary, the applicant has confirmed that staff use predominately public transit, and that visitors typically pick up family members and take them on day trips and, as such, do not park for long periods of time - a situation that is more than adequately accommodated by the existing circular driveway.

It is, therefore, considered that this reduction in the required parking is acceptable, given the proximity of the site to major transit corridors (King Street/Main Street), as well as the low trip and parking generation numbers of the existing use. Furthermore, it should be noted that additional parking (5 spaces total) could be provided in the front yard of the existing dwelling, however, this would result in the loss of the existing landscaped yard and, consequently, staff is concerned that this would have a detrimental impact with respect to the residential character of the street.

Finally, in order to formalize the 2 existing parking spaces, the regulations relating to setbacks from a street line for the aisles and spaces, in addition to the provision of a visual barrier, will be granted relief. It is considered that as this would effectively maintain the existing streetscape, such relief is deemed appropriate.
6. Relief from the Radial Distance Separation (RDS) Requirement

The radial distance separation was a performance standard recommended through the “Residential Care Facilities, Long Term Care Facilities, Correctional Facilities And Hostels - Discussion Paper No. 2 (May 2001)” and was, subsequently, implemented through By-law 01-142 (for the Hamilton Zoning By-law No. 6593), and through By-law 07-101 (for the Hamilton Zoning By-law No. 05-200).

The intent of the radial distance separation is to address the issue of over-concentration of facilities, by lowering the potential for new facilities to establish in certain geographical areas, and to constrain the ability of existing facilities to expand. The understanding is that such controls provide greater opportunity for those residents residing at these facilities to re-integrate into society, through encouraging greater community interaction; and, to avoid the saturation of these uses that may otherwise result, should numerous facilities be located within close proximity.

With respect to this proposal, the applicant is planning to expand the facility at 153 George Street by relocating one existing Residential Care Facility from the Downtown Neighbourhood Moratorium Area (255 Caroline Street). This is proposed to be facilitated through a 3-storey addition to 153 George Street. These two facilities currently have a combined capacity of 24 residents (George Street is permitted a maximum of 15 residents; Caroline Street is permitted a maximum of 9 residents).

The George Street facility is presently within 300 metres of an existing 10 bed residential care facility at 36 Queen Street South, and the OMB approved Good Shepherd Centre facility at 398 King Street West. Consequently, the expansion to the George Street Facility would require relief to the radial separation regulation. In support of this relief, the applicant has conducted a Social Impact Assessment Study, conducted by Dillion Consulting (May, 2007). In addition, several letters have been received from local residents in support of the proposal and praising the operational management of the existing facility (see Appendix “D”).

The report concludes that the expansion poses limited to no material negative impact on the local residents and the community, given that the proposed facility would serve developmentally delayed adults and seniors; the front exterior of the house would remain unchanged, with a 3-storey addition to be built at the rear; that no identifying features, such as business signs, would be added; and, that no concerns were raised by residents at a Public Meeting held in February 2007.

With regard to the concern of over-concentration and community integration, staff is satisfied that as the property is well serviced by public transit and the services offered throughout the downtown core, that sufficient opportunities exist for the additional 9 residents to form successful relationships with the immediate
community. The consolidation of the residents into one facility would not only encourage greater sustainability from a transit perspective, but also in the delivery of required service programmes for those residing at the new facility.

The application will also result in the net decrease of residential care facilities in the Durand Neighbourhood, which was identified in the May 2001 City initiated Discussion Paper on Residential Care Facilities, as having a significantly high concentration of residential care residents. This resulted in a moratorium preventing the expansion or establishment of any new residential care facilities in this neighbourhood. The consolidation of the two facilities onto one site would, consequently, be in keeping with the intent of the residential Care Facilities By-law to provide for a reduction in the number of facilities in the Durand Neighbourhood.

Furthermore, while a relief from the 300m RDS is required for the expansion to accommodate 9 additional persons at 153 George Street, it is staff’s opinion that this relief would remain within the general intent of the By-law, as it would not result in an increase in the net number of residents currently accommodated between the two neighbourhoods, and would ensure that those new residents are adequately integrated into the community.

