



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 15, 2015
SUBJECT/REPORT NO:	Application for an Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 378 Main Street East (Hamilton) (PED15142) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Edward John Senior Project Manager (905) 546-2424 Ext. 5803 Steve Robichaud Director of Planning and Chief Planner
SUBMITTED BY: SIGNATURE:	Jason Thorne General Manager Planning and Economic Development Department

RECOMMENDATION

That in accordance with the Council Motion of August 14, 2015, approval be given to **Zoning Application CI-15-D, by City of Hamilton**, for changes in zoning to Hamilton Zoning By-law No. 6593 from the "C" (Urban Protected Residential, etc.) District to the "C" (Urban Protected Residential, etc.) District, modified with a special exemption, in order to permit the use of overnight accommodation of the existing school on a temporary basis, for the lands shown on Appendix "A" to Report PED15142, be approved on the following basis:

- a) That the draft By-law, attached as Appendix "B" to Report PED15142, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- b) That the draft By-law, attached as Appendix "B" to Report PED15142, is in accordance with the Council adopted Motion of August 14, 2015.

EXECUTIVE SUMMARY

At the Planning Committee of August 11, 2015 (and later ratified at the Council Meeting of August 14, 2015), a motion was brought forward to initiate a temporary use by-law for

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the purpose of allowing the overnight accommodation of residents to occur at 378 Main Street East. The temporary use by-law would serve to allow the existing Corrections Residence located at 22-24 Emerald Street South to undergo required renovations.

Alternatives for Consideration – See Page 6

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

Proposal:

The purpose of this application is to permit the temporary use of the former Cathedral Boys High School located at 378 Main Street East by St. Leonard's Society of Hamilton as a Corrections Residence on a temporary basis until the renovations at their current facility located at 22-24 Emerald Street South are completed.

Consistent with the requirements of the *Planning Act* and the Urban Hamilton Official Plan (UHOP), the temporary use by-law is recommended for a maximum of one year. Only internal renovations are proposed within the existing former high school.

Chronology:

January 18, 2013: Application ZAR-12-056 to rezone lands located at 22-24 Emerald Street South from residential to institutional in order to permit a corrections residence deemed complete.

October 9, 2013: Application ZAR-12-056 to rezone lands from residential to institutional in order to permit a corrections residence approved.

August 11, 2015: Planning Committee approved a motion to direct staff to schedule a Statutory Public Meeting of the Planning Committee to allow for the temporary use of 378 Main Street East as a Corrections Residence.

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Details of Submitted Application:

Location: 378 Main Street East (Hamilton)

Owner: Roman Catholic Episcopal Cor.

Applicant: City of Hamilton

Property Description: Area: 0.28 ha
Frontage: 77.5 m (Main Street East)
Depth: 74.5 m

Existing Land Use And Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Former Cathedral High School	“C” (Urban Protected Residential, etc.) District
<u>Surrounding Lands:</u>		
North	Office / Retail / Residential	“H” (Community Shopping and Commercial) District
South	Offices / Commercial	“H” (Community Shopping and Commercial) District
East	Retail and Residential	“H” (Community Shopping and Commercial) District and “D” (Urban Protected Residential – One and Two Family Dwelling, Etc.)
West	Offices / Retail / Residential	“H” (Community Shopping and Commercial) District and “E” (Multiple Dwellings, Lodges, Clubs, Etc.)

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. City of Hamilton Planning Committee and Council approved the following Motion on August 11 and 14, 2015 respectively:

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“Whereas Council passed a site specific Zoning By-law Amendment in 2013 to permit the renovations of the St. Leonard’s Society of Hamilton facility located at 22 to 24 Emerald Street South;

And whereas the Planning Act and the Urban Hamilton Official Plan permits Temporary Use By-laws to permit lands to be used for a particular use on a temporary basis even though it may not conform to the Zoning By-law for a period of time which shall not exceed a maximum of three years;

And whereas St. Leonard’s Society of Hamilton’s current facility located at 22 to 24 Emerald Street South requires renovations and alternate accommodations while the renovations are underway;

And whereas the proposed renovations are consistent with Council’s approval of Zoning Application ZAR-12-056 in 2013;

And whereas Planning staff are investigating providing discretion to the General Manager, or designate, to waive applicable planning fees for charities and not-for-profit organizations;

Therefore be it resolved that staff be directed to schedule a Statutory Public Meeting of the Planning Committee on September 15, 2015 to consider a Temporary Use By-law to allow for the temporary use of the former Cathedral Boys High School located at 378 Main Street East by St. Leonard’s Society of Hamilton as a Corrections Residence on a temporary basis until the renovations at their current facility located at 22 to 24 Emerald Street South are completed.”

