



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 2, 2021
SUBJECT/REPORT NO:	Application for a Zoning By-law Amendment for lands located at 130 Wellington Street South, Hamilton (PED21024) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Sean Stewart (905) 546-2424 Ext. 7163
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- a) That **Zoning By-law Amendment Application ZAR-18-057 by 130 Wellington Investments Inc., Owner**, for a change in zoning from the “D” (Urban Protected Residential, One and Two Family Dwellings, etc.) District, to “D/S -1806 - ‘H’” (Urban Protected Residential, One and Two Family Dwellings, etc.) District, Modified, Holding, to permit six dwelling units within the existing building and four parking spaces, for lands located at 130 Wellington Street South, Hamilton, as shown on Appendix “A” to Report PED21024, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED21024, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law attached as Appendix “B” to Report PED21024, be added to District Map No. E5 of Zoning By-law No. 6593;

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

- (iii) That the amending By-law apply the Holding Provision of section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol 'H' as a suffix to the proposed zoning. The Holding Provision "D/S -1806 - 'H'" (Urban Protected Residential, One and Two Family Dwellings, etc.) District, Holding, Modified, be removed conditional upon:
- 1) That the Owner apply for a Building Permit to legalize a multiple dwelling with a maximum of six units, to the satisfaction of the Chief Building Official, Building Division.
 - 2) That the Owner implements the recommendations of the Noise Impact Study, dated December 7, 2018 in the application for Building Permit, to the satisfaction of the Chief Building Official, Building Division.
- (iv) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow Plan: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and complies with the policies and intent of the Urban Hamilton Official Plan.
- b) That upon finalization of the amending By-law, the subject lands be re-designated from "Single & Double" to "Medium Density Apartments" in the Corktown Neighbourhood Plan.

EXECUTIVE SUMMARY

The subject property is municipally known as 130 Wellington Street South, Hamilton. The owner has applied for an amendment to the former City of Hamilton Zoning By-law No. 6593 to legally recognize the illegal conversion of a lodging house with six lodgers to a multiple dwelling. The property has four parking spaces.

The proposed Zoning By-law Amendment is for a further modification to the "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, to permit a six unit multiple dwelling, address existing building setbacks, and parking deficiencies. A Holding Provision has been added by staff to ensure that the owner applies for a Building Permit and the noise study recommendations are implemented.

The application has merit and can be supported for the following reasons:

- It is consistent with the Provincial Policy Statement (2020) (PPS);
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended (Growth Plan);
- It complies with the Urban Hamilton Official Plan (UHOP); and,

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- The proposed development is compatible with existing land uses in the immediate area and represents good planning by, among other things, providing additional rental housing options, making efficient use of existing infrastructure within the urban boundary, and supporting public transit.

Alternatives for Consideration – See Page 18

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 an amendment to the Zoning By-law.

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Owner:	130 Wellington Investments Inc.
Applicant:	MB1 Development Consulting Inc. c/o Michael Barton
File Number:	ZAR-18-057
Type of Application:	Zoning By-law Amendment
Proposal:	To legally recognize the illegal conversion to a six unit multiple dwelling within the single detached dwelling with four parking spaces. The original application did not contain any parking spaces. The applicant has revised the application to include four parking spaces in the rear yard.
Property Details	
Municipal Address:	130 Wellington Street South, Hamilton

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Lot Area:	631.3 square metres (.0613 hectares)
Servicing:	Existing full municipal services.
Existing Use:	Lodging house with six lodgers.
Documents	
Provincial Policy Statement (PPS):	The proposed development is consistent with the PPS.
A Place to Grow:	The proposed development conforms to the Growth Plan.
Official Plan Existing:	Neighbourhoods Designation.
Official Plan Proposed:	No amendment proposed.
Zoning Existing:	“D” (Urban Protected Residential - One and Two Family Dwellings, etc.) District.
Zoning Proposed:	“D/S-1806 - ‘H’” (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Modified, Holding.
Modifications Proposed:	<ul style="list-style-type: none"> • Permit multiple dwelling; • Recognize existing front yard depth of 5.28 metres, whereas 6.0 metres required; • Recognize existing side yard depth of 0.44 metres (north side) and 0.64 metres (south side), whereas 1.2m is required; • Recognize existing lot width of 9.75 metres, whereas 12.0 metres is required; • Recognize existing encroachments into yards; • Reduce required parking ratio from 0.8 (5 spaces) to 0.66 (4 spaces) per Class A dwelling unit; • Eliminate required visitor parking space (1 space required); • Eliminate required loading space and loading manoeuvring space;

