SUBJECT: Application for an Amendment to the City of Hamilton Official Plan and Hamilton Zoning By-law No. 6593 for the Properties Located at 1081, 1091, 1097 and 1105 Beach Boulevard (Hamilton) (PED08288) (Ward 5)

RECOMMENDATION:

(a) That approval be given to **Official Plan Amendment Application OPA-06-25, by Fishermen’s Pier Inc., Owner**, for Official Plan Amendment No. _______, to amend Schedule ‘A’, General Land Use Plan of the City of Hamilton Official Plan from “Open Space” to “Residential”, for the lands located at 1081, 1091, 1097 and 1105 Beach Boulevard (Hamilton), as shown on Appendix “A” to Report PED08288, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “C” to Report PED08288, be adopted by City Council.

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan.

(b) That approval be given to **Zoning Application ZAC-06-98, by Fisherman’s Pier Inc., Owner**, for a change to Zoning By-law No. 6593, from the “H/S-1435” (Community Shopping and Commercial, Etc.) District, to the “RT-30-H” (Street Townhouse - Holding) District, to permit the construction of two street townhouse blocks, each consisting of six, 2-storey units, for a total of 12 units, for lands located at 1081, 1091, 1097 and 1105 Beach Boulevard, as shown on Appendix “A” to Report PED08288, on the following basis:

(i) That the draft By-law, attached as Appendix “D” to Report PED08288, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
SUBJECT: Application for an Amendment to the City of Hamilton Official Plan and Hamilton Zoning By-law No. 6593 for the Properties Located at 1081, 1091, 1097 and 1105 Beach Boulevard (Hamilton) (PED08288) (Ward 5) - Page 2 of 14

(ii) That the amending By-law apply the Holding provisions of Section 36 (1) of the Planning Act to the subject lands by introducing the 'H' Holding symbol as a suffix to the proposed Zoning District. The Holding provision will prohibit the development of the subject lands until such a time as all of the following have been completed:

(1) That the Owner submits and receives approval of an Archaeological Assessment, to the satisfaction of the City’s Manager of Community Planning and the Ministry of Culture.

(2) That the Owner submits and receives approval of an acoustical report that will determine and implement noise control measures that meet the Ministry of the Environment’s recommended sound level limits, to the satisfaction of the City’s Manager of Development Planning.

(3) That the Owner submits and receives approval of a Record of Site Condition, to the satisfaction of the City’s Manager of Development Planning, which will include acknowledgement of receipt of the RSC by the Ministry of the Environment (MOE) and submission of the City of Hamilton’s current RSC administration fee.

(iii) That the proposed change in zoning conforms to the Hamilton-Wentworth Official Plan, and will be in conformity with the Hamilton Official Plan upon approval of Official Plan Amendment No. _____.

(iv) That upon finalization of the implementing By-law, the Hamilton Beach Neighbourhood Plan be amended to change the designation from “Tourist Commercial” to “Attached Housing”.

Tim McCabe
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

The applicant is requesting an Official Plan and Zoning By-law Amendment to permit the subject lands to be developed for two street townhouse blocks, each consisting of six, 2-storey units, for a total of 12 units (see Appendix “B”).
Given the previous uses of the property for a gas station/service station, and proposed reuse for a more sensitive residential purpose, a Record of Site Condition will be required. In addition, while staff is satisfied that the traffic noise generated from the Queen Elizabeth Way can reasonably be mitigated to achieve Provincial noise standards, the final design standards to achieve said targets have yet to be determined. The particular mitigation features will be considered in more detail during the subsequent review of the Site Plan application. A Holding - ‘H’ provision has been affixed to the zoning of the subject property to ensure that the issues of noise, archaeology and environmental compliance will be addressed prior to residential development taking place.

The proposal has merit, as it is consistent with the Provincial Policy Statement and conforms with and implements the “Urban Area” policies of the Hamilton-Wentworth Official Plan. The proposal is an appropriate infill development that efficiently uses existing urban land and services.

**BACKGROUND:**

**Proposal**

The purpose of the application is to amend the City of Hamilton Official Plan and Zoning By-law by re-designating the subject lands from “Open Space” to “Residential” on Schedule ‘A’, General Land Use Plan; and to change the zoning from the “H/S-1435” (Community Shopping and Commercial, Etc.) District to the “RT-30-H” (Street Townhouse - Holding) District. The effect of the proposal is to allow for the future development of two street townhouse blocks, each consisting of six, 2-storey units, for a total of 12 units (see Appendix “B”).

