TO: Chair and Members  
Economic Development and Planning Committee  
WARD(S) AFFECTED: WARD 3  
COMMITTEE DATE: March 23, 2010  
SUBJECT/REPORT NO: Application for Changes in Zoning (ZAC-09-042) for Land Located at 130-134 Wellington Street North (Hamilton) (PED10055) (Ward 3)  
SUBMITTED BY: Tim McCabe  
General Manager  
Planning and Economic Development Department  
PREPARED BY: Melanie Pham  
(905) 546-2424, Ext. 6685  
SIGNATURE:  
RECOMMENDATION:  
(a) That approval be given to Amended Zoning Application ZAC-09-042, by Amed Dirani, Owner, for changes in Zoning from the “H” (Community Shopping and Commercial, etc.) District and the “E” (Multiple Dwellings, Lodges, Clubs, etc.) District, to the “E/S-1628” (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified, with a Special Exception, to permit the existing building on the site to be converted to residential apartment units, and to allow for one business and professional office on the ground floor, for the lands located at 130-134 Wellington Street North (Hamilton), as shown on Appendix “A” to Report PED10055, on the following basis:  
(i) That the draft By-law, attached as Appendix “B” to Report PED10055, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.  
(ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement and the Places to Grow Plan, and conform with the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.
EXECUTIVE SUMMARY

The purpose of the application is to change the zoning on the subject lands to one consistent residential zone to permit the existing building to be converted to 11 residential apartment units, and 1 business and professional office on the main floor of the existing building. Modifications to setback requirements, parking design standards, and landscaping are also required to facilitate the proposal.

The proposal has merit and can be supported since the changes in zoning are consistent with the Provincial Policy Statement and the Places to Grow Plan, conform to the Hamilton-Wentworth and City of Hamilton Official Plans, and are compatible with land uses in the surrounding area.

Alternatives for Consideration - See Page 18.

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

Financial: N/A.

Staffing: N/A.

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a Zoning By-law Amendment.

HISTORICAL BACKGROUND (Chronology of events)

Proposal

The applicant proposes to amend the City of Hamilton Zoning By-law No. 6593 by changing the zoning of the subject lands from the “H” (Community Shopping and Commercial, etc.) District and the “E” (Multiple Dwellings, Lodges, Clubs, etc.) District, to the “E/S-1628” (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified. Currently, the northern portion of the lot containing the existing building is regulated by the “H” District, which permits various commercial uses and limited residential, and the southerly portion of the lot containing the parking lot is regulated by the “E” District, which permits various residential uses only.
The effect of the application will be to permit up to 11 residential apartment units within the existing building, to allow for 1 business and professional office on the main floor of the existing building, and to modify specific zoning requirements for setbacks and parking standards and landscaping on the subject lands to facilitate the proposal. A future site plan application will be required to determine the exact details of the development. Preliminary site plan and floor plan drawings showing the intended development of the subject lands have been submitted by the applicant, and are shown on Appendix “C”.

The preliminary plans proposed 12 residential units originally. However, based on the analysis of the proposal and the recommended zoning changes, the applicant will be required to amend the plan further to reduce the proposal to 11 units. The applicant is proposing a mix of unit sizes within the building. Seven 1-bedroom units are proposed, including one unit with full barrier-free design, which range in size from 45.5m² (490ft²) to 68.3m² (735ft²). Four 2-bedroom units are proposed, which range in size from 61.3m² (660ft²) to 101.7m² (1,095ft²). A smaller bachelor unit was proposed, however, staff recommended that the applicant remove this unit due to parking and landscaping limitations. Up to 13 parking spaces were also proposed in the preliminary plans. However, at the Site Plan Stage, required adjustments for landscaping, a road widening, and a loading space will result in a maximum of 11 parking spaces on the site. The existing building is currently vacant.

Details of Submitted Application

**Location:** 130 - 134 Wellington Street North (see Appendix “A”)

**Owner:** Amed Dirani

**Applicant:** Weekes Engineering

**Property Description:**

<table>
<thead>
<tr>
<th>Property Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Frontage:</td>
<td>28.4 metres</td>
</tr>
<tr>
<td>Lot Depth:</td>
<td>43.3 metres</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>1,242.7 square metres</td>
</tr>
<tr>
<td>Servicing:</td>
<td>Municipal Servicing</td>
</tr>
</tbody>
</table>

**Vision:** To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.

**Values:** Honest, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th>Subject Lands</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject Lands</td>
<td>2-storey Vacant Commercial</td>
<td>“H” (Community Shopping and Commercial, etc.) District and “E”</td>
</tr>
<tr>
<td></td>
<td>Building</td>
<td>(Multiple Dwellings, Lodges, Clubs, etc.) District</td>
</tr>
</tbody>
</table>