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	<ul style="list-style-type: none"> • Eliminate requirement that loading, parking and manoeuvring be located only on the lot where the principle dwelling is located; • Modify requirement to have access to roadway from parking area and to utilize existing right-of-way; • Allow access driveway to be located 0.0 metres from the common boundary between the “D” (Urban Protected Residential – One and Two Family Dwellings, etc) District in which the multiple dwelling is located and the district which does not permit such uses, whereas 3.0 metres is required; • Permit the passage of vehicles from the subject property to the roadway whereas the zone does not permit vehicles travelling from a property zoned for multiple dwellings to pass through an area not zoned (“D” District) for multiple dwellings; • Permit a non-paved (gravel) parking surface, whereas a paved surface is required; and, • Eliminate requirement for commercial motor vehicles to move readily between the loading spaces and an access driveway.
Processing Details	
Application Received:	November 7, 2018
Deemed Incomplete:	December 6, 2018
Deemed Complete:	December 24, 2018
Notice of Complete Application:	Sent to 448 addresses within 120 metres of the subject property on January 8, 2019.
Public Notice Sign:	Sign posted: January 14, 2019 Sign updated: January 6, 2021
Notice of Public Meeting:	Sent to 140 property owners within 120 metres of the subject property on January 15, 2021.
Public Consultation:	The applicant’s planning consultant hand delivered a public information letter to 95 properties within 120 metres of the subject lands on September 23, 2020.

Public Comments:	None received.
Processing Time:	794 days.

Existing Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Property:	Six unit lodging house	“D” (Urban Protected Residential - One and Two Family Dwellings, etc.) District

Surrounding Land Uses:

North	Single detached dwellings	“D” (Urban Protected Residential - One and Two Family Dwellings, etc.) District
East	Single detached dwellings	“E” (Multiple Dwellings, Lodges, Clubs, etc.) District
South	Two, eight storey multiple dwellings	“E/S - 192” (Multiple Dwellings Lodges, Clubs, etc.) District, Modified
West	Single detached dwellings	“D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the PPS. The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Local Planning Appeal Tribunal approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy

framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (e.g. efficiency of land use and balanced growth) are reviewed and discussed in the Official Plan analysis that follows.

Cultural Heritage and Archaeology

Staff note the Cultural Heritage policies have not been updated within the UHOP in accordance with the PPS. The following policies of the PPS also applies:

- “2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.
- 2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.”

The existing dwelling is believed to be constructed circa 1895 and is included on the City’s Inventory of Buildings of Architectural and/or Historical Interest. The proposal does not impact the exterior of the building and will conserve the heritage resource as no exterior modifications are proposed. Staff are of the opinion that the proposed development is consistent with the PPS.

As the application for a change in zoning complies with the UHOP, it is staff’s opinion that the application is:

- Consistent with Section 3 of the *Planning Act*,
- Consistent with the Provincial Policy Statement (PPS) (2020); and,
- Conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

Urban Hamilton Official Plan

The subject property is identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” - Urban Land Use Designations in the UHOP. The following policies, amongst others, apply to the proposal.

