



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 5, 2021
SUBJECT/REPORT NO:	Application to Amend the Hamilton Zoning By-law No. 05-200 for Lands Located at 1411 and 1415 Upper Wellington Street, Hamilton (PED21187) (Ward 7)
WARD(S) AFFECTED:	Ward 7
PREPARED BY:	Melanie Schneider (905) 546-2424 Ext. 1224
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That amended **Zoning By-law Amendment Application ZAC-20-033, by T. Johns Consulting Group Inc. (c/o Diana Morris) on behalf of Shalom Manor and Gardens (Owner)** for a change in zoning from the Neighbourhood Institutional (I1) Zone to the Major Institutional (I3, 745, H39) Zone and from the “DE-3/1471” (Multiple Dwellings) District, Modified to the Major Institutional (I3, 745, H39) Zone to permit the development of a seven-storey long term care facility containing 128 beds and 132 retirement suites, for the lands located at 1411 and 1415 Upper Wellington Street, as shown on Appendix “A” to Report PED21187, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED21187, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That Schedule “D” – Holding Provisions of Zoning By-law No. 05-200 be amended by adding an additional Holding Provision as follows:
 - “39. For the lands zoned Major Institutional (I3, 745, H39) Zone on Maps 1375 and 1376 of Schedule “A” – Zoning Maps and described as 1411 and 1415 Upper Wellington Street, the development shall not proceed until:

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- i) The Owner provides a signed agreement with the property owner to the north and east to allow for drainage to outlet to private lands, to the satisfaction of the Manager of Engineering Approvals.
 - ii) The Owner provides a signed agreement with the property owner to the south allowing for reception of stormwater flows through their site via connection to a private storm sewer system and outlet of emergency overland flow route, to the satisfaction of the Manager of Engineering Approvals.”
- (c) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and comply with the Urban Hamilton Official Plan.

EXECUTIVE SUMMARY

The purpose of the Zoning By-law Amendment is to change the zoning on the subject lands from the Neighbourhood Institutional (I1) Zone to the Major Institutional (I3, 745, H39) Zone and to remove lands from the “DE-3/S-1471” (Multiple Dwellings) District, Modified in the Hamilton Zoning By-law No. 6593 to be added into Zoning By-law No. 05-200 as the Major Institutional (I3, 745, H39) Zone, as shown on Appendix “A” to Report PED21187. The proposed zoning will facilitate the development of a seven-storey building, containing a 128 bed long term care facility and retirement home with 132 retirement suites. Accessory retail and restaurant uses are also proposed within the building to support visitors, residents, and employees of the facility. Staff have amended the Application to prohibit street townhouse dwellings (which are a permitted use in the parent I3 Zone) to align the proposed change in zoning with the policies of the Urban Hamilton Official Plan.

The proposed building will have a building connection and outdoor pedestrian access to the existing retirement home to the south, which will operate together. As a result, the building is considered an addition to the existing retirement home. A total of 120 parking spaces, which would be located at grade to the rear of the site, are proposed in support of the development. The applicant will be required through the Site Plan Control stage to secure necessary agreements between the existing and planned facilities for any proposed shared facilities, such as parking and water services.

The draft By-law (attached as Appendix “B” to Report PED21187) includes a Holding Provision restricting any development of the project until the proponent secures the necessary permissions that will allow stormwater drainage onto adjacent private lands

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and ensures heritage features of the place of worship at 1411 Upper Wellington Street have been salvaged.

The Application has merit and can be supported as it is consistent with the Provincial Policy Statement (2020) (PPS), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (as amended), complies with the Urban Hamilton Official Plan and the Crerar Neighbourhood Plan, and compatible with the existing land uses. The proposal, which is comprised of a range of uses, will contribute to new housing forms that will allow residents to age in place.