**Location:** 1081, 1091, 1097 and 1105 Beach Boulevard, Hamilton (See Appendix “A”)

**Owner:** Fishermen’s Pier Inc.

**Applicant:** John Ariens, IBI Group

**Property Description (total rezoned lands):**

**Frontage:** 89.444 metres on Beach Boulevard

**Depth:** Varies 37.190 metres to 36.201 metres

**Area:** 3,395.05 square metres

**Servicing:** Full municipal services available to property line.
EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th></th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Subject Lands</strong></td>
<td>Awning for Former Gas Station, Two Single Detached Dwellings and Storage Shed.</td>
<td>“H/S-1435” (Community Shopping Centre and Commercial, Etc.) District.</td>
</tr>
<tr>
<td><strong>Surrounding Land Uses</strong></td>
<td>Vacant City Owned Lot, Duplex, Residential with Commercial Unit, Single Detached Dwelling, Commercial</td>
<td>“H/S-1435” (Community Shopping Centre and Commercial, Etc.) District.</td>
</tr>
<tr>
<td><strong>North</strong></td>
<td>South</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Duplex, Street Townhouses</td>
<td>“H/S-1435” (Community Shopping Centre and Commercial, Etc.) District, “RT-30/S-1510” (Street Townhouse) District.</td>
</tr>
<tr>
<td></td>
<td>East</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Public Walkway, Public Beach, Lake Ontario</td>
<td>Open Space (P4) Zone.</td>
</tr>
<tr>
<td></td>
<td>West</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Vacant - Open Space</td>
<td>“A” (Conservation, Open Space, Park and Recreation) District.</td>
</tr>
</tbody>
</table>

**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 with, and implements the “Urban Area” designation of the Hamilton Wentworth Official Plan.
   
   (iii) The proposed development is considered to be compatible with the existing and planned development in the immediate area, and is in keeping with the character of the Beach Neighbourhood.
   
   (iv) The proposal provides an opportunity for infill development and intensification.

2. The subject lands are currently designated “Open Space” in the City of Hamilton Official Plan. As per Official Plan policy, due consideration to the redesignation of
3. Notwithstanding the current “Open Space” designation, the lands are privately owned and have historically been used for a variety of urban uses (i.e. residential or commercial). In addition, existing multiple residential uses can be found to the immediate south of the subject lands in the form of a duplex and similar street townhouses. The redesignation to “Residential” to permit the future development of twelve street townhouse units is viewed as a logical extension of the existing residential designation.

4. The preliminary design concept of the townhouse units fronting onto Beach Boulevard includes various elevational treatments, outdoor amenity areas abutting the waterfront trail, and substantial landscaping within the yard abutting Beach Boulevard (see Appendix “B”). This proposed design will break up the block townhouses by creating a staggered facade and aesthetically pleasing look to the streetscape. Although plans are considered conceptual at this point, the lands are subject to Site Plan Control, which will provide planning staff with an opportunity to ensure these and other design components are reviewed further, and implemented via Site Plan approval.

5. The proposed townhouse development is to be built in accordance with the regulations of the “RT-30” (Street Townhouse) District which is the zoning category sought by this application. The special provisions that apply to the current “H/S-1435” zoning regulations require a minimum side yard of 1.7 metres for all buildings and structures, which is intended to aid in ensuring there is ample room for drainage swales between buildings. In the case of the “RT-30” Zone, 2-storey street townhouses dwellings require a minimum 2.0 metre side yard. As such, the opportunity to provide drainage swales will be maintained in the new Zoning category, and will be further strengthened through Site Plan approval.

6. Given the historical use of a portion of the subject lands as a gas/service station, the proponents will be required to undertake an environmental audit of the property prior to its redevelopment to a more sensitive residential use. At the time of writing of this report, the environmental audit had been submitted to the Ministry of the Environment, but a Record of Site Condition (RSC) has not yet been posted on the Environmental Site Registry. As such, a Holding - ‘H’ provision has been affixed to the rezoning of the property to restrict the property from being used until the RSC has been approved.

7. A future Site Plan application will be required. Through this process, matters such as compliance with the regulations of the Zoning By-law, grading, servicing, stormwater management and tree preservation will be reviewed by staff. The owner will be required to sign an undertaking and post securities to ensure that
the property is developed in accordance with the site plan. In addition, monies for Cash-in-Lieu of parkland dedication, etc. will be collected at the building permit stage.