2. The above Motion raised directed staff to prepare an implementing zoning By-law in order to permit, on a temporary basis, the use of the former Cathedral Boys High School as a Corrections Facility.

The existing zoning permissions of the current facility located at 22-24 Emerald Street South are to be permitted within the subject lands for a maximum of one year. The UHOP has policies governing the review of proposed temporary use by-laws. Policy F.1.11.1 states:

Policy F.1.11.1	Council may adopt temporary use by-laws provided the use complies with the permitted uses in Section E – Urban Systems and Designations, to permit the temporary use of land, buildings or <i>structures</i> for a purpose that is prohibited by the Zoning By-law.
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The subject lands are zoned “C” (Urban Protected Residential, etc.) District, to which the proposed use would not comply. As per the above Policy, uses that do

not comply with the existing Zoning By-law may be permitted on a temporary basis provided they comply with the permitted uses in the Official Plan that apply to the subject lands. The subject lands are designated “Mixed Use – Medium Density” within the UHOP. As per Policy E.4.6.5 the following permitted uses are considered appropriate within this designation:

Policy E.4.6.5 The following uses shall be permitted on lands designated Mixed Use – Medium Density on Schedule E-1 – Urban Land Use Designations:

- a) commercial uses such as retail stores, *auto and home centres*, *home improvement supply stores*, offices oriented to serving residents, personal services, financial establishments, live-work units, artist studios, restaurants, gas bars, and drive-through facilities;
- b) Notwithstanding Policy E.4.6.5 a), drive-through facilities on *pedestrian predominant streets* shall only be permitted in accordance with Section E.4.6.29 and all other applicable policies of this Plan.
- c) institutional uses such as hospitals, places of worship, and schools;
- d) arts, cultural, entertainment, and recreational uses;
- e) hotels;
- f) *multiple dwellings*; and,
- g) *accessory* uses.

As per the above policy, a range of residential and institutional uses are permitted within the Mixed Use – Medium Density designation. Criteria regulating Temporary Use By-laws as detailed within the UHOP are also subject to the following Policies:

Policy F.1.11.2 A temporary use by-law may allow a use that is temporary in nature. Any new buildings or *structures* associated with the proposed temporary use shall be constructed so that it can be easily removed after the expiry date of the temporary use by-law.

Policy F.1.11.3 The proposed temporary use shall:

- a) be *compatible* with uses on adjacent and nearby properties;
- b) have no adverse impact on the traffic, transportation or parking facilities in the area;

- d) have sufficient services such as roads, storm water drainage, water supply and sanitary sewage systems to accommodate the proposed temporary use.

Policy F.1.11.4 A temporary use by-law may be permitted for a period of time which shall not exceed three years, except for garden suites which shall not exceed ten years. However, Council may, by By-law, extend such period of time for further periods of time not exceeding three years each, during which the temporary use is authorized.

In response to the above policies, the proposed use would be located within the existing building (former Cathedral Boys High School) on 378 Main Street East. Only internal changes are proposed and therefore would be consistent with Policy F.1.11.2.

With respect to the compatibility of the proposal and review of potential impacts as governed by Policy F.1.11.3, staff note that as per the approved Council Motion of August 14, 2015, Planning Committee and Council are satisfied that the proposed use would comply with this intent.

Finally, as detailed in the amending By-law (see Appendix “B”), the temporary use is to be permitted for a period of one year, in accordance with Policy F.1.11.4.

ALTERNATIVES FOR CONSIDERATION

Committee may not approve the implementing By-law and the lands would be permitted to be used only in accordance with the existing “C” (Urban Protected Residential, etc.) District.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN

Strategic Priority #1

A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective

- 1.1 Continue to grow the non-residential tax base.

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1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.

1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

Strategic Priority #2

Valued & Sustainable Services

WE deliver high quality services that meet citizen needs and expectations, in a cost effective and responsible manner.

Strategic Objective

2.2 Improve the City's approach to engaging and informing citizens and stakeholders.

2.3 Enhance customer service satisfaction.

Strategic Priority #3

Leadership & Governance

WE work together to ensure we are a government that is respectful towards each other and that the community has confidence and trust in.

Strategic Objective

3.1 Engage in a range of inter-governmental relations work that will advance partnerships and projects that benefit the City of Hamilton.

3.2 Build organizational capacity to ensure the City has a skilled workforce that is capable and enabled to deliver its business objectives.

3.3 Improve employee engagement.

3.4 Enhance opportunities for administrative and operational efficiencies.

APPENDICES AND SCHEDULES ATTACHED

- Appendix "A": Location Map
- Appendix "B": By-Law
- Appendix "C": Council Motion

:EJ/th