However, similar to the Good Sheppard proposal, in order to ensure that the use of 255 Caroline Street (which is currently zoned Neighbourhood Institutional “I1” Zone) is to cease, then it would be appropriate to require the applicant to provide documentation to the City of Hamilton that the use of the lands as a Residential Care Facility has been abandoned with no intent to reactivate. The current By-law will, therefore, be held in abeyance until a legal agreement to this effect has been signed and registered, to the satisfaction of the Director of Planning.

**ALTERNATIVES FOR CONSIDERATION:**

If the application is denied, then the applicant has the option of using the property for the range of uses permitted within the existing zoning. The property known as 153 George Street is zoned for Neighbourhood Institutional “I1” Zone which permits a Residential Care Facility up to 15 residents, as well as, a day nursery, duplex dwelling, educational establishment, emergency shelter, home business, museum, place of worship, retirement home for up to 15 residents, and a single or semi-detached dwelling unit.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial - N/A.

Staffing - N/A.

Legal - As required by the Planning Act, Council shall hold at least one (1) Public Meeting prior to passing a Zoning By-law Amendment.
POLICIES AFFECTING PROPOSAL:

Provincial Growth Plan for the Greater Golden Horseshoe

The application has been reviewed with respect to the Provincial Growth Plan for the Greater Golden Horseshoe (Places to Grow). Staff considers the application to be consistent with the policies that manage growth and direct general residential intensification to the built up areas, as per the Policies contained in 2.2.2 and 2.2.3.

In particular, while Hamilton has yet to incorporate Urban Growth Centres into their Official Plans, it is clear that the subject lands, which are located between two major arterial roads, would be included within the intensification corridors, and are ideally suited to accommodate intensification.

The proposal maintains the intent to create vibrant neighbourhoods, which provide both employment and residential uses that are transit supportive.

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 2.6.1 states that significant built heritage resources and significant cultural heritage landscapes shall be conserved. The property known as 149 George Street, which is adjacent the subject lands, is listed in the Hamilton Heritage Book Volume 2. The exterior alterations proposed to 153 George Street will not impact the architectural integrity of the listed building and, as such, is consistent with the policies of the Provincial Policy Statement.

Hamilton-Wentworth Official Plan

The subject property is designated as “Urban Area” within 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.

Policy B-9.2 states that the City shall consider the protection and preservation of regionally significant historically and cultural resources, including recognized archaeological sites, in the review of proposals for development and redevelopment. Where possible, these attributes will be incorporated into the overall design in a manner which minimizes adverse impacts and maintenance and protection. As mentioned above, the property known as 149 George Street is listed in the Hamilton Heritage Book Volume 2. However, the redevelopment will have little impact on the architectural integrity of the listed building.
As the nature of the application is for a change in zoning to allow for the expansion of the existing Residential Care Facility, where full municipal services are available, the proposal is consistent with the Hamilton-Wentworth Official Plan.

**City of Hamilton Official Plan**

The subject lands are designated “Residential” in the City of Hamilton Official Plan and the following policies are applicable to the proposed redevelopment of the subject lands.

A.2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and serving the needs of local residents will be permitted, including, but not limited to:

   ii) Schools, churches and similar institutional uses less than .4 hectare in size, in accordance with the provisions for Major Institutional Uses, as set out in Subsection A.2.6 of this Plan;

It is considered that the proposed expansion represents a compatible land use that serves the local population, at a scale and density that is appropriate for the surrounding residential community.

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.

The type of accommodation provided will maintain the intent for residential areas to provide a variety of different housing types and styles in order to accommodate the needs of different members of the community.

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.2.6.2 Permits institutional uses in Residential Neighbourhoods on sites adjacent to other institutional uses or commercial uses, subject to the following provisions:

   i) Sufficient off-street parking and loading; and,

   ii) Proposal is of a scale that will be compatible to and integrate with the character of the established area.
Following detailed review of the proposed addition, staff held concerns over the scale and bulk of the proposal and its ability to comply with the above policies. Substantial relief was requested to the minimum rear yard setback and, consequently, staff considered the impact to be detrimental with respect to the character of the existing property and area. In the absence of sufficient design evidence supporting the ability of the subject lands and area to accommodate the addition as proposed, staff has recommended that the minimum rear yard setback be maintained to a maximum of 4.5m. It is staff’s opinion that the scale, density and design of the expansion, provided it maintains a 4.5m minimum rear yard setback, ensures a successful balance between the needs of the residents, the wider community and the individual character of the neighbourhood.