Surrounding Land Uses

| North                       | Single Detached Dwelling,    | “H” (Community Shopping and Commercial, etc.) District |
|                            | Mixed Use (Commercial and   |                                                                 |
|                            | Residential) Building       |                                                                 |
| West CM                    | Residential Apartment        | Downtown Residential (D5) Zone                                      |
|                            | Dwellings, 2 Vacant          | and Downtown Multiple                                               |
|                            | Residential Lots, Semi-      | Residential (D6) Zone                                               |
|                            | Detached Dwellings, Single  |                                                                 |
|                            | Detached Dwellings           |                                                                 |
| South CM                   | Duplex, Commercial Office    | “E” (Multiple Dwellings, Lodges, Clubs, etc.) District              |
|                            | (AC Maintenance Services)    |                                                                 |
| East CM                    | Single Detached Dwellings    | “D” (Urban Protected Residential - One and Two Family Dwellings, etc.) |

POLICY IMPLICATIONS

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction of provincial interest related to land use planning and development. The Planning Act requires that, in exercising any authority that affects planning matters, planning authorities shall be consistent with policy statements issued under the Act. The application is consistent with the Provincial Policy Statement since Policy 1.1.3.1 states that ‘Settlement Areas’ shall be the focus of growth, and Policy 1.1.3.3 states that Planning Authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated.
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 also states that contaminated sites shall be remediated, as necessary, prior to any activity on the site with regards to the proposed use such that there will be no adverse effects. The subject application entails a change in land use from Commercial to Residential, which triggers a mandatory filing of a Record of Site Condition (RSC). To address these policies, the applicant has completed a Phase 1 Environmental Site Assessment (Soil-Mat Engineers and Consultants Ltd., August 2009), which has been reviewed by staff, and has filed a Record of Site Condition with the Ministry of the Environment. These documents show that there are no environmental concerns on the site.

Policy 1.7.1, Parts (a) and (e), outline that long-term economic prosperity will be supported by "optimizing the long-term availability and use of land, resources, infrastructure, and public service facilities", and by "planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries, and aggregate activities) and sensitive land uses are appropriately designed, buffered, and separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety."

The proposed Zoning Amendment would allow for the redevelopment of an existing site, which will optimize the use of the land and the infrastructure which is already in place. Due to the proximity of the subject lands to several arterial roads (Wellington Street North, Wilson Street, and Cannon Street), the proposed residential uses require the completion of a noise assessment. A Noise Study (dBA Environmental Services, August 2009) has been completed by the applicant to address this requirement. The study has been reviewed by staff, and staff is satisfied with the findings. A number of noise control measures, such as central air conditioning systems and specific building components for the dwelling units, will be required at the Site Plan and Building Permit stages to implement the recommendations of the noise study (see Analysis/Rationale for Recommendation Section, Point 6).

Therefore, the proposal is consistent with the Provincial Policy Statement.

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

The subject lands are located within the City of Hamilton’s built boundary and are consistent with the general intensification policies of the plan. Specifically, Policies 2.2.2.1 (a) and (d) state that population and employment growth will be accommodated by “directing a significant portion of new growth to the built-up areas of the community through intensification, and reducing dependence on the automobile through the development of mixed-use, transit-supportive, pedestrian-friendly urban environments. Policy 2.2.3.1 also states that by the year 2015, and for each year thereafter, a
minimum of 40% of all residential development occurring annually within each municipality shall be within the built-up area. As the proposal is providing for residential intensification within a built-up area, it is consistent with the Growth Plan for the Greater Golden Horseshoe.

**Hamilton-Wentworth Official Plan**

The subject property is designated as “Urban Area” in the Hamilton-Wentworth Official Plan. Policy C-3.1 of the plan 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. These areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.

Policy B-2.3 states that the identification of contaminated sites is essential and redevelopment must not occur until it has been demonstrated that a proposal will not put people at risk. As noted previously, the subject application entails a change of use from Commercial to Residential, which requires a mandatory filing of a Record of Site Conditions (RSC). A Phase 1 Environmental Site Assessment was submitted with the application, and a Record of Site Condition was provided which recognizes the change in use. An acknowledgement of the filing of the RSC from the Ministry of the Environment was also provided. Therefore, Policy B-2.3 has been addressed.

The proposal conforms to the policies of the Hamilton-Wentworth Official Plan.

**Hamilton Official Plan**

The subject lands are designated as “Central Policy Area” and as “Special Policy Area 3” in the Hamilton Official Plan. The following policies would apply to the proposal:

**“Subsection A.2.1 - Residential Uses**

2.1.2 Lands designated for Residential Uses within the Central Policy Area are not indicated on Schedule “A”. In recognition of the multiplicity of land uses, policies will be identified in more detail in Subsection A.2.8, Central Policy Area.