Alternatives for Consideration – See Page 19

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	
Applicant/Owner:	Shalom Manor and Gardens c/o Jonathan Zwier
Agent:	T. Johns Consulting Group Ltd. c/o Diana Morris
File Number:	ZAC-20-033
Type of Application:	Zoning By-law Amendment
Proposal:	Development of a seven-storey long term care facility and retirement home containing 128 long term care beds and 132 retirement suites. The building will be connected to the existing retirement home to the south with all facilities operating together. A total of 120 surface parking spaces is proposed.

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Property Details	
Municipal Address:	1411 and 1415 Upper Wellington Street
Lot Area:	2.08 hectares
Servicing:	Full municipal services.
Existing Use	Place of worship to be demolished and vacant parcel.
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms to A Place to Grow (2019, as amended).
Official Plan Existing:	“Neighbourhoods” on Schedule E – Urban Structure and “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations.
Official Plan Proposed:	No changes proposed.
Zoning Existing:	Neighbourhood Institutional (I1) Zone and “DE-3/S-1471” (Multiple Dwellings) District, Modified.
Zoning Proposed:	Major Institutional (I3, 745, H39) Zone.
Modifications Proposed:	Major Institutional (I3, 745, H39) Zone: <ul style="list-style-type: none"> • To permit retail and restaurants as accessory uses within a long term care facility; • To permit a maximum height of 30.0 metres instead of maximum height of 18.0 metres; • To permit a minimum side yard setback of 0.0 metres and 4.0 metres to the southerly lot line instead of a minimum 7.0 metre side and rear yard setback; and, • To not require a visual barrier to the south whereas a visual barrier around a parking area is required abutting a residential use or zone.

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Processing Details	
Received:	August 5, 2020
Deemed Complete:	September 2, 2020
Notice of Complete Application:	Sent to 43 property owners within 120m of the subject property on September 21, 2020.
Public Notice Sign:	Posted on September 29, 2020 and updated on September 8, 2021.
Notice of Public Meeting:	Sent to 43 property owners within 120m of the subject lands on September 17, 2021.
Public Consultation:	On September 24, 2020, the applicants sent an information letter through regular mail to all properties within 120 metres of the subject lands explaining the proposal and provided contact information for both City staff and the agent.
Public Comments:	None received.
Processing Time:	426 days.

Background

On August 14, 2002, Council approved By-law No. 02-245 which placed lands located at 1415 Upper Wellington in the “DE-3/S-1471” (Multiple Dwellings) District, Modified to facilitate the development of a three-storey, 120 bed long term care facility. The long term care facility was never constructed. The applicants now propose to build a larger care facility, including a retirement home, using additional lands secured since the previous approval.

Existing Land Use and Zoning:

Subject Lands:	Existing Land Use Place of worship and vacant	Existing Zoning Neighbourhood Institutional (I1) Zone and “DE-3/S-1471” (Multiple Dwellings) District, Modified
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Surrounding Land Uses:

North	Place of worship	Major Institutional (I3, 8) Zone
East	Vacant, woodlot	“AA” (Agricultural) District
South	Retirement home and long term care facility	“DE-3/S-1471” (Multiple Dwellings) District, Modified and “C/S-1485” (Urban Protected Residential, etc.) District, Modified
West	Single detached dwellings and fire station	“C/S-1788” (Urban Protected Residential, etc.) District, Modified

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Framework

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2020). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal (OLT) 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 (i.e. efficiency of land use) are reviewed and discussed in the Official Plan analysis that follows.

Noise

“1.2.6.1 Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential

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adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards, and procedures.”

The applicants have submitted a Noise Impact Study prepared by Valcoustics Canada Ltd., dated July 17, 2020. Overall, the Study has demonstrated that noise impacts can be mitigated on the subject lands. An updated Study will be required at the Site Plan Control stage to ensure that the recommendations for mitigation measures are implemented.

The UHOP has not been updated with respect to cultural heritage policies of the PPS (2020). Therefore, the following policies, amongst others, apply to the proposal.

- “2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.
- 2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.”