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;

ii) Alteration of traffic flows;

iii) Improvement and maintenance of street landscaping;

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

It is considered that the proposed design and location of the subject lands are ideally situated to complement the higher density residential developments along George Street and Ray Street South, while remaining sensitive to the low density residential character of the street.

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:

i) Encourage the maintenance, renovation and rehabilitation of RESIDENTIAL properties, subject to the provisions of Subsection C.5;

ii) Promote the restoration and/or rehabilitation of housing structures exhibiting Architectural or Historical merit, subject to the provisions of Subsection C.6;
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; (OPA No. 128);

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;

vii) Encourage non-profit and co-operative housing organizations to provide a range of socially-assisted dwelling units for a variety of client types, in all areas of the City, 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; (O.P.A.. No. 128);

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

x) Encourage the development of a range of RESIDENTIAL care and short-term care facilities in all areas of the City through appropriate recognition in the Zoning By-law;

xi) Encourage the rehabilitation and renovation of dwellings as an alternative to demolition in appropriate locations and circumstances, having regard to the preservation and maintenance of the amenity of the RESIDENTIAL area;

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. (O.P.A. No. 109);”
In conclusion, the proposal will continue to provide the community with a variety in the type and scale of housing accommodation available in the neighbourhood. It will maintain the existing streetscape and residential character of George Street and will ensure that the provision of adequate on-site parking is maintained. The application is, therefore, considered to be in conformity with the intent of the Official Plan.

**Strathcona Neighbourhood Plan**

The existing Strathcona Neighbourhood Plan designation for this site is “Single and Double Residential”. A Secondary Plan is presently being prepared for the Strathcona Neighbourhood. Several land use options have been prepared and are currently being evaluated by staff and the community. The preliminary land use options prepared to date identify this site as “Low Density Residential”, with a proposed density of 40-80 units per hectare, up to 3-storeys in height. Given that this is an expansion to an existing use to accommodate 9 additional residents, staff is satisfied that the proposal meets with the intent of the existing Neighbourhood Plan and the proposed Strathcona Secondary Plan.

With respect to performance standards, parking has been identified as an issue within the Strathcona Community. It is important that sufficient parking be provided to ensure no overflow of parking into the neighbourhood. An analysis of the parking needs of this site is included in the Analysis/Rationale section of the report. As detailed in Section 5 - Traffic, Loading and Parking, a total of 2 on-site parking spaces are proposed, whereas the By-law requires 9 spaces. These spaces are to be provided for staff and visitors, with no parking for the residents who do not drive.

It is considered that this reduction in the required parking is acceptable, given the proximity of the site to major transit corridors (King Street/Main Street), as well as the low trip and parking generation numbers of the existing use. The proposed change in zoning is, therefore, considered to be in conformity with the Strathcona Secondary Plan.

**RELEVANT CONSULTATION:**

**Agencies/Departments Having No Comment or Objections**

- Open Space and Development and Park Planning Section, Public Works Department.
- Bell Canada.
- Traffic Engineering and Operations Section, Public Works Department.

**Health Protection Branch, Public Health Services**

Public Health Services has no objection to this application provided the properties located at 153 George Street comply with all requirements of:
The City of Hamilton Licensing By-law, Schedule 20 (Residential Care Facilities);

The Health Protection Branch and Promotion Act, and any applicable regulations, specifically, the Ontario Food Premise Regulations, 562; and,

The Smoke Free Ontario Act and its Ontario Regulations 48/06.

Parking Services Division, Hamilton Municipal Parking System

Staff has reviewed this application and has the following comments. There is very limited potential for overflow parking on the streets in this area, and the local residents are very vocal about existing deficiencies in on-street parking. Many streets in the area already have restricted parking, and the regulations may become so restrictive that eventually no overflow parking may be available in the immediate area. The applicant should ensure that all existing and future parking requirements are met on-site.

Forestry and Horticulture Section, Public Works Department

The Forestry and Horticulture Section has reviewed the Zoning By-law Amendment Sketch for this proposal and completed an on-site investigation, and provide the following comments.

An assessment of the sketch denoted as Figure 1, related to the request for a change in the current zoning which would now permit the expansion of the Residential Care Facility from 15 to 24 residents by constructing a 3-storey addition, shows that there are Municipal Urban Forestry concerns. There are trees located on the Road Allowance of George and Ray Streets in the front and side of this location. These trees may be governed under The City of Hamilton Tree By-law 06-151.