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.

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.
Subsection A.2.8 - Central Policy Area

2.8.1 To promote the Central Policy Area as a multi-use node for both the City and the Region, a wide range of uses will be permitted where compatibility among adjacent uses can be achieved. The primary uses permitted in the Central Policy Area, as shown on Schedule “A”, will be for the following uses.

(i) Commercial Uses such as, but not limited to, retail department stores, food, specialty and general merchandising establishments, personal services, head and branch offices and public administration offices, hotels, mixed commercial and residential uses, and in keeping with the Commercial policies set out in Subsection A.2.2 of the Plan;

(ii) Residential Uses of various housing types, including, but not limited to, single-family detached, semi-detached, townhouses and apartments, and in keeping with the Residential policies set out primarily in Subsection A.2.9.3, as well as in Subsections A.2.1 and C.7 of this plan;

2.8.9 It is the intent of Council that the character and function of the Central Policy Area be enhanced. Specifically, Council will:

(i) Promote, where feasible, innovative building and layout, as well as the rehabilitation and preservation of buildings and areas of historic and/or architectural merit;

(v) Encourage proponents of development or redevelopment, including the infilling of vacant lots, to ensure sensitive integration of the proposal with the scale and character of adjacent structures. Accordingly, Council will encourage the compatibility of building height, setback, material, and building lines with adjacent structures;

Subsection A.2.9.3 - Other Policy Areas

2.9.3.1 The future viability and health of the Central Policy Area will be largely dependent on the quality and suitability of Residential opportunities in close proximity to the downtown. Accordingly, the following policies to promote and protect housing within the area shown as Special Policy Area 3 on Schedule “B” will apply, in addition to all the Residential policies of Subsections A.2.1 and C.7, and Policy A.2.8.1(ii);

(i) It is the intent of Council to strengthen the Residential function of the Area to complement the multi-use nature of the Central Policy Area, to foster a wider choice in housing opportunities for all residents of the City, and to increase the resident population;
(ii) Further to the above, a wide variety of densities, unit sizes, building styles, incomes, and household groups will be accommodated. Housing suitable for facilities, the physically disabled, and senior citizens will be particularly encouraged;

(v) It is intended that Residential development or redevelopment be at a scale, density, and bulk compatible with the established character of the surrounding uses;

(viii) Council will encourage mixed Commercial/Residential development or redevelopments within the Central Policy Area and Commercial areas of Special Policy Area 3, subject to the General Provisions of Subsection A.2.2 (Commercial Uses);

Subsection C.7 - Residential Environment and Housing Policy

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;

(iii) Improvement and maintenance of street landscaping;

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.

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 make more efficient uses 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;

(iv) Support Residential conversion of underutilized commercial space to residential which does not undermine the primary commercial use/function of the neighbourhood, subject to the provisions of Subsection A.2.2;
(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;

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

The proposal complies with the policies of the Hamilton Official Plan, as it provides for residential units directly adjacent to the downtown, which complements the function of the Central Policy Area. The proposal also enhances the residential function of the immediate area, and makes use of existing building stock by rehabilitating an existing structure. The redevelopment will convert underutilized commercial space to residential without undermining the function of any commercial areas, as it is located on the periphery of a group of commercial uses on Cannon Street East. The existing 2-storey building is compatible in scale and height with the adjacent properties, which also contain 2-storey buildings, and the redevelopment will improve the landscaping on the site and the appearance of the building. The development also provides various sizes of dwelling units supporting the provision of a range of housing types, including the provision of a full barrier-free unit, which is encouraged by the policies. Since the applicable policies are also supportive of a mix of uses where compatible, the proposed office use remains appropriate for the site. Therefore, the proposal conforms with the Hamilton Official Plan.

Landsdale Neighbourhood Plan

The subject lands are designated “Commercial” in the Landsdale Neighbourhood Plan. The Hamilton Official Plan permits changes to a neighbourhood plan without an amendment to the Official Plan if the proposed change conforms to the general intent of the Official Plan. Accordingly, as noted in Recommendation (b), approval of the application will require the designation in the neighbourhood plan to be changed to “Medium Density Apartments”.