8. In light of the proximity of the subject lands to the Queen Elizabeth Way/Skyway Bridge, local and provincial land use planning policy obliges the proponent to submit a noise assessment to ensure that the sensitive land use can be appropriately designed, buffered and separated from such a major transportation corridor. The proponent submitted a noise assessment prepared by Planning and Engineering Initiatives Ltd., dated October 19, 2007, which was subsequently reviewed by City staff. As a result of this study, it was determined that through appropriate construction and design standards, provincial noise thresholds can be met. Although this study has identified the feasibility of mitigating against noise, further analysis will be required once a more detailed built form has been established to identify the particular design standards (i.e. location and specification for windows, elevational design etc.) to be implemented during site development. The requirement for the preparation and approval of the subsequent acoustical report has been included as an item in the Holding – ‘H’ provision to ensure it is clear to the Owner or future Owners of the need to address noise issues prior to development. The particulars of the construction and design standards will be requisites of approval of the future site plan.

9. The lands have been identified as having the possibility of containing archaeological resources. Development and site alterations may be permitted on lands containing archaeological resources or area of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. A study prepared by Archaeological Research Associates Ltd., dated October 18, 2007, has recommended clearance of the property. The Holding - ‘H’ provision that will be affixed as part of the proposed Zoning By-law Amendment will require approval from the Ministry of Culture and Manager of Community Planning prior to its removal.

**ALTERNATIVES FOR CONSIDERATION:**

In the event Council does not support the application, the lands would then be subject to the existing “Open Space” policies, and the “H/S-1435” (Community Shopping Centre and Commercial, Etc.) District, which permits a wide range of commercial uses and limited residential, institutional and public uses.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

<table>
<thead>
<tr>
<th>Category</th>
<th>Implication</th>
</tr>
</thead>
<tbody>
<tr>
<td>Financial</td>
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</tr>
<tr>
<td>Staffing</td>
<td>N/A</td>
</tr>
</tbody>
</table>
As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for an Official Plan Amendment and Zoning By-law Amendment.

**POLICIES AFFECTING PROPOSAL:**

**Provincial Policy Statement**

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

Policy 1.7.1(e) outlines that long term economic prosperity will be supported by planning so that major facilities and sensitive land uses are appropriately designed, buffered and separated from each other to prevent adverse effects from odour, noise and other contaminants; and minimize risk to public health and safety. Due to the proximity of the subject lands to the Queen Elizabeth Way, a noise assessment conducted by the applicant/owner and peer reviewed by the City, at the Owner’s expense, was undertaken to address this concern. The particular construction and design recommendations contained with this material will be addressed further at the Site Plan Control stage.

Policy 1.1.1(c) outlines that healthy, liveable and safe communities are sustained by avoiding development and land use patterns which may cause environmental or public health and safety concerns. Policy 3.2.2 states that contaminated sites shall be remediated, as necessary, prior to any activity on the site associated with the proposed use such that there shall be no adverse effects. Therefore, due to the former use of the site (Commercial - Gas Station), and the proposed sensitive use (Residential), Ontario Regulation 153/04 requires a mandatory filing of a Record of Site Condition (RSC). This has been included as a required condition of the Holding - ‘H’ provision.

Policy 2.6.2 outlines that development and site alterations may be permitted on lands containing archaeological resources or area of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. A study prepared by Archaeological Research Associates Ltd., dated October 18, 2007, has recommended clearance of the property. A clearance letter from the Ministry of Culture will be required as a condition of the Holding - ‘H’ provision.

Policy 3.1.1 outlines that development and site alterations shall not be permitted within, among other natural hazards, the dynamic beach hazard, as well as flooding and erosion prone areas.

With the inclusion of a Holding - ‘H’ provision in the implementing Zoning By-law to address the need for a RSC, as well as archaeological and noise clearance prior to development, the proposal is consistent with the policies of the Provincial Policy
Statement. In addition, development outside of natural hazard area will be assured through the Hamilton Conservation Authority permitting process and Site Plan review.

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

The application has been reviewed with respect to the intensification policies of the Growth Plan for the Greater Golden Horseshoe 2006. Section 2.2.2 indicates that population growth will be accommodated by directing a significant portion of new growth to the built-up areas of the community through intensification.

This application is consistent with the Growth Plan for the Greater Golden Horseshoe 2006, since it proposes to create additional residential units on a currently under-utilized site within the Urban Area.