With the current information supplied, it appears that Private and Municipal Assets {Trees} may be impacted. The sketch has plotted the trees on-site, but is not sufficient to determine legal ownership. Seven trees appear to be located on Municipal Property adjacent to 153 George Street on the Ray Street side. Tree Assets 171248 to 171254 were found to be in good condition.

The Forestry and Horticulture Section does not oppose this application for rezoning, but would request that before any development approvals are finalized 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 of construction impact can be made.

The Tree Management Plan, as discussed in the above comments, would be addressed as a condition of site plan approval.
Public Consultation

In accordance with the Public Participation Policy approved by Council on May 29, 2003, the application was pre-circulated to 393 property owners and tenants within 120 metres of the subject lands. Thirteen responses were received to the preliminary notice of circulation letter (attached as Appendix “D”). Twelve of these letters stated support for the proposal, acknowledging the good work and low impact of the existing facility. One letter raised concerns over the scale of the expansion, with particular reference to parking and loading, traffic congestion, over-concentration of facilities, and impact upon the residential character of the neighbourhood.

Further, a Public Notice Sign was posted on the property on August 3, 2007. Notice of the Public Meeting of the Economic Development and Planning Committee will be given in accordance with the provisions of the Planning Act.

**CITY STRATEGIC COMMITMENT:**

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

Community Well-Being is enhanced. ☑ Yes ☐ No
Diversity and peace are supported.

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

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

Does the option you are recommending create value across all three bottom lines?
☑ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants?
□ Yes ☑ No

:EJ

Attaches. (5)
**Location Map**

**Planning and Economic Development Department**

**File Name/Number:** ZAC-07-042  **Date:** April 8, 2008

**Appendix "A"**  **Scale:** N.T.S.  **Planner/Technician:** EJ/NB

**Subject Property**

- **153 George Street, Hamilton**
  - Modify the existing Neighbourhood Institutional "11" Zone to permit an expansion in the existing residential care facility.
CITY OF HAMILTON

BY-LAW NO. 05-200
To Amend Zoning By-law No. 05-200
Respecting Lands Located at 153 George Street

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999, S.O. 1999, Chap. 14;

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law 05-200;

AND WHEREAS it is desirable to enact a new Zoning By-law to comprehensively deal with zoning throughout the City;

AND WHEREAS the first stage of the new Zoning By-law, being By-law 05-200, came into force on May 25, 2005;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 08-0123 of Report 08-0119 of the Economic Development and Planning Committee at its meeting held on the 5th day of August, 2008, recommended that Zoning By-law No. 05-200 be amended as hereinafter provided;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Schedule “A” of By-law 05-200 be amended to include a modification to Map No. 951, as shown on Schedule “A” to this By-law.

2. That Schedule “C” of By-law 05-200 be amended by adding the additional special exceptions as follows:
“15. Within the lands zoned Neighbourhood Institutional (I1) Zone, identified on Map 951 of Schedule “A” and described as 153 George Street, the following special provisions shall apply:

(a) Notwithstanding Section 8.1-2, g) of this By-law, the minimum rear yard shall be 4.5m.

(b) Notwithstanding Section 8.1-2, i) of this By-law, the Maximum Capacity for a Residential Care Facility shall not exceed 24 residents.

(c) Notwithstanding Section 8.1-2, j) ii) of this By-law, the existing Residential Care Facility may be expanded to accommodate not more than 24 residents.

(d) Notwithstanding Section 8.1-2, k) and Section 5 of this By-law, a minimum of 2 parking spaces shall be provided.

(e) Notwithstanding Section 5.1 a) v) of this By-law, parking spaces and aisles shall not be located within 1.5m of a street line.

(f) Notwithstanding Section 5.2 a) of this By-law, no visual barrier shall be provided along the lot line of the parking area which abuts a Residential Zone.”

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

4. That this By-law No. ______ shall come into force and be deemed to come into force in accordance with Subsection 34(21) of the Planning Act, either upon the date of passage of this By-law or as otherwise provided by the said Subsection.

PASSED and ENACTED this ______ day of ______, 2008.