New Urban Hamilton Official Plan

The Urban Hamilton Official Plan was adopted by Council on July 9, 2009, and has been forwarded to the Ministry of Municipal Affairs and Housing for approval. The plan is not yet in effect. The subject lands are designated as “Downtown Urban Growth Centre” on Schedule “E” - Urban Structure Plan, and as “Neighbourhoods” on Schedule “E-1” - Urban Land Use Designation Plan. Neighbourhoods are intended to function as complete communities, providing a mix and range of housing types and supportive commercial, institutional, and related uses. Compact, transit supportive development
and residential intensification of an appropriate scale is encouraged. Medium density residential uses are encouraged to be located along arterial and collector roads. Wellington Street is classified as a major arterial road in the Plan. Therefore, the proposal would conform to the policies of the new Urban Hamilton Official Plan.

### RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections:

- Communications Section, Hamilton Emergency Services.
- Taxation Division, Corporate Services Department.
- Strategic and Environmental Planning Section, Public Works Department.
- Capital Planning and Implementation Section, Public Works Department.
- Culture and Recreation Division, Community Services Department.
- Plant Capital and Planning Section, Public Works Department.
- Infrastructure Planning and Source Water Protection Section, Public Works Department.
- Transit (HSR) Section, Public Works Department.
- Tourism Hamilton.
- Hydro One.
- Union Gas.
- Canada Post.
- Cogeco Cable Canada Inc.
- Hamilton-Wentworth District School Board.
- Hamilton-Wentworth Catholic District School Board.
- French Public School Board.
- French Catholic School Board.
- Hamilton Police Services.
- Hamilton Conservation Authority.

The following Departments and Agencies submitted comments:

**Forestry and Horticulture Section, Public Works Department** has advised that an assessment of the site and survey plan related to the proposal shows that there are no Urban Forestry tree conflicts. There are no municipal tree assets located on the road allowance or rear alley of this proposed development. Only 15% of the site is designated as soft surface. Trees can define and humanize a thoroughfare, and one of the conditions of site plan approval will be the submission of a Landscape Plan.

This development will maintain a substantial amount of impervious hard surface area, and the Forestry and Horticulture Section anticipates a creative approach will be pursued to include soft surface or green roof areas in which deciduous trees can be
accommodated. If this is not possible, the use of hard surface areas for planting with Silva cells, tree grates, or continuous trenches is requested. Situations occur when new trees cannot be planted in the soft surface areas of Municipal property. In such instances, where sufficient hard surface is available, the planting of trees in a continuous trench beneath the hard surface, linking one tree to the next which permits the root networks to extend laterally, is requested. The surface layer of the trench should be constructed of unilock brick, which maximizes surface water penetration and minimizes run-off into storm sewers. The option of utilizing Silva cells should also be explored by the applicant. The use of structural soil or comparable to reduce soil compaction may be requested. Aside from resisting soil compaction in soft surface areas, the incorporation of this amended soil under a portion of hard surface areas will enable root movement beyond what was previously available before site development.

**Bell Canada** has advised that there are no objections/concerns regarding the amendment. If there are any conflicts with existing Bell Canada facilities or easements, the Owner/Developer shall be responsible for re-arrangements or relocations.

**Horizon Utilities Corporation** has advised that for residential/commercial electrical service requirements, the Applicant/Owner must contact the Customer Connections Department. If required, relocation, modification, or removal of any existing hydro facilities shall be at the owner’s expense.

**Traffic Engineering and Operations Section, Public Works Department** has advised that they have no comment with respect to the proposal to rezone this property from the “H” and the “E” Districts to one consistent zone. With respect to the preliminary site plan, the following comments were provided.

We require all vehicles, including garbage and delivery trucks, to enter and exit the site in a forward manner. There does not appear to be sufficient manoeuvring space on site for this to be achieved. Parking Space #1 should be removed as it is within the vision triangle. A 3m by 3m vision triangle is required at the north lot line for vehicles exiting from the adjacent driveway. The maximum height of any objects or mature vegetation cannot exceed a height of 0.70m above the corresponding perpendicular centreline elevation of the adjacent streets.

As a condition of site plan approval, the applicant/owner must apply for and receive an access permit from the Public Works Department. Any existing redundant curb cuts must be removed and the barrier curb/sidewalk reinstated. All driveway work on the road allowance must be constructed by a contractor bonded with the City of Hamilton. A site visit, with the applicant’s contractor and City staff, is required at the Access Permit Stage. We require a minimum clearance of 1.2m between the proposed accesses and any adjacent poles, hydrants, etc. Any relocation of these items to comply with our requirements will be undertaken at the applicant’s expense.
Waste Management, Public Works Department, has advised that this property is eligible for weekly collection of garbage, organics, recyclable material, and leaf and yard waste through the City of Hamilton, subject to compliance with specifications indicated by the Waste Management Division, and subject to compliance with the City’s Solid Waste Management By-law No. 09-067.