Region of Hamilton-Wentworth Official Plan

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

Policy B-9.2 states that the City shall consider the protection and preservation of regionally significant historical and cultural resources, including recognized archaeological sites, in the review of proposals for development and redevelopment. As noted above, during discussion concerning compliance with the PPS, archaeological issues will be addressed prior to further development occurring on the subject lands.

Policy B-2.3 states that the identification of contaminated sites is essential. Redevelopment must not occur until it has been demonstrated that a proposal will not put people at significant risk. As noted above, during discussion concerning compliance with PPS, a Record of Site Condition will be required prior to the removal of the Holding - ‘H’ provision that will be applied to the property as part of the Zoning By-law Amendment application.

City of Hamilton Official Plan

The lands are currently designated “Open Space” in the City of Hamilton Official Plan. The following policies, among others, are applicable to the proposed development:

“Subsection A.2.4 - Open Space

2.4.2 Where land designated OPEN SPACE is under private ownership, it is not intended that this land will necessarily remain so indefinitely, nor will the Plan be
construed as implying that these areas are free and open to the general public or will be purchased by the City.”

“Subsection C.1.1 - Parkland Policies

Permitted Uses

1.1.1 The uses permitted on lands designated as Open Space and Parks - Neighbourhood, Community, City Wide - on Appendix “1”, Parks Classification Map and Secondary Plans shall be for both active and passive recreational uses, community/recreational facilities, and other open space uses.

1.1.2 Ancillary commercial uses, which are complimentary to Community and City Wide Parks, and support the primary Open Space use such as, but not limited to food concessions, recreational equipment rentals, and water oriented recreational uses, may be permitted provided such uses do not interfere with or have negative impacts on the open space nature of the land.

1.1.3 The lands designated as Natural Open Space on Appendix “1” - Parks Classification Map and on Secondary Plans, are generally part of a park area or conservation area. They have environmental features and are intended to be preserved in their natural state. Where appropriate, passive recreational activities/uses may be permitted including trails, picnic areas, forest management, conservation management.

Hierarchy

1.1.4. The City shall establish a hierarchy of parks as follows, which are applicable to park types in the urban area;

   i) Neighbourhood Parks primarily cater to the recreational needs and interests of the residents living within their general vicinity. Residents can easily walk or bike to these parks. Neighbourhood Parks are generally comprised of municipal parkland, containing a mixture of passive areas, sports facilities, informal and formal play areas, and may include natural areas. They serve a population of approximately 5,000 people, and have a minimum size of approximately 2 hectares.

   ii) Community Parks serve more than one neighbourhood, but are not intended to serve the City as a whole. Community Parks have more intensive recreational facilities such as sports fields, recreational and community centres. These facilities will have good transportation access along adjacent arterial and/or collector roadways, and provide adequate parking to meet anticipated demand. Community Parks in urban areas should be appropriately located along transit routes. They serve a
population of approximately 20,000 people, and have a minimum size of approximately 7 hectares.

iii) City Wide Parks are municipally, regionally, provincially or nationally significant destinations that meet the needs of residents and are of interest to visitors. These facilities are often associated with major recreation, education or leisure activities and may have natural or unique features. They range greatly in size and type of features.

iv) Parkettes are small open spaces which have no or limited recreational facilities. They are generally located in the older urban areas where they serve an important function in the provision of open space opportunities.”

Although the lands are designated as Open Space, they are not further designated in the hierarchy of parkland policies as either Neighbourhood Park, Community Park, City-Wide Parks or Parkettes. Therefore, no parkland standards apply.

The subject lands are proposed to be redesignated to “RESIDENTIAL” in the City of Hamilton Official Plan. The following policies, among others, are applicable to the proposed development:

“Subsection A.2.1 - Residential Uses

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

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

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

A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:

i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,
ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses.

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

i) Provision and maintenance of adequate off-street parking;

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

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

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

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

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

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

xiii) Support residential and neighbourhood development that respects safety concerns."
“Subsection C.9 - Noise and Vibration

9.3 Council may require appropriate measures to moderate the effects of noise, visual intrusion or other undesirable impacts on new residential and institutional development adjacent to inter-regional highways and railway rights-of-way.”

Staff is of the opinion that the redesignation of the subject land from “Open Space” to “Residential” can be supported as there will be no loss of existing open space or linkages to open space, while allowing for an opportunity to accommodate residential growth through intensification and infilling without the need to extend municipal services. In addition, the subject lands can reasonably accommodate twelve street townhouse dwellings in a manner that can mitigate against the effects of noise from the Queen Elizabeth Way, and is compatible with the existing, abutting residential development.