________________________________________   _______________________________________
Fred Eisenberger                      Kevin C. Christenson
Mayor                               Clerk
This is Schedule "A" to By-Law No. 08-
Passed the .......... day of ................., 2008

Schedule "A"

Map Forming Part of
By-Law No. 08-____

to Amend By-law No.05-200
(Map 951)

Subject Property

153 George Street, Hamilton
Modify the existing Neighbourhood Institutional "H" Zone to permit an expansion in the existing residential care facility.
November 23, 2007

VIA EMAIL & REGULAR MAIL
City of Hamilton
Planning and Economic Development Department
Development Planning Division
71 Main Street West
Hamilton ON L8P 4Y5

Attention: Kristen West, MCIP, RPP
Senior Planner

Dear Ms. West,

Re: Application for Zoning By-law Amendment
149-153 George Street, City of Hamilton, City File No. ZAC-07-042

We have been retained by the owners of the property located at 141 George Street, the property located immediately adjacent to the lands that are subject to the above noted Zone Change proposal.

It is our understanding that the intent of the Zone Change application is to provide for an expansion of an existing Residential Care Facility. The applicants presently operate a facility located at 153 George Street, approved for a maximum of 15 residents. The expansion proposes to rezone the adjoining property at 149 George Street from “D” Zone (Urban Protected Residential Zone) to “H1” Zone (Neighbourhood Institutional Zone) to permit the intended Care Facility. Further, the application proposes site specific Zoning Regulations for the consolidated property to accommodate a Residential Care Facility with a maximum of 40 residents whereas the maximum size of a facility in a Neighbourhood Institutional Zone is 15 residents.

It is noted that the proposed development conflicts with the performance Regulations of the “H1” Zone Regulations. The application is proposing to introduce site specific modifications to accommodate the proposal including relief from the required number of on-site parking spaces and a reduction in the minimum rear yard setback. Further, the application conflicts with the Zoning Regulations for radial separation distances, such Regulations intended to regulate the establishment of new or expanded Residential Care Facilities.

Based on our preliminary review of the proposal, we note a number of concerns and submit that the proposal is not appropriate in the context of the adjoining uses and will create adverse impacts and conflicts with adjoining uses. Preliminary concerns include the inability to accommodate the required number of parking spaces for staff and visitors and
the provision of properly designed loading areas. These concerns will lead to traffic and parking conflicts within the immediate area. The conflict with the radial separation requirements suggests that this neighbourhood already has an over concentration of Care Facilities and that the expansion will further alter and detract from the residential character of this neighbourhood.

A further planning concern is that the size of the proposed facility is not in keeping with the intent of the Zoning By-law with respect to neighbourhood scale uses. As you are aware, the City of Hamilton has recently implemented comprehensive amendments to the Zoning By-laws of the former Municipalities to establish a hierarchy of Institutional Zone categories. These amendments introduced a three tier hierarchy comprised of Neighbourhood Institutional, Community Institutional and Major Institutional Zone categories. In the context of the subject application, the proponents have requested a Neighbourhood scale category for the use whereas the intensity of the use as determined by the number of residents is in keeping with a Community scale facility.

Municipalities typically have the benefit of detailed Official Plan policies for the purpose of evaluating Zoning By-law amendments. In the context of the subject application, the proposal should be subjected to an evaluation to determine conformity with the appropriate Official Plan policies intended to determine appropriate locations and buffering requirements from adjoining land uses. Criteria to determine the appropriateness of a Community scale facility could include the adequacy of on-site parking, traffic impacts and direction to locations on arterial roads at the periphery of residential neighbourhoods. As the City of Hamilton has enacted Institutional Zoning Regulations and is working towards establishing appropriate Official Plan policies, it is suggested that the subject proposal is premature and should be denied or deferred until appropriate Policies are in place. This approach would ensure the subject matter does not prejudice future land use decisions.

In summary, it is our opinion that the proposed change application will introduce a land use that is not in keeping with the established character of this neighbourhood. A facility of this scale is perhaps better suited to a location on a collector or arterial road at the periphery of a residential neighbourhood. The number of proposed residents and scale of the facility is such that it will create adverse impacts and conflicts with the adjoining uses.

We would request your assistance to be kept informed as this proposal moves through the application review process. Please ensure that the above concerns are noted in any reports prepared in connection with the proposal, we would also request advance notice of any meetings or reports regarding this proposal.

Yours truly,

WEBB Planning Consultants Inc.