Hamilton Municipal Parking System has advised that staff has reviewed this application and has no additional concerns. The applicant should ensure that all existing and future parking requirements are met on-site. The surrounding residential streets are affected by long-term non-resident vehicles from the hospital which may lead to more restrictive parking regulations in the future.

Strategic Planning and Rapid Transit Section, Public Works Department, has advised that the subject lands are not located within an existing Environmental Assessment study area; therefore, at this time, the application does not appear to necessitate a Municipal Class Environmental Assessment Study.

PUBLIC CONSULTATION

In accordance with the new provisions of the Planning Act and the Public Participation Policy approved by Council, 509 Notices of Complete Application and Preliminary Circulation were sent to property owners within 120 metres of the subject property on November 18, 2009, requesting comments or support for the application. To date, one resident has contacted the City of Hamilton for more information about the proposal. No comments have been received from any members of the public.

Further, a Public Notice sign was posted on the property on November 30, 2009, and Notice of the Public Meeting was given in accordance with the requirements of the Planning Act.

ANALYSIS / RATIONALE FOR RECOMMENDATION

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

   • It is consistent with the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe;

   • It conforms to the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan; and,

   • The proposed land uses are considered to be compatible with the existing land uses in the surrounding area.
2. The proposed zoning is the “E” (Multiple Dwellings, Lodges, Clubs, etc.) District, with several modifications to address site-specific conditions. The “E” District permits a variety of different types of medium density residential uses. The detailed proposed modifications to the “E” District are outlined in the chart below:

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Current</th>
<th>Proposed Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permitted Uses</td>
<td>1, 2 or 3 family dwellings, multiple dwelling, student residence, residential care facility, emergency shelter, retirement home, lodging house, long term care facility, hospital, day nursery, private club/union hall, office or consultative uses or personal clinical services by a charitable institution, service uses in multiple dwellings with more than 100 units (i.e. variety store, barber shop).</td>
<td>A professional or business office shall also be permitted.</td>
</tr>
<tr>
<td>Side Yards</td>
<td>3 metres if no windows abut side yard, 4.5 if windows abut side yard.</td>
<td>For the existing building, 0.0m for the northerly side yard with no windows, 2.4m for the northerly side yard with windows.</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>6m (where windows abut yard).</td>
<td>2.8 metres for the existing building.</td>
</tr>
<tr>
<td>Front Yard</td>
<td>4.5m.</td>
<td>2.3m (due to 3m potential road widening).</td>
</tr>
<tr>
<td>Landscaped Area</td>
<td>25%</td>
<td>10%</td>
</tr>
<tr>
<td>Size of Parking Spaces</td>
<td>2.7m x 6m.</td>
<td>2.6m x 5.5m.</td>
</tr>
<tr>
<td>Visual Barrier</td>
<td>Solid fence abutting other residential zones.</td>
<td>No solid fence (landscaping only).</td>
</tr>
<tr>
<td>Location of Parking Area</td>
<td>Within 3m of a residential district, not closer to the front lot line than the length of the front yard required for the adjacent residential district. (4.5m)</td>
<td>3m minimum from front property line.</td>
</tr>
</tbody>
</table>
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<table>
<thead>
<tr>
<th>Loading Space Dimensions</th>
<th>3.7m(w) x 9.0m(l) x 4.3m(h).</th>
<th>3.5m(w) x 6.0m(l) x 4.3m(h).</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Parking Spaces</td>
<td>1 per dwelling unit.</td>
<td>No change.</td>
</tr>
</tbody>
</table>

An analysis of the modifications to the “E” District is discussed below.

**Office Use:**

The proposed office use would be located at the front of the building on the main floor, and would be comprised of a single, stand-alone office unit. The proposed zoning would restrict the use to a business or professional office only. The proposed office use is supportive of the mixed-use policies of the Hamilton Official Plan. The restriction to only an office use ensures that there will be no negative impacts on the proposed residential uses.

**Building Setbacks:**

The proposed side, rear, and front yard requirements recognize the location of the existing building on the site. Any future additions to the building would need to comply with the current “E” District required setbacks. The front yard requirement also takes into account a future road widening of approximately 3 metres (see Point 5 on Page 17). The existing rear yard, although only 2.8m, still provides enough separation from residential uses directly behind the property because a 3.6m wide public unassumed laneway is located behind the property.