Neighbourhoods

- “E.2.6.4 The Neighbourhoods element of the urban structure shall permit and provide the opportunity for a full range of housing forms, types and tenure, including affordable housing and housing with supports.
- E.2.6.7 Neighbourhoods shall generally be regarded as physically stable areas with each neighbourhood having a unique scale and character. Changes compatible with the existing character or function of the neighbourhood shall be permitted. Applications for development and residential intensification within Neighbourhoods shall be reviewed in consideration of the local context and shall be permitted in accordance with Sections B.2.4 – Residential Intensification, E.3.0 – Neighbourhoods Designation, E.4.0 – Commercial and Mixed Use Designations, and, E.6.0 – Institutional Designation.”

Neighbourhoods Designation

- “E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:
- a) residential dwellings, including second dwelling units and housing with supports.
- E.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan.
- E.3.3.1 Lower density residential uses and building forms shall generally be located in the interiors of neighbourhood areas with higher density dwelling forms and supporting uses located on the periphery of neighbourhoods on or in close proximity to major or minor arterial roads.
- E.3.3.2 Development or redevelopment adjacent to areas of lower density shall ensure the height, massing, and arrangement of buildings and structures are compatible with existing and future uses in the surrounding area.”

Medium Density Residential

- “E.3.5.1 Medium density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting on collector roads.

- E.3.5.2 Uses permitted in medium density residential areas include multiple dwellings except street townhouses.
- E.3.5.5 Medium density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities, public transit, schools, active or passive recreational facilities, and local or District Commercial uses.
- E.3.5.7 For medium density residential uses, the net residential density shall be greater than 60 units per hectare and not greater than 100 units per hectare.
- E.3.5.9 Development within the medium density residential category shall be evaluated on the basis of the following criteria:
- a) Developments should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may gain access to the collector or major or minor arterial roads from a local road only if a small number of low density residential dwellings are located on that portion of the local road.
 - b) Development shall be integrated with other lands in the Neighbourhoods designation with respect to density, design, and physical and functional considerations.
 - c) Development shall be comprised of sites of suitable size and provide adequate landscaping, amenity features, on-site parking, and buffering if required. The height, massing, and arrangement of buildings and structures shall be compatible with existing and future uses in the surrounding area.
 - d) Access to the property shall be designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.”

The proposed multiple dwelling is contemplated by Policies E.3.2.3 and E.3.5.2. In accordance with Policy E.2.6.4, the proposal adds to the provision of a full range of housing types and tenure in the Neighbourhoods designation by providing additional housing opportunities. The proposal is compatible with, and will maintain the existing character and function of the neighbourhood, and there is no conflict with the transition to the abutting low density residential properties to the north, as the existing building will remain and no exterior alterations to the existing building are proposed (Policies E.2.6.7, E.3.2.4, E.3.3.2 and E.3.5.9 b)).

The proposed multiple dwelling has a net residential density of 98 units per hectare. This is within the density range for medium density residential uses (Policy E.3.5.7). In accordance with Policy E.3.3.1, the subject lands are located on Wellington Street South which is identified as a major arterial road on Schedule C – Functional Road Classification of the UHOP. The subject property is located just south of the Hunter Street East and Wellington Street South intersection and is located at the “T” intersection where Stinson Street (a collector road) meets Wellington Street South (Policy E.3.5.1 and E.3.5.9 a)). The subject property is within proximity to Corktown Park and Carter Park. Further, it is located on HSR bus route 5, is within 400 metres of a frequently serviced transit corridor (Main Street East) and is 900 metres from the Hunter Street GO Station (Policy E.3.5.5).

The proposal is integrated with the surrounding neighbourhood with respect to density, design, physical and functional considerations. The neighbourhood has properties with densities ranging from low to high. As no physical changes are proposed to the existing building, form and massing remain consistent with the neighbouring properties to the north and east.

The applicant is seeking a reduction in required parking spaces from six spaces to four spaces. The reduction is for one required visitor parking space and one required resident space. Staff are of the opinion that this reduction can be supported as the property is directly located on HSR bus route 5, is within 400 metres of a frequently serviced transit corridor (Main Street East), within 900 metres of the Hunter Street GO Station, is located on a signed on-street bicycle route which leads to designated bike lanes on Hunter Street East and Ferguson Avenue South, and is within walking distance of downtown Hamilton employment opportunities (E.3.5.9 c)). While street parking is available in the neighbourhood, it should be noted that if permit parking was instituted, the residents of the proposed multiple dwelling would not be eligible to obtain street parking permits as more than three units are proposed.