James Webb (signed original sent via regular mail)
Attention: Ms. Kristen West, MCIP, RPP
Re: ZAC-07-042, George St.  

James Webb, MCIP, RPP
Councillor Terry Whitehead, Ward 8  
City Hall - 2nd Floor  
71 Main Street West  
Hamilton, ON L8P 4Y5

City of Hamilton  
Planning and Economic  
Development Department, Planning Division  
Development Planning—West Section  
City Hall, 71 Main Street West, 7th Floor  
Hamilton ON L8P 4Y5

Re: File: ZAC-07-042

To whom it may concern:

We are writing to support the application for expansion on George Street. Having worked in the health care field for many years, I know how important it is to provide supportive housing for those in need.

As a nurse at St. Joseph’s Hospital, I became aware of the difference that a good care home can make to the health and well-being of a resident. I am very much aware of Community Residential Care Homes’ good reputation, and I have seen how well cared for their residents are.

To my knowledge, there is no other home in the city that has created the supportive family environment that they have. Not only do they provide support as needed, but as part of that, they help foster independence for those who are capable of doing more on their own.

As retirees, we choose to move to St Elizabeth Village. Our search for a place to retire to broadened our understanding of the various housing options in Hamilton. We see on a daily basis, new construction of facilities for financially well-off individuals. We are glad to see that Community Residential Care Homes is seeking to offer the same level of comforts and amenities to the less fortunate individuals.

We support their expansion plans, and respectfully ask that you do so as well.

Yours very truly,

Ann & Cal Blawatt
6 Mc Kenna Crt.
Hamilton, ON L9B 1T8

KJ

Monday, September 10, 2007
Councillor Scott Duvall, Ward 7  
City Hall - 2nd Floor  
71 Main Street West  
Hamilton, ON L8P 4Y5

City of Hamilton  
Planning and Economic  
Development Department, Planning Division  
Development Planning—West Section  
City Hall, 71 Main Street West, 7th Floor  
Hamilton ON L8P 4Y5

Re: File: ZAC-07-042

Monday, September 17, 2007

Dear Councillor Duvall and Members of the Committee:

Through my extended family, I recently became aware of an expansion proposal for a residential care facility on George Street.

I would like to support their proposal and the good work that they provide. The provision of social services is very important for our community, and quality housing is certainly the first plank of any social services policy.

I am aware of their many years of dedicated service, and I would ask that you consider supporting this expansion after your review of their plans.

I understand that the residents of this home are very well cared for. The Strathcona neighbourhood offers many social supports and recreational opportunities that their staff and volunteers utilize on behalf of the residents.

Yours very truly

[Signature]
Economic Development & Planning Committee
City of Hamilton

Councilor David Mitchell (Chairman)
Committee members:

Mr. Brian McHattie (Councilor Ward 1)
Mr. Bob Bratina (Councilor Ward 2)

SEP 28 2007

Dear Sirs:

I am writing this letter to offer support for Kathy Ward and Michael Power, so they can achieve their vision of providing an increased level of service to the individuals that require their care, as we have a brother/brother-in-law (John Sabucco) who has resided at the Caroline Street home for the last several years.

When we were advised of the expansion ideas, we were very relieved to hear that the location was in the vicinity of most of the facilities that John requires, such as transportation, doctors office, clinics, and recreational facilities.

Another important issue is the inability of members to adapt to new surroundings which in some cases could require treatment for further depression. This in itself justifies the expansion location, as all the members have adapted to the area and surroundings during the last several years.

In addition to the above, we have words of kindness and gratitude towards Kathy and Michael who have offered our family member, excellent care and understanding over the last several years to the present. They have provided a clean and safe environment for our family member to reside in, and we are extremely thankful to both of them.

We ask that everyone associated with this encouraging plan, to view it positively and allow Kathy and Michael to fulfill their vision, so others and the community can benefit in these growing times of need.

Thankfully and with our respect

Ray and Alice Sabucco
Councillor Scott Duvall (Ward 7)
Hamilton City Centre
77 James Street North
Hamilton, ON
L8R 2K3

City of Hamilton
Planning and Economic Development Department, Planning Division
Development Planning—West Section
Hamilton City Centre
77 James Street North
Hamilton, ON
L8R 2K3

Re: File: ZAC-07-042

Dear Councillor Duvall and Members of the Committee,

We are writing to support the application (ZAC-07-042), as we feel it will benefit the current residents and the neighbourhood as well.