NEIGHBOURHOOD PLAN

The subject lands are located within the Hamilton Beach Neighbourhood, and outside of the Heritage District, which ends on the south side of Dieppe Park. According to the Neighbourhood Plan schedule, the applicable land use designation is “Tourist Commercial”. The policies of the Neighbourhood Plan note that the “Tourist Commercial” designation may permit commercial uses that serve tourists, visitors and residents, as well as residential units as part of compatible commercial uses. Approval of this application would require a Neighbourhood Plan Amendment to designate the lands as “Attached Housing”.

RELEVANT CONSULTATION:

Agencies/Departments Having no Concern or Objections

- Horizon Utilities.
- Hamilton-Wentworth District School Board.

The following comments were received by Departments and Agencies

Water and Wastewater Division, Public Works Department:

A watermain is available on Beach Boulevard to service the properties. Modelling indicates that the distribution system would be able to accommodate the development. Since there are existing structures on site, the proponent should acknowledge the appropriate provisions of the Waterworks By-law regarding the re-use of existing service connections and abandonment of exiting services where premises are demolished.
Forestry and Horticulture Section, Operations and Maintenance Division, Public Works Department:

One mature tree of concern exists within the road allowance on the adjacent property at 1077 Beach Boulevard. According to the City of Hamilton Tree By-law 06-151, this tree must be protected to avoid impact.

Corporate Services Department:

The applicant will be obligated to pay for the commutation amount of $6,951.36 for sanitary sewer local improvements as at January 31, 2008.

Hamilton Conservation Authority:

HCA staff has advised they are satisfied that the proposal is feasible from a stormwater management perspective. The subject lands are partially affected by the HCA Development, Interference with Wetlands and Alterations to Shorelines and Watercourse Regulation 161/06, and will require HCA approval prior to development. Approval can be received in this regard at the Site Plan application stage.

Horizon Utilities:

Horizon Utilities staff has provided standard comments respecting such matters as clearance requirements from overhead wires; relocation, modification and removal of a hydro facilities, developer’s financial responsibilities etc.

Ministry of Transportation:

No concerns. However, the townhouse units are within the MTO permit control area and Building/Land Use permits may be required, as well as sign permits pending further review of the site plans. Such permits may be sought prior to the approval of the subsequent Site Plan application.

Open Space Development and Park Planning Section, Capital Planning and Implementation Division, Public Works Department:

Staff has identified an internal public walkway as an option. However, considering the proximity of the subject lands to alternative pedestrian access points to the lakeshore and waterfront trail, collecting Cash-in-Lieu of parkland dedication as part of the consent process is also acceptable, and may be undertaken at a future date when the individual townhouse units are constructed and conveyed.
Public Consultation

In accordance with Council’s Public Participation Policy, preliminary circulation is not required where, in the opinion of the City’s Manager of Development Planning, in consultation with the Ward Councillor, preliminary circulation of the application is seen to have minimal purpose or benefit. In this instance, the Ward Councillor had undertaken consultation with representatives of the neighbourhood and formal pre-circulation was not required. However, a public notice sign advising of the proposed amendments has been posted on-site since February 14, 2008. To date, no written concerns have been received from the public, although staff has received a number of inquiries concerning timing for construction of the dwelling units. The Notice of Public Meeting was circulated in accordance with the provisions of the Planning Act to 29 property owners within 120 metres of the subject lands.

CITY STRATEGIC COMMITMENT:

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

- Community Well-Being is enhanced. ☑ Yes ☐ No
  The public is involved in the definition and development of local solutions.

- Environmental Well-Being is enhanced. ☑ Yes ☐ No
  Applying the principles of intensification and best use of available land.

- Economic Well-Being is enhanced. ☑ Yes ☐ No
  Investment in Hamilton is enhanced and supported.

Does the option you are recommending create value across all three bottom lines?

- ☑ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants?

- ☐ Yes ☑ No

:CPB

Attachs. (4)
Location Map

File Name/Number: ZAC-06-98 & OPA-06-25
Date: October 23, 2008

Subject Property
1081, 1091, 1097, & 1105 Beach Blvd

Change of Official Plan Designation from "Open Space" to "Residential".

Change of Zoning from the "H/S-1435" (Community Shopping Centre and Commercial, etc.) District to the "RT-30(H)" (Street Townhouse-Holding) District.

Appendix "A" Scale: N.T.S.