**Landscaping:**

Currently, approximately 4% of the site is landscaped, which is typical of older existing developed lots near the City’s central area. However, this is significantly lower than the 25% requirement in the Zoning By-law for a new residential development. Due to the fact that this is an existing site and the existing building is being redeveloped, there are limited opportunities to increase landscaping on the site, while still maintaining appropriate parking and manoeuvring. Also, staff notes that a 3 metre road widening will result in a large piece of landscaped area being created at the front of the property that will not be counted as the applicant’s landscaping. Therefore, staff recommends that due to the site constraints, requiring a minimum of 10% of the lot to be landscaped would be appropriate. This would allow for intensive landscaping around the parking area, within the rear yard and in front of the building, greatly improving the aesthetics of the site. Staff also notes that the applicant can provide an additional indoor amenity area for the residents on the main floor by removing the smallest bachelor unit from the proposal. The removal of this unit is necessitated by the parking limitations on the site, which only provide enough parking for 11 units in
total (see Parking and Manoeuvring Areas). In addition, there are two parks, Beasley Park and J.C. Beemer Park, located less than 300m from the property, which provide usable green space for the community.

Loading Facilities:

The current configuration of the site does not allow for a large truck to enter, turn around on site, and exit in a forward manner. Therefore, staff has proposed a smaller loading space on the site for service and delivery vehicles and smaller private waste pick-up vehicles to turn around on site. Traffic staff had advised that temporary parking for larger trucks (i.e. moving trucks) can be accommodated on Wellington Street in front of the property. Therefore, the zoning is proposed to be modified to reduce the size of the loading space needed on the property.

Parking and Manoeuvring Areas:

A number of changes to the parking area requirements are also proposed. The proposed changes take into account landscaping requirements, the future road widening, and the addition of loading facilities to the plan. Due to these changes, the applicant can accommodate a total of 11 parking spaces on the site for the dwelling units (1 space/unit). The Zoning By-law does not require parking for office uses under 450m², therefore, the office use does not require parking. These changes are not shown on the preliminary site plan, attached as Appendix “C”. The future site plan application will need to adjust the parking layout to meet the recommended standards.

The size of the parking spaces is proposed to be modified to a minimum of 2.6 metres wide and 5.5 metres long. This is consistent with the parking space requirements outlined in the new Zoning By-law No. 05-200, and will allow the owner to maximize landscaping on the site. A requirement for a visual barrier along the southerly lot line is proposed to be removed, since the northerly wall of the abutting building is constructed along the entire southerly property line, except the front yard. Planting strip requirements will remain in effect. There is also a requirement for the parking area to be set back 4.5 metres from the front lot line for the portion of the parking adjacent to the southerly residential area. This requirement is intended to match the front yard requirement for the southerly lot. However, the southerly lot has an existing front yard of only 3.86 metres, and due to the required 3 metre road widening, the parking area will need to be located 3 metres farther back from the front lot line than previously anticipated. Therefore, this requirement has been modified from 4.5 metres to 3 metres, to provide sufficient parking setbacks and visibility areas on site, in addition to the road widening. The resulting parking area will be located approximately 6 metres back from the current front lot line.
This area of Hamilton is part of a Special Policy Area around the core where the Zoning By-law applies a reduced requirement for parking. As a result, the parking requirements for the site require 1 space per unit. This is lower than the standard requirement in other parts of Hamilton for 1.25 spaces per unit (0.25 spaces for visitor parking). The same reduced parking standard applies to all of the properties on the same side of the street, south of the subject lands, which are also zoned “E” (Multiple Dwellings, Lodges, Clubs, etc.). Since the parking requirement already allows for a lower standard, staff does not recommend any changes to the required number of parking spaces. As noted previously, the applicant can accommodate a total of 11 parking spaces on the site. Therefore, a maximum of 11 residential units can be provided in the existing building. The proposed zoning includes a modification which limits the number of residential units permitted in the existing building to 11 to ensure that this parking ratio is maintained. Additional on-street parking is available in this area, however, it is affected by long-term parking from the hospital and, therefore, has limited capacity.

The current parking standard for the area is very functional because the site is serviced by several major bus routes, including Route 3, which runs east and west along Cannon Street East to the north and Wilson Street to the south, and Route 12, which runs north along Victoria Street. The property is also within walking distance of Hamilton General Hospital and the Downtown Core. Also, the applicant is proposing individual storage units inside the building which could accommodate secure bicycle storage for the units.

3. The proposal is making use of an underutilized building. Due to the existing zoning of the property, which allows for commercial uses on the north half of the lot, but only residential uses on the south half, most commercial uses cannot be located in the building since they do not meet the parking requirements. This has resulted in high vacancy rates. The conversion of the property to residential cannot be implemented through the “H” conversion policies in the Zoning By-law because there is a converted property to the north of the subject lands within 180 metres (16 Evans Street). Under the conversion provisions, commercial buildings which are converted to dwelling units are limited to a maximum of 10 units within an existing building, and an average floor area of 65m² (700ft²) for the units. The proposal, as modified, would allow for 11 units with an average floor area of 62.3m² (670ft²).