We understand that an older, outdated home will be closing, and that the proposed addition will accommodate the relocation of these residents.

The new facility will afford the residents additional comforts and amenities that are not currently possible.

Finally, we were please to hear that the streetscape and frontages on George and Ray Street will not be changing, as the addition is in the back yard of the property.

Yours very truly

Carl Stewart
Melinda Stewart

SEP 26 2007

Thursday, September-20th, 2007
Bob Bratina, Ward 2  
Hamilton City Centre  
77 James Street North  
Hamilton, ON  
L8R 2K3

City of Hamilton  
Planning and Economic Development Department, Planning Division  
Development Planning—West Section  
77 James Street North  
Hamilton ON L8P 4Y5

Re: File: ZAC-07-042

Dear Councillor Bratina and Members of the Committee,

I am writing to seek your support for a project that that will enhance the lives of some of the less fortunate members of our society.

Community Residential Care Homes has been serving a special needs population and their families for thirty years. We are aware of their excellent track-record, and we wish them well as they seek to enhance their support and services to the many families connected with them.

We further understand that there are many people on their waiting list. We know the neighbourhood well, and feel that their current operation has been positive for the area, and see no reason why their proposal should not be supported.

We are asking you to support this application. It would be a shame and a great loss for all concerned to see the home close. Many residents would be displaced, and would not be able to find the family atmosphere and care that they have come to count on. I understand that the overall increase of beds is only twelve, but the twelve beds are nevertheless needed.

I'm sure that you will agree after viewing the proposal, that the plan will afford an immediate improvement to the living environment—not just for the current residents, but for those waiting as well—and at the same time, enhance the overall neighbourhood.

Yours very truly

[Signature]

Nutri Source Ltd.  
54 James Street North  
Hamilton, ON L8R 2K1

SEP 2 & 2007

[Signature]
September 19, 2007

The City of Hamilton
Planning and Economic Development Department
Planning Division
Development Planning – West Section
77 James Street North
Hamilton, ON L8R 2K3

RE: Re-zoning Application ZAC-07-042 – 153 George Street, Hamilton

Dear Sir/Madam:

We would like to express our support with regards to the above-noted application.

This Community Residential Care Home has been located at 153 George Street in Hamilton for over 20 years. There is a need in our community for this facility offering nurturing and supportive care in a family setting serving the special needs population.

This property is well maintained and the proposed expansion would not be visible from the front of the property.

We believe it would be in the City’s best interests to work more closely with good housing providers, and in turn help them to expand so that they may continue to serve and meet the needs of many on their waiting list.

Sincerely,

Dave Harrison

Maria Harrison

cc: Councillor B. McHattie, Ward 1 Councillor
Tuesday, September 18, 2007

City of Hamilton
Planning and Economic Development Department, Planning Division
Development Planning – West Section
City Hall, 71 Main Street West, 7th Floor
Hamilton ON L8P 4Y5

Re: file number ZAC-07-042

To Whom It May Concern:

As a concerned citizen I would like to give my support of the re-zoning application for Community Residential Care Homes.

This type of care is important to the community and to the patrons of the home. This care facility offers quality housing in a caring environment, which these occupants would otherwise not have.

This facilities has had great success and it would be in the cities best interest to support such programs. It gives peace of mind to the families of the residents knowing that they are in a safe family environment and that they are well cared for.

Sincerely,

Janet Marunde

Janet Marunde
Mr. David Mitchell, Ward 11
City Hall - 2nd Floor
71 Main Street West
Hamilton, ON L8P 4Y5

City of Hamilton
Planning and Economic
Development Department, Planning Division
Development Planning—West Section
City Hall, 71 Main Street West, 7th Floor
Hamilton ON L8P 4Y5

Friday, September 07, 2007

Ref: File: ZAC-07-042

Dear Sirs/Mesdames,

I am writing to support the valuable work that Community Residential Care Homes
undertakes on a daily basis. I have been a volunteer there for many years now, and I have
seen first-hand the difference they make for the residents who live there, and additionally, for
the families of the residents.

I have volunteered for several organizations, but I am especially impressed with the quality
and dedication that I see at Community Residential Care Homes. They also work closely
with the Brighter Futures Association.

Just the other week, I helped out at their annual picnic, attended by approximately 130
people. Everyone was having a wonderful time—residents and their extended families,
friends and volunteers—we enjoyed mini-golf, field games and a BBQ. I was never more
proud to be associated with this organization, and highly recommend them to you.

Please support their proposal to expand.

Yours very truly

Audie Stewart
34 Southbrook Dr.
Binbrook, ON L0R 1C0
Appendix “D” to Report PED08173
Page 12 of 15

Councillor Terry Whitehead, Ward 8
City Hall - 2nd Floor
71 Main Street West
Hamilton, ON L8P 4Y5

City of Hamilton
Planning and Economic
Development Department, Planning Division
Development Planning—West Section
City Hall, 71 Main Street West, 7th Floor
Hamilton ON L8P 4Y5

Friday, September-07-07
Re: File: ZAC-07-042

Dear Members of the Committee,

I was pleased to hear of Community Residential Care Homes’ expansion plans. The addition of new private bedrooms and dining rooms, as well as dedicated gaming and activity rooms, will certainly help to enhance the residents’ overall comfort.

I had many years experience in a similar field, and I know firsthand how important the living environment is. As you are aware, many of the older, smaller care homes in the city are indeed just that: too small and outdated.

I further understand that many of these outdated care-homes are starting to close. With the recent fire at one facility, it is plain to see that these older buildings are limited in safety as well.

With this in mind, I would like to recommend that the committee give consideration to the George Street expansion, as it will be a state of the art facility, once completed. I strongly feel that the residents who reside there are entitled to these enhancements.

Yours very truly,

Irene and Earl Morrow
434 Sanatorium Rd
Hamilton, ON L9C 2B1
City of Hamilton  
Planning & Economic Development, Planning Division  
Development Planning – West Section  
City Hall, 71 Main St. West, 7th Floor  
Hamilton, ON  
L8P 4Y5

Re: Community Residential Care Homes  
File No. ZAC-07-042

Dear Sirs:

We are writing this letter in support of Mike Power, from Community Residential Care Homes, and the wonderful work that he is doing. We have known Mike for over a decade through the sport of triathlon and we also live in the area where his properties are located. We also own a timing company where we produce race results for running/triathlon events.

Mike is extremely dedicated to the community that he serves, providing quality housing support, as well as huge doses of compassion to people with special needs. In order to maintain this commitment, he would like to expand the back yard to one of his properties. This expansion will not be visible from the front of the property and will not infringe on neighbours privacy.

We feel the City should support Mike Power and Community Residential Care Homes in their expansion, as there is a critical need for his services and expansion will only help to alleviate the growing number of residents on their waiting lists. Please approve his re-zoning application, it will be a winning decision for everyone involved.

THANK YOU

Glen Lawson

Norma Lawson
November 20, 2007

City of Hamilton,
Economic Planning and Development Committee,
Hamilton City Centre,
77 James St. N.,
Hamilton, ON
L8R 2K3

Dear Sir or Madam,

Re: File # ZAC-07-042

We are in receipt of your circular regarding the application to rezone 149 and 153 George Street to permit a residential Care Facility for 40 residents. We wish to indicate that as neighbours we are in full support of this application. We have an excellent relationship with the operators of the current facility at 153 George Street and feel that an expanded facility would be an asset to the neighborhood. It will also fill a very real need in the area.

Once again, we are in full support of this application and trust the project will proceed.

Yours sincerely,

Kenneth C. Adamson
General Manager

4 QUEEN STREET SOUTH, HAMILTON, ON, CANADA L8P 3R3
PHONE: (905) 522-1622  •  FAX: (905) 572-1181
November 20, 2007

City of Hamilton
Economic Planning and Development Committee,
Hamilton City Centre,
77 James St. N.,
Hamilton, ON
L8R 2K3

Dear Sir or Madam,

Re: File # ZAC-07-042

Please be advised that we are in receipt of your circular with respect to the application to rezone 149 and 153 George Street to permit a Residential Care Facility for 40 residents. Moore Sovereign Consistory owns the properties directly across the street at 148, 152 and 154 George. As neighbours, we are in full support of this application. We have an excellent relationship with the operators of the current facility for 15 residents. We feel that an expanded facility would fill a very real need and be an asset to the area.

Thank you for the information and once again please be advised that we are very supportive of this project.

Yours sincerely,

K.C. Adamson
Secretary

RECEIVED

NOV 28 2007