 Planner/Technician: CB/NH
Amendment
to the

Former City of Hamilton Official Plan

The following text, together with Schedule “A” - City of Hamilton Land Use Concept Plan, attached hereto, constitute Official Plan Amendment No. of the Official Plan of the former City of Hamilton.

Purpose:
The purpose of this Amendment is to redesignate the lands known as 1081, 1091, 1097 and 1105 Beach Boulevard from “Open Space” to “Residential” in order to permit the development of twelve, 2-storey townhouse units.

Location:
The properties affected by the amendment are located within the Hamilton Beach area of the City of Hamilton, and are known municipally as 1081, 1091, 1097 and 1105 Beach Boulevard.

Basis:
The intent of the Amendment is to permit the future development of up to twelve street townhouse units by redesignating the lands from “Open Space” to “Residential”. The basis for the redesignation is as follows:

- The proposed development is consistent with the Provincial Policy Statement;
- The proposed development offers an opportunity for infill development within the built-up urban area consistent with the intent of the Places to Grow Plan;
- The proposed development conforms with the Region of Hamilton-Wentworth Official Plan and the intent of the City of Hamilton Official Plan;
• The redesignation of the subject land from “Open Space” to “Residential” will not offend the intent of the Open Space policies insofar as there will be no loss of open space or linkages to open space. Opportunities for open space, including the Lake Ontario beachfront, multi-use trail and Dieppe Park, are provided in close proximity to the site and will service existing and future residents, visitors and tourists; and,

• The subject lands can reasonably accommodate twelve street townhouse dwellings in a manner that is compatible with the existing abutting residential development.

**Actual Changes**

1. That Schedule “A”, City of Hamilton Land Use Concept Plan, be revised by redesignating the subject properties from “Open Space” to “Residential”, as shown on the attached Schedule ‘A’ to this Amendment.

**Implementation:**

An implementing Zoning By-law Amendment will give effect to the intended use on the subject lands.

This is Schedule "1" to By-law No. [Insert number], passed on the [Insert date] day of [Insert year], 2008.

---

**The City of Hamilton**

_______________________                               __________________________
Fred Eisenberger     Kevin C. Christenson
Mayor                Clerk
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 6593 (Hamilton),
Respecting 1081, 1091, 1097 and 1105 Beach Boulevard

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

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

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

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

AND WHEREAS the Council of the City of Hamilton, in adopting Section ______ of Report 08-____ of the Planning and Economic Development Committee at its meeting held on the ______ day of ______, 2008, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this by-law will be in conformity with the Official Plan of the Hamilton Planning Area, as amended, approved by the Minister under the Planning Act on June 1, 1982 upon approval of Official Plan Amendment No. ______.

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

1. That Sheet No. E-80g of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended by:
Appendix “D” to Report PED08288 (Page 2 of 3)

(a) changing the zoning from the “H/S-1435” (Community Shopping Centre and Commercial, Etc.) District to the “RT-30-H” (Street Townhouse - Holding) District,

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

2. That the ‘H’ symbol applicable to the lands referred to in Section 1 (a) of this By-law shall be removed conditional upon:

   (a) The Owner submitting and receiving approval of an Archaeological Assessment, to the satisfaction of the City’s Manager of Community Planning and the Ministry of Culture;

   (b) The Owner submitting and receiving approval of an acoustical report that will determine and implement noise control measures that meet the Ministry of the Environment’s recommended sound level limits, to the satisfaction of the City’s Manager of Development Planning; and,

   (c) The Owner submitting and receiving approval of a Record of Site Condition, to the satisfaction of the City’s Manager of Development Planning, which will include acknowledgement of receipt of the RSC by the Ministry of the Environment (MOE) and submission of the City of Hamilton’s current RSC administration fee.

City Council may remove the ‘H’ symbol and, thereby give effect to the “RT-30” (Street Townhouse) District, by enactment of an amending By-law, once the above conditions have been fulfilled.

3. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the “RT-30” District provisions following the removal of the ‘H’ symbol.

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

PASSED and ENACTED this __________ day of __________, 2008.

_________________________________________  ________________________________________
Fred Eisenberger                               Kevin C. Christenson
Mayor                                            Clerk

ZAC-06-98
Schedule "A"

Map Forming Part of By-Law No. 08-____
to Amend By-law No. 6593

Subject Property
1081, 1081, 1097, & 1105 Beach Blvd

Change of Zoning from the "H/S-1435" (Community Shopping Centre and Commercial, etc.) District, modified to the "RT-30-H" (Street Townhouse-Holding) District.