The purpose of the zoning restrictions on residential conversions in a commercial area is to ensure that the overall function of a commercial area is maintained. This property is on the periphery of a small commercial area along Cannon Street. The surrounding zoning to the west, east and south permit only residential uses, and contain a mix of housing types, including single houses, duplexes, medium density apartments and high density apartments. The adjacent property
to the north is also used for residential purposes, although it is zoned for commercial uses. Since the property is on a side street with primarily residential uses, the conversion reflects the same uses contained in the neighbourhood around it and will not impact the commercial function of the Cannon Street East commercial area. Therefore, the site is appropriate for a change from a commercial use to a primarily residential use. The office use on the ground floor maintains over 50% of the ground floor façade for a commercial use, meeting the general intent of the Zoning By-law to maintain commercial uses at the streetscape.

4. The proposed “E” zoning district does not regulate the size of the dwelling units. However, the available parking restricts the number of units that can be provided, indirectly regulating the unit sizes. The applicant is proposing a mix of unit sizes within the building. Seven 1-bedroom units are proposed, which range in size from 45.5m² (490ft²) to 68.3m² (735ft²). One of these units is proposed to have a barrier-free design for persons with physical disabilities. Four 2-bedroom units are proposed, which range in size from 61.3m² (660ft²) to 101.7m² (1,095ft²). A smaller bachelor unit was proposed, however, staff recommended that the applicant remove the smallest unit due to parking and landscaping limitations and consider using the area as a common amenity area for the units. Based on the range of unit sizes and types proposed, the proposed unit sizes are considered appropriate, as they conform to Official Plan policies which encourage a range of housing sizes and types.

5. There is an existing watermain, a pair of combined sewers and a storm sewer on Wellington Street North, which are sufficient to service the subject lands. The existing road width of Wellington Street North adjacent to the site varies from 66 feet (20.1m) to the north, and 76 feet (23.2m) to the south. The ultimate road width of Wellington Street North is 86 feet (26.21m). Therefore, the proposal may require a future road widening of approximately 3m at the Site Plan Stage. As noted previously, reductions in the front yard setback requirement, and the requirements for the setback of the parking area from the front lot line, have been included in the modified zoning to address deficiencies which would result directly from the road widening. The applicant has demonstrated that the parking and landscaping standards proposed would be met with the road widening. The road widening will also allow for the front portion of the lot to be converted to soft surface (i.e. sod) along the entire street frontage, except for the access driveway, and will allow for the planting of municipal street trees.

6. As the proposed use is located close to several arterial roads, a noise study was required to address potential noise concerns for the proposed dwelling units. Staff has reviewed, and is satisfied with, the findings of the noise study. All of the residential units will require the provision of specific building components (windows, walls, etc.) to mitigate noise, and all units will be fitted with a forced air
heating system. The system must also be designed to accommodate central air conditioning for all units. All offers of purchase/sale or lease shall also include a standard warning clause identifying the noise mitigation measures provided for the units, and advising occupants that sound levels, due to road traffic, may occasionally exceed the Municipality’s and the Ministry of the Environment’s noise criteria. An addendum to the noise study may be required at the Site Plan Stage to determine and mitigate potential noise from the development (i.e. rooftop mechanical equipment) on surrounding uses, and to address any changes to the design of the proposal.

7. As the proposed use entails a change in land use from Commercial to Residential, which is considered a more sensitive land use, Provincial regulations require the mandatory filing of a Record of Site Condition to show that the property has no environmental contamination. A Phase I Environmental Assessment (Soil-Mat Engineers and Consultants Ltd., August 2009) was submitted with the subject application. In addition, the applicant has obtained a Record of Site Condition from the Ministry of the Environment, which recognizes the proposed use, satisfying the Provincial requirements. Therefore, staff is satisfied that the lands are appropriate to accommodate residential uses in this respect.

8. The new draft zoning for this area was presented to the Economic Development and Planning Committee on January 19, 2010. The property is proposed to be zoned with the Mixed Use Medium (C3) Zone, which would permit various commercial uses and stand-alone multiple dwellings as-of-right. The proposal would meet and exceed the draft requirements of this zone for parking and landscaping. Although the proposal would be permitted under the new zoning, the applicant is moving forward with the current application due to the fact that the timing for the implementation of the new zoning is undetermined, and may be subject to appeals.

**ALTERNATIVES FOR CONSIDERATION:**

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

In the event that Council does not support the application, the lands would be subject to the existing “H” (Community Shopping and Commercial, etc.) District Zone provisions on the northerly portion of the site, and the existing “E” (Multiple Dwellings, Lodges, Clubs, etc.) District Zone provisions on the southerly portion of the site.