The property offers residents amenity space in the form of two front verandas and rear patio space. The property is adequately landscaped and includes a mature tree in the front yard. The rear yard consists of patio space, a garage, and parking area. As the parking will remain as currently used and given the low number of vehicles using the space, no additional buffering methods are proposed. Access to the property minimizes conflict between traffic and pedestrians. Pedestrians can access the property from the front sidewalk along Wellington Street South, while vehicles can park on Wellington Street South or access the rear parking area via an existing right of way access over the rear lots of 128 and 126 Wellington Street South and 1 Ford Street, which leads to a City alley running between Wellington Street South and Ford Street (Policy E.3.5.9 c) and d)).

Residential Intensification

- “B.2.4.1.1 Residential intensification shall be encouraged throughout the entire built-up area, in accordance with the policies of Chapter E – Urban Systems and Designations and Chapter F – Implementation.
- B.2.4.1.4 *Residential intensification* developments shall be evaluated based on the following criteria:
- a) a balanced evaluation of the criteria in b) through g), as follows;
 - b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
 - c) the development’s contribution to maintaining and achieving a range of dwelling types and tenures;
 - d) the *compatible* integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
 - e) the development’s contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
 - f) infrastructure and transportation capacity; and,
 - g) the ability of the development to comply with all applicable policies.
- B.2.4.2.2 When considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:
- a) the matters listed in Policy B.2.4.1.4;
 - b) compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
 - c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;

- d) the consideration of transitions in height and density to adjacent residential buildings;
- e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- h) the ability to complement the existing functions of the neighbourhood;
- i) the conservation of cultural heritage resources; and,
- j) infrastructure and transportation capacity and impacts.”

This proposal represents a form of intensification within the existing neighbourhood. As there is no external construction proposed, there will not be a change to the existing character of the neighbourhood in terms of built form. The neighbourhood has a variety of housing types, ranging from single detached dwellings, to multiple dwellings, occurring in many different scales and forms. There will be no change to the existing character of the neighbourhood as a result of this proposal. In addition, the proposal builds on the existing housing options in the area through the inclusion of additional rental units (Policy B.2.4.1.4 b) c) and d)).

The subject property is serviced by municipal sewer and water infrastructure and can adequately service the proposed development. The existing road network can accommodate the minimal increase in vehicular traffic. Additionally, the subject property is situated on an HSR bus route and is in proximity to other local and regional transit options and designated bike routes (Policy B.2.4.1.4 f) and B.2.4.2.2 j)).

In addition to Policy B.2.4.1.4, Policy B.2.4.2.2 must be evaluated when considering an application for residential intensification in the Neighbourhoods designation. In terms of compatibility with adjacent land uses, the proposal is compatible with adjacent land uses. As no new construction is proposed, there will be no impacts on shadowing and overlook, and no new exterior lighting is proposed. A noise study was commissioned by the applicants which identified that the main source of noise was from vehicular traffic on Wellington Street South with secondary sources from Young Street and the CP/Metrolinx railway line to the south of the subject lands. The study recommended warning clauses pertaining to noise be included on rental agreements and that the

owner incorporate forced air ducts for central air-conditioning in addition to ensuring double glazed windows meet the requirements of the Ontario Building Code. A memo has been sent to the Building Division advising them of the requirements for final building plans and approval (Policy B.2.4.2.2 b)). A Holding Provision has been included which will ensure that a Building Permit is applied for and that the noise study recommendations are implemented.

The rear of the property is currently used informally for parking. The proposed parking will add one additional parking space to the property which will have a minimal effect on traffic in the right-of-way easement and alley. The right-of-way is a historic agreement between the property owners of 130, 128 and 126 Wellington Street South and 1 Ford Street which allows for free and uninterrupted pedestrian and vehicular access through and over the rear portions of the properties to access the City alley running between Ford Street and Wellington Street South (Policy B.2.4.2.2 b)).

The proposal is compatible with adjacent land uses and lot patterns in terms of height, massing and lot configuration. The existing building is two and a half storeys in height and is beside two, eight storey multiple dwellings and a two and a half storey dwelling. The proposed density offers a transition from the high density multiple dwelling to the lower density residential uses to the north of the property (Policy B.2.4.2.2 c), d), and e)).

The property offers residents amenity space in the front yard with two verandas. There is also private amenity space in the rear of the property with a patio space at ground level. The provision of amenity space at the front and rear of the property is consistent with the character of the neighbourhood where many dwellings have front porches and private rear yard amenity space. The proposal also maintains the existing streetscape patterns including building separations and setbacks (Policy B.2.4.2.2 f) and g)).

With the provision of additional rental units, this proposal will complement the existing functions of the neighbourhood. The additional units will provide additional housing opportunity for residents, in proximity to downtown Hamilton employment opportunities. Additional residents will also help to support local businesses. Having additional housing opportunities in the neighbourhood is also transit supportive which benefits area residents (Policy B.2.4.2.2 h)).

The existing dwelling is believed to be constructed circa 1895 and is included on the City's Inventory of Buildings of Architectural and/or Historical Interest. The proposed intensification does not impact the exterior of the building and will conserve the heritage resource (Policy B.2.4.2.2 i)).

Urban Design Policies

- “B.3.3.2.2 The principles in Policies B.3.3.2.3 through B.3.3.2.10 inclusive, shall apply to all development and redevelopment, where applicable.
- B.3.3.2.3 Urban design should foster a sense of community pride and identity by:
- a) respecting existing character, development patterns, built form, and landscape;
 - b) promoting quality design consistent with the locale and surrounding environment;
 - c) recognizing and protecting the cultural history of the City and its communities;
 - f) demonstrating sensitivity toward community identity through an understanding of the character of a place, context and setting in both the public and private realm;
 - h) contributing to the character and ambiance of the community through appropriate design of streetscapes and amenity areas;
- B.3.3.2.8 Urban design should promote environmental sustainability by:
- c) encouraging on-site storm water management and infiltration through the use of techniques and technologies, including storm water management ponds, green roofs, and vegetated swales;”

The proposal respects the existing character of the neighbourhood by preserving the building and existing landscaping, with no proposal for any physical changes. The existing building is included on the City’s Inventory of Buildings of Architectural and/or Historical Interest and the internal conversion supports the importance of preserving the community’s identity and the existing character and streetscape (Policy B.3.3.2.3).

Through the intensification of an existing building and use of a permeable surface in the parking area, this proposal achieves a level of environmental sustainability through the use of existing building materials and allowing stormwater to permeate into the ground rather than contribute to the stormwater system (Policy B.3.3.2.8 c)).

Therefore, the proposal complies with the Urban Hamilton Official Plan.

Corktown Neighbourhood Plan

The subject property is designated “Single and Double” within the Corktown Neighbourhood Plan. The “Single and Double” designation does not reflect the proposed multiple dwelling. Therefore, staff recommend the Neighbourhood Plan be amended to designate the lands “Medium Density Apartments” to reflect the proposal.

The policies of the Corktown Neighbourhood Plan contemplate infilling within the Neighbourhood Residential Area. Policies also direct housing heights in the eastern part of the neighbourhood to reflect the traditional low rise character.

The proposed multiple dwelling will be facilitated within the existing structure and will preserve the historic character of the existing building and neighbourhood overall. Therefore, the proposed amendment to the Corktown Neighbourhood Plan is appropriate and is supported by staff.

City of Hamilton Zoning By-law No. 6593

The subject property is currently zoned “D” (Urban Protected Residential, One and Two Family Dwellings, etc.) District. To implement the proposed development, the applicants have applied for a change in zoning to modify the existing “D” District.

The applicant has requested 16 site specific modifications to accommodate the proposal which are summarized on page 4 of Report PED21024. Some of the requested modifications recognize the existing building on the property, while the remaining modifications address parking and access matters. A detailed discussion of the merits of the proposed modifications is provided in the Zoning By-law Site Specific Modifications Table contained in Appendix “D” to Report PED21024.

RELEVANT CONSULTATION

Departments and Agencies		
Department	Comment	Staff Response
Growth Planning Section, Planning and Economic Development Department	No comment	None
Forestry and Horticulture Section, Public	No comment	None

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Works Department		
Recycling and Waste Disposal Section, Public Works Department	<ul style="list-style-type: none"> • The property is eligible for municipal collection service. • Property owner must contact the Environmental Service Division to request service. 	None
Transportation Planning Section, Planning and Economic Development Department	<ul style="list-style-type: none"> • Support Zoning By-law amendment. • Minimal increase in vehicular traffic is expected and be accommodated by the current road network. 	None
Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> • No Right-of-Way dedication is required. • No objection to the Zoning By-law Amendment. • Existing municipal services can support the proposal. • No objection to the use of gravel for parking purposes. • It is the owner's responsibility to ensure that the existing private sewer and water services are able to support the proposed development. Required Servicing permits will be required if existing services are inadequate. 	None

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 448 property owners within 120 metres of the subject property on January 8, 2019. A public notice sign was posted on the property on January 14, 2019 and updated on January 6, 2021. Notice of the Public Meeting was given on January 15, 2021 in accordance with the requirements of the *Planning Act*.

Public Consultation Strategy

The applicant's Public Consultation Strategy included hand delivering a public information letter to 95 properties within 120 metres on September 23, 2020. Letters were also provided to property managers of nearby multiple dwellings to post in common areas for residents' information. The letter included information about the proposal and provided the contact number of the planning consultant on file for residents to contact if they had questions.

To date, City staff have received two general inquiries and no written correspondence.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the PPS (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019, as amended;
 - (ii) It complies with the policies of the Urban Hamilton Official Plan; and,
 - (iii) It is compatible with existing land uses in the immediate area and represents good planning by, among other things, providing additional rental housing options, making efficient use of existing infrastructure within the urban boundary, and supporting public transit.
2. The application for Zoning By-law Amendment is for a further modification to the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District.

The proposed zoning modification will permit a form of residential intensification within the built-up area. As there are no changes proposed to the building, there will be no change to the form and character of the area. The proposal will maintain adequate on-site parking in the rear of the property and provide amenity space for the residents in the front and rear yard. The proposal meets the medium density residential density requirements.

The proposed Zoning By-law Amendment meets the intent of the "Neighbourhoods" designation of the UHOP and the residential intensification policies, with some modifications required to recognize the existing built form. The modifications are identified on page 4 of Report PED21024 and discussed in detail in Appendix "D" to Report PED21024.

Therefore, staff support the change in zoning.

3. Holding Provision

The existing building has been illegally converted to a six unit multiple dwelling without the necessary Building Permits. An 'H' Holding Provision is being proposed on the subject lands to ensure that a Building Permit is applied for to the satisfaction of the Chief Building Official, Building Division, thereby legally establishing the six unit multiple dwelling.

In addition, staff are placing an 'H' Holding Provision on the subject lands to ensure that the recommendations contained in the Noise Impact Study, dated December 7, 2018 are implemented to the satisfaction of the Chief Building Official, Building Division through the Building Permit application.

The Holding Provisions are included in Appendix "B" to Report PED21024.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the subject property would remain zoned "D" (Urban Protected Residential – One and Two Family Dwellings, Etc) District, in the City of Hamilton Zoning By-law No. 6593. Furthermore, the applicant would be required to discontinue the use of the existing building as a six unit multiple dwelling.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" - Location Map

Appendix "B" - Draft Amendment to Zoning By-Law No. 6593

Appendix "C" - Concept Plan

Appendix "D" - Zoning By-law Site Specific Modification – Chart