The subject property meets three of the ten criteria used by the City of Hamilton and the Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 2) In the vicinity of distinctive or unusual landforms; and,
- 3) Along historic transportation routes.

These criteria define the subject property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the Provincial Policy Statement apply to this Application.

An acknowledgement note on the drawings will be required at the Site Plan Control stage advising the applicant of the City of Hamilton and Ministry of Heritage, Sport, Tourism and Cultural Industries requirements related to the discovery of deeply buried archaeological materials or human remains during construction / development activities.

The property located at 1411 Upper Wellington Street is included on the Inventory of Buildings of Architectural and/or Historical Interest and is the existing place of worship

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on site. A Documentation and Salvage Report has been prepared by the applicant and was approved on November 3, 2020. Prior to the issuance of a Demolition Permit, the applicant is required to demonstrate that the following items have been salvaged from the structure to be given to the congregation of the place of worship for their new location:

- date stone;
- coloured tinted glass windows;
- sanctuary light fixtures;
- wood pews;
- organ pipes and other components of the organ; and,
- glue-laminated wooden columns/beams.

Based on staff's review, the Application is:

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

Urban Hamilton Official Plan

The subject lands are identified and designated as "Neighbourhoods" on Schedules "E" – Urban Structure and "E-1" – Urban Land Use Designations respectively. The following policies, amongst others, apply to the proposal.

"E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:

c) *local community facilities/services*;

E.3.10.1 *Community facilities/services* uses include public and private uses serving the cultural, religious, health, welfare, and educational needs of a neighbourhood. Community facilities/services may include community and recreation centres, arenas, parks, healthcare and social service facilities, long term care facilities, day care centres, seniors' centres, emergency medical services, fire services, police services, cultural facilities, places of worship, museums, schools, universities and colleges, and libraries.

E.3.2.5 Individual supporting uses in the Neighbourhoods designation shall be no greater than 4 hectares in size.

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- E.3.2.6 Supporting uses such as local commercial, *community facilities/services*, and open space and parks, should be clustered to create a focal point for the neighbourhood and to facilitate access by all forms of transportation.
- E.3.2.7 The City shall require quality urban and architectural design. Development of lands within the Neighbourhoods designation shall be designed to be safe, efficient, pedestrian oriented, and attractive, and shall comply with the following criteria:
- b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized.
 - c) Adequate and direct pedestrian access and linkages to community facilities/services and local commercial uses shall be provided.
 - d) Development shall improve existing landscape features and overall landscape character of the surrounding area.
 - e) Development shall comply with Section B.3.3 – Urban Design Policies and all other applicable policies.”

The proposed long term care facility and retirement home is considered a community facility and will be located on lands 2.08 ha in size. The proposed uses are permitted within the Neighbourhoods Designation. The lands are located directly adjacent to other existing community facilities and services, such as the fire station to the west, place of worship to the north, and an existing retirement home and long term care facility to the south to support the vision of a focal point per Policy E.3.2.6. The proposed design also place the building towards the street which ensures that parking areas are located away from the street, and with clear, direct pedestrian connections throughout the site and to the lands to the south. The proposed design will allow for an improvement to existing landscape features by providing new planting strips and coordinated landscape treatment that currently does not exist.

- “E.3.2.8 Proposals for supporting uses, except local commercial uses, within the Neighbourhoods designation shall be evaluated on the following criteria:
- a) compatibility with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking, and landscaping;
 - b) access to a collector or major or minor arterial road shall be preferred;

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- c) provision of adequate off-street parking with appropriate buffering and landscaping from residential uses;”

The proposal will provide direct access from Upper Wellington Street which is identified as a minor arterial road on Schedule “C” – Functional Road Classification of the UHOP. The proposed building has been designed to provide transitions in the height by articulating the building façade and roofline to maintain compatible scale and massing with the surrounding land uses. Moreover, the applicant has carried out a sun shadow study to demonstrate that the proposed seven storey development will have no negative impacts on the single detached dwellings located on the west side of Upper Wellington Street. The landscaping and parking have been designed to ensure that appropriate buffering is provided from nearby residential uses and conforms to the Zoning By-law.

Institutional

“E.6.2.2 The following uses shall be permitted on lands designated Institutional on Schedule E-1 – Urban Land Use Designations:

- a) educational facilities, except commercial schools;
- b) religious facilities;
- c) cultural facilities;
- d) health care facilities;
- e) long term care facilities;
- f) day care facilities;
- g) accessory uses; and,
- h) ancillary uses, in accordance with Policy E.6.2.3, E.6.2.4, and E.6.2.5.

E.6.2.4 Residential uses ancillary to an institutional use, such as student residences, convents, and continuing care projects may be permitted provided the following conditions are met:

- b) Residential uses shall be developed in accordance with Section E.3.4 – Low Density Residential or Section E.3.5 – Medium Density Residential. The appropriate density shall be determined on a site by site basis

provided it meets the applicable policies of Sections E.3.3 – Low Density Residential and E.3.5 – Medium Density residential, inclusive.

- E.6.2.6 Notwithstanding Policy E.6.2.2, where institutional uses cease on lands designated Institutional, low density residential uses, parks and open space uses, or community facilities/services uses may be permitted without an amendment to this Plan, provided the uses are compatible with the surrounding area and are in keeping with the policies of this Plan.”

The proposal seeks to use a Major Institutional (I3) Zone which permits all uses noted above, in addition to street townhouses which are not restricted in the zone. The Zoning By-law permits multiple dwellings only in conjunction with an institutional use per Policy E.6.2.4. Since there is no existing institutional use on a portion of the lands to cease and allow the transition to low density residential uses, staff have amended the application to remove street townhouses as a permitted use per Policy E.6.2.6.

Urban Design

“B.3.3.2.4 Quality spaces physically and visually connect the public and private realms. Public and private development and redevelopment should create quality spaces by:

- a) organizing space in a logical manner through the design, placement, and construction of new buildings, streets, structures, and landscaping;
- b) recognizing that every new building or structure is part of a greater whole that contributes to the overall appearance and visual cohesiveness of the urban fabric;
- e) creating a continuous animated street edge in urban environments;

B.3.3.2.5 Places that are safe, accessible, connected and easy to navigate shall be created by using the following design applications, where appropriate:

- a) connecting buildings and spaces through an efficient, intuitive, and safe network of streets, roads, alleys, lanes, sidewalks, and pathways;
- b) providing connections and access to all buildings and places for all users, regardless of age and physical ability;
- c) ensuring building entrances are visible from the street and promoting shelter at entrance ways;

f) providing pedestrian-scale lighting;

B.3.3.2.6 Where it has been determined through the policies of this Plan that compatibility with the surrounding areas is desirable, new development and redevelopment should enhance the character of the existing environment by:

- a) complementing and animating existing surroundings through building design and placement as well as through placement of pedestrian amenities;
- d) complementing the existing massing patterns, rhythm, character, colour, and surrounding context; and,
- e) encouraging a harmonious and compatible approach to infilling by minimizing the impacts of shadowing and maximizing light to adjacent properties and the public realm.”

The Urban Design Brief prepared by MMC Architects, dated July 28, 2020 demonstrates that the massing of the building, including articulation, respects the existing character and evolving built form of the neighbourhood to address Policies B.3.3.2.4b), B.3.3.2.6a) and d). In addition, Upper Wellington Street provides transition between the proposed building and the existing single detached dwellings on the west side of the street to ensure the proposed seven-storey building will be compatible with the surrounding land uses. A sun shadow study prepared as part of the Urban Design Brief by MMC Architects, dated July 28, 2020 has demonstrated that there will be no negative shadow impacts on adjacent lands.

The proposed location of the building and the pedestrian connections to the existing retirement home to the south ensures that people of all abilities can navigate the site safely and allows for parking to be located at the rear of the site to foster a strong street presence. Building entrances are visible from the street in accordance with the Urban Design policies. On site lighting will be further assessed at the Site Plan Control stage.

Community Facilities

“B.3.5.2.1 All new public buildings which are publicly or privately owned and/or operated community facilities:

- b) shall be easily accessible by walking, cycling, and public transit where provided;

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- c) shall be located and designed to be barrier free and to comply with all accessibility legislation, standards, and guidelines;
- d) where proposed adjacent to residential uses, shall be designed and operated to limit noise, traffic, and privacy impacts on neighbouring residents; and,
- e) should meet all of the following design criteria where possible:
 - i) main entrances shall front onto a public road;
 - ii) parking shall be provided to the side or rear of the main building and be screened and landscaped;
 - iii) pedestrian walkways shall link parking facilities and public sidewalks to entrances;
 - v) the design of landscaping and lighting shall be of high quality and appropriate to the site; and,
 - vi) lighting should highlight the design of buildings.”

The lands are located along HSR Route #26 with a bus stop on Upper Wellington Street in front of the subject lands. Detailed noise impacts, landscaping and lighting requirements will be further assessed at the Site Plan Control stage. The concept plan, attached as Appendix “D” to Report PED21187, shows that the parking will be located at the rear of the site, screened from view by either visual barriers or the proposed building itself.

Natural Heritage

“C.2.11.1 The City recognizes the importance of trees and woodlands to the health and quality of life in our community. The City shall encourage sustainable forestry practices and the protection and restoration of trees and forests.”

The applicants have submitted a Tree Protection Plan prepared by GSP Group, dated July 14, 2020 in support of the application. Refinements are required to the Plan to ensure that appropriate protection and mitigation are provided as part of the development proposal. A total of 134 trees have been surveyed on the subject lands, including six municipal trees. The applicant currently proposes to remove 62 trees, 40 of which are noted to be in good condition, and to provide a compensation ratio 1:1 for every tree removed. This will be further reviewed and implemented at the Site Plan

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Control stage to explore opportunities to retain additional trees that are in good condition and not in conflict with the limits of development.

Transportation Network

“C.4.5.2 The road network shall be planned and implemented according to the following functional classifications and right-of-way widths:

- d) Minor arterial roads, subject to the following policies:
 - i) The primary function of a minor arterial road shall be to carry moderate volumes of intra-municipal and inter-regional traffic through the City in association with other types of roads.
 - ii) Land accesses shall be permitted with some controls.
 - iii) The basic maximum right-of-way widths for minor arterial roads shall be 36.576 metres unless otherwise specifically described in Schedule C-2 – Future Right-of-Way Dedications.”

Upper Wellington Street is identified as a minor arterial road on Schedule “C” – Functional Road Classification. Schedule “C-2” – Future Right of Way Dedications of the UHOP further identifies this portion of Upper Wellington Street to have an ultimate width of 30.48 metres. The road currently has a right of way width of approximately 20 metres. Accordingly, at the Site Plan Control stage, a right of way dedication of approximately 5.17 metres will be required.

Since the lands will be accessed from the minor arterial road, additional traffic control measures may be required to be installed in the right of way to mitigate potential conflicts between passing traffic and those accessing the site. The requirements for additional traffic control measures will be determined at the Site Plan Control stage.

Based on the foregoing, the proposal complies with the Urban Hamilton Official Plan.

Crerar Neighbourhood Plan

The subject lands are designated “Institutional and Special Housing” in the Crerar Neighbourhood Plan. The proposed uses are permitted within this designation.

Hamilton Zoning By-law No. 6593

The lands located at 1415 Upper Wellington Street are currently zoned “DE-3/S-1471” (Multiple Dwellings) District, Modified in the Hamilton Zoning By-law No. 6593 which

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permits the development of either a 120 bed long term care facility or a three-storey, 42 unit multiple dwelling for seniors. The applicant is seeking to remove the lands from the Hamilton Zoning By-law No. 6593 and add this portion of the site to Zoning By-law No. 05-200. The change in zoning is further discussed in the Analysis and Rationale for Recommendation Section of Report PED21187.

Hamilton Zoning By-law No. 05-200

The lands located at 1411 Upper Wellington Street are zoned Neighbourhood Institutional (I1) Zone in the Hamilton Zoning By-law No. 05-200 which permits a place of worship and retirement home up to 15 residents. The applicant proposes to zone all lands subject to this application as the Major Institutional (I3, 745, H39) Zone which would add a long term care facility as a permitted use and expand the scale of the permitted retirement home. Modifications are proposed to permit accessory restaurant and retail uses, to recognize the proposed building height, to not require a visual barrier to the south, and the connection of the building to the lands to the south. The modifications are further discussed in Appendix “C” to Report PED21187.

RELEVANT CONSULTATION

Departments and Agencies		
<ul style="list-style-type: none"> Commercial Districts and Small Business Office, Planning and Economic Development Department; Canada Post Corporation; and, Landscape Architectural Services, Public Works Department. 		No Comment
Agency	Comment	Staff Response
Alectra Utilities Ltd.	<ul style="list-style-type: none"> Standard design requirements apply to the development including appropriate separation from utilities. The developer is required to contact Alectra prior to construction activity. 	<ul style="list-style-type: none"> This information has been forwarded to the applicant.
Development Engineering Approvals, Planning and	<ul style="list-style-type: none"> A Right of way width dedication of approximately 5.17 metres 	<ul style="list-style-type: none"> Staff have recommended that a Holding Provision be included on the lands to ensure that appropriate

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<p>Economic Development Department</p>	<p>needs to be given to the City.</p> <ul style="list-style-type: none"> • Construction of a municipal sidewalk will be at the cost of the applicant. • A detailed Construction Management Plan is required. • The current design of the stormwater management scheme proposes storm water to discharge onto adjacent private lands. The Owner is required to obtain written permission from the adjacent land owners. A Joint Service Agreement may be required to facilitate this arrangement. • Karst bedrock has been observed in the area and requires the submission of a Geotechnical Report to ensure concerns are addressed. 	<p>agreements with adjacent lands are secured for the proposed stormwater management scheme.</p> <ul style="list-style-type: none"> • Staff have confirmed that all the remaining comments will be addressed at the Site Plan Control stage.
<p>Forestry and Horticulture, Public Works Department</p>	<ul style="list-style-type: none"> • A Tree Management Plan has been reviewed and requires revisions to ensure appropriate protection for street trees that would be impacted by development activity. • A Landscape Plan is required to be submitted to detail the location of any new street trees. 	<ul style="list-style-type: none"> • A revised Tree Management Plan and Landscape Plan will be required at the Site Plan Control stage.
<p>Hamilton Conservation Authority (HCA)</p>	<ul style="list-style-type: none"> • The Geotechnical Report is best submitted through the Site Plan Control stage to 	<ul style="list-style-type: none"> • Per direction from HCA, the updated Geotechnical Report, revised Functional

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	<p>ensure any karst findings and recommendations factor in the location of the proposed building foundation.</p> <ul style="list-style-type: none"> • A Permit from the HCA may be required if Karst features are confirmed on site. • The Functional Servicing Report and Stormwater Management Report requires revisions per HCA standard requirements. 	<p>Servicing Report and revised Stormwater Management Report will be required at the Site Plan Control stage.</p>
<p>Legislative Approvals, Planning and Economic Development Department</p>	<ul style="list-style-type: none"> • Municipal addressing will be confirmed at the Site Plan Control stage. 	<ul style="list-style-type: none"> • Staff confirm that municipal addressing will be addressed at the Site Plan Control stage.
<p>Recycling and Waste Collection, Public Works Department</p>	<ul style="list-style-type: none"> • The proposal is not eligible for municipal waste collection. A private waste hauler must be arranged for the removal of all waste materials. 	<ul style="list-style-type: none"> • This information has been provided to the applicant.
<p>Transportation Planning, Planning and Economic Development Department</p>	<ul style="list-style-type: none"> • Upper Wellington Street between Limeridge Road and Stone Church Road East is tentatively scheduled for reconstruction and urbanization in 2025. An Environmental Assessment is currently in the works which will address potential road widenings, additional vehicular lanes, and new sidewalks. 	<ul style="list-style-type: none"> • The Environmental Assessment will be facilitated by the required right of way dedication identified by Development Engineering staff. • The required traffic control device will be confirmed at the Site Plan Control stage.

	<ul style="list-style-type: none">• A traffic control device needs to be installed on Upper Wellington Street to support the development.	
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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 43 property owners within 120 metres of the subject property on September 21, 2020.

A Public Notice Sign was posted on the property on September 29, 2020 and updated on September 8, 2021 with the Public Meeting date. Finally, Notice of Public Meeting was given on September 17, 2021 in accordance with the requirements of the *Planning Act*.

No comments were received from property owners as a result of these circulations.

Public Consultation Strategy

The applicant's Public Consultation consisted of a letter mail to all residents and property owners within 120 metres of the subject lands by the applicant, explaining the proposed development and the effect of the application. Contact information was provided for both City staff and the applicant should the public have any questions, or should they like to provide comments on the proposal. To date, no submissions were received either by the City or the applicant.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow Plan (2019, as amended);
 - (ii) It complies with the Urban Hamilton Official Plan and Crerar Neighbourhood Plan;
 - (iii) The proposed development will provide additional housing opportunities for residents to age in place; and,

- (iv) The proposed development represents good planning by, among other things, enhancing the cluster of community facilities in the area, providing alternative housing forms, and providing a long term care facility as a supporting use for the neighbourhood.
2. The proposed Zoning By-law Amendment seeks to apply a modified Major Institutional (I3) Zone to provide for more up to date zoning requirements in line with current development standards, while maintaining the intent of the original Zoning By-law Amendment from 2002. Since that time, the applicants have obtained additional land which allows for a larger facility that will provide greater street presence and overall site functionality. The proposed facility is located within a cluster of existing community facilities and ensures that the urban structure of the Urban Hamilton Official Plan is implemented. Since the general intended land use will remain unchanged, the proposed change in zoning from the “DE-3/S-1471” District, Modified is merely technical in nature whereas the change from the Neighbourhood Institutional (I1) Zone to expand permitted institutional uses is in keeping with the Urban Hamilton Official Plan. Modifications to permit a building connection to the lands to the south and to permit an increased building height are required to implement the proposal which is further discussed in Appendix “C” to Report PED21187.

The proposed one-storey, enclosed hallway connection to the southerly retirement home deems the development to be an addition, though the proposal will be located on a separate lot. The applicant has been advised that agreements will be required to allow the arrangement, which will be secured at the Site Plan Control stage.

Staff have recommended that a Holding Provision be applied to the lands to ensure heritage features have been salvaged from the existing place of worship prior to demolition and to secure appropriate stormwater management controls before development activity occurs. Details of the stormwater management design will be finalized at the Site Plan Control stage.

Based on the foregoing, the Zoning By-law Amendment Application to permit proposed development consisting of a long term care facility and retirement home represent good planning and is supported by staff.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the lands would remain in the “DE-3/S-1471” (Multiple Dwellings) District Modified and the Neighbourhood Institutional (I1) Zone which permits

a long term care facility on a portion of the subject lands and a retirement home at a limited scale.

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

Healthy and Safe Communities

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

Built Environment and Infrastructure

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

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED21187 – Location Map

Appendix “B” to Report PED21187 – Draft By-law

Appendix “C” to Report PED21187 – Zone Modification Chart

Appendix “D” to Report PED21187 – Concept Plan