Staff notes that all uses which are permitted in the “H” (Community Shopping and Commercial, etc.) District must provide required parking for the uses within a zone which permits the same uses. Therefore, as the existing “E” (Multiple Dwellings,
Lodges, Clubs, etc.) District on the southerly portion of the lot does not permit “H” District uses, any “H” District uses proposed within the existing building would require zoning modifications or minor variances to allow parking in the southerly portion of the lot.

**CORPORATE STRATEGIC PLAN** (Linkage to Desired End Results)


**Financial Sustainability**
- The development provides for effective and sustainable Growth Management by making use of existing buildings and infrastructure.

**Growing Our Economy**
- Good quality housing and safe, liveable communities in close proximity to the City’s Downtown Core are supportive of a healthy economy.

**Social Development**
- Everyone has a home they can afford that is well maintained and safe.

**Environmental Stewardship**
- By utilizing existing resources in the built-up area, natural resources are protected and enhanced.

**Healthy Community**
- Planning and managing the built environment appropriately promotes a healthy community.
- Adequate access to shelter is provided for all, including residents with physical challenges (Human Services).

**APPENDICES / SCHEDULES**
- Appendix “A” - Location Map.
- Appendix “B” - Draft Zoning By-law.
- Appendix “C” - Preliminary Site Plan and Floor Plan Drawings.

MP - Attachs. (3)
CITY OF HAMILTON

BY-LAW NO. ______

To Amend Zoning By-law No. 6593 (Hamilton) Respecting the Property Located at 130-134 Wellington Street North

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 area municipality known as “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 of the former area municipalities 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 the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Item ______ of Report 10-______ of the Economic Development and Planning Committee, at its meeting held on the ______ day of ______, 2010, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

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

1. That Sheet No. E-13 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended,

   (a) by changing from the "H" (Community Shopping and Commercial, etc.) District (Block 1) and the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District (Block 2) to the "E/S-1628" (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified, the lands the extent and boundaries of which are shown as Blocks 1 and 2 on a plan hereto annexed as Schedule “A”.

2. That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, as contained in Section 11 of Zoning By-law No. 6593, applicable to the lands comprised of “Block 1” and “Block 2”, be modified to include the following special provisions:

   (a) That notwithstanding Subsections (1), 3(i)(b), 3(ii)(b), and 3(iii)(b) of Section 11 of Zoning By-law No. 6593, for the building existing on the date of passing of this By-law, being the day of , 2010:

      (i) A maximum of 11 dwelling units and 1 business or professional office may be permitted.

      (ii) The minimum front yard shall be 2.3 metres.

      (iii) A minimum northerly Side Yard of 2.4 metres shall be provided, except, for that portion of the building where no windows are located, a 0 metre side yard shall be provided.

      (iv) The minimum Rear Yard shall be 2.8 metres.

   (b) That notwithstanding Subsection 6 of Section 11 of Zoning By-law No. 6593:

      (i) Not less than 10% of the area of the lot shall be maintained as landscaped area.

   (c) That notwithstanding Subsections 18A(1)(c), (7), (11)(b), and (12)(c), and Part (1) of Table 3, of Section 18A of Zoning By-law No. 6593 (Parking and Loading Requirements):

      (i) The minimum dimensions of a required loading space shall be 6 metres in length by 3.5 metres in width by 4.3 metres in height.
(ii) Every required parking space other than a parallel parking space shall be a minimum of 2.6 metres wide and 5.5 metres long.

(iii) The boundary of a parking area shall be located a minimum of 3 metres from a street line, excluding access driveways.

(iv) No visual barrier shall be required along the southerly lot line abutting a residential district.

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 “E” (Multiple Dwellings, Lodges, Clubs, etc.) District provisions, subject to the special requirements referred to in Section 2.

4. That Zoning By-law No. 6593 (Hamilton) is amended by adding this by-law to Section 19B as Schedule S-1628.

5. That Sheet No. E-13 of the District Maps is amended by marking the lands referred to in Section 1 of this by-law as S-1628.

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

PASSED and ENACTED this □□ day of □□, 2010.

_________________________________  _______________________________________
Fred Eisenberger                  Kevin C. Christenson
Mayor                            Clerk

ZAC-09-042
This is Schedule "A" to By-Law No. 10-
Passed the .......... day of ................., 2010

Schedule "A"
Map Forming Part of By-Law No. 10-——
to Amend By-law No. 6593

Subject Property
130 - 134 Wellington Street North

Block 1 - Change in Zoning from the "H" (Community Shopping and Commercial, etc.) District to the "E/S-1628" (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified.

Block 2 - Change in Zoning from the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to the "E/S-1628" (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified.