



Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5  
Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202  
E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**NOTICE OF PUBLIC HEARING**  
**Minor Variance**

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**You are receiving this notice because you are either:**

- Assessed owner of a property located within 60 metres of the subject property
  - Applicant/agent on file, or
  - Person likely to be interested in this application
- 

**APPLICATION NO.:** HM/A-21:454

**APPLICANTS:** Agent Michael Barton  
Owner 130 Wellington Corp.

**SUBJECT PROPERTY:** Municipal address **130 Wellington St. S., Hamilton**

**ZONING BY-LAW:** Zoning By-law 6593, as Amended

**ZONING:** "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) district

**PROPOSAL:** To permit the establishment of a multiple dwelling containing a maximum of four (4) dwelling units within an existing building notwithstanding that:

1. A multiple dwelling containing a maximum of four (4) dwelling units shall be permitted notwithstanding that this use is not permitted as a use in the "D" district.
2. No visitor parking spaces shall be required instead of the minimum required one (1) visitor parking space.
3. The access driveway to the multiple dwelling shall be located 0.0m from the "D" district which does not permit this use instead of the requirement that where a multiple dwelling is adjacent to a residential district that does not permit such uses, every access driveway to the multiple dwelling shall be located not less than 3.0 metres from the common boundary between the district in which the multiple dwelling is located and the district that does not permit such uses.
4. A gravel surface shall be permitted for the parking area, manoeuvring space and access driveway instead of the requirement that a permanent durable and dustless surface that is graded, drained, and paved with concrete or asphalt or a combination of concrete and asphalt shall be provided and maintained for every parking area, manoeuvring space, loading space and access driveway.

**NOTE:**

- i) Section 18A(28) of Hamilton Zoning By-law No. 6593 states:

"No land in a residential district in which a multiple dwelling is not permitted shall be used for the purpose of vehicular access to or egress from any land used for a multiple dwelling."

A variance to Section 18A(28) is not required for the subject lands as a multiple dwelling would be permitted. However, a minor variances would be required to Section 18A(28) for those lands over which the right-of-way for the multiple dwelling traverses through being (it appears):

- 126 Wellington St S
- 128 Wellington St S
- 1 Ford St

As such, zoning non-compliance will exist for those properties.

ii) A loading space is not required for a multiple dwelling containing four (4) dwelling units. As such, those variances requested for a loading space are not necessary.

This application will be heard by the Committee as shown below:

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**DATE:** Thursday, February 17th, 2022  
**TIME:** 1:20 p.m.  
**PLACE:** Via video link or call in (see attached sheet for details)  
To be streamed at  
[www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)  
for viewing purposes only

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#### **PUBLIC INPUT**

**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

**Orally:** If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

#### **MORE INFORMATION**

For more information on this matter, including access to drawings illustrating this request:

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: February 1st, 2022.

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

***Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.***

ALL UNDERGROUND SERVICES MUST BE LOCATED BY CONTRACTOR PRIOR TO ANY CONSTRUCTION. CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND JOB CONDITIONS BEFORE PROCEEDING WITH WORK.

SITE PLAN FOR PARKING FOR  
 130 WELLINGTON STREET SOUTH

CLIENT:  
 2133891 ONTARIO INC  
 C/O FORGE & FOSTER

GEOGRAPHIC LOCATION INFORMATION  
**PART OF LOTS 9, 11, 12 AND 17**  
**REGISTERED PLAN 1436**

BEGING IN THE  
**CITY OF HAMILTON**  
 SCALE 1 : 100

MacKAY, MacKAY & PETERS LIMITED - ONTARIO LAND SURVEYORS  
 © 2020

"METRIC" DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048



KEYPLAN NOT TO SCALE

REQUIRED BY ZONING	PROVIDED
PROPOSED PARKING	4 SPACES
PARKING STALL-2.6m. WIDE (MIN.)	2.7m.
PARKING STALL-5.5m. LENGTH (MIN.)	6.0m.

CITY OF HAMILTON ZONING BY-LAW 6593  
 ZONING REGULATION - DE-2

ZONE	REQUIRED	PROVIDED
LOT WIDTH	12.0 (min)	9.75
LOT AREA	360 (min)	631.3
FRONT YARD	3.0 (min)	5.28
REAR YARD	6.0 (min)	44.17
SIDE YARD	1.50 (min) (NORTH)	0.44
	1.50 (min) (SOUTH)	0.64
LANDSCAPE AREA	25% (min)	31.2%
BUILDING AREA		112.0 sq.m. (EXISTING BUILDING)
		36.5 sq.m. (EXISTING GARAGE)
		148.5 sq.m. (TOTAL AREA)
LOT COVERAGE	N/A	23.5%
BUILDING HEIGHT	26.0 (max)	12.42
FLOOR AREA RATIO	(max)	1:0.44
DWELLING DEPTH	18.00 (max)	12.77

**Legend:**  
 PIN DENOTES PROPERTY IDENTIFICATION NUMBER  
 CL DENOTES CENTRE LINE  
 UP DENOTES UTILITY POLE  
 LS DENOTES LIGHT STANDARD  
 OHW DENOTES OVERHEAD WIRES  
 GW DENOTES GAS METER  
 RW DENOTES RETAINING WALL  
 WSV DENOTES WATER SERVICE VALVE  
 FH DENOTES FIRE HYDRANT  
 FHV DENOTES FIRE HYDRANT VALVE  
 C DENOTES DECIDUOUS TREE SCALED TO CANOPY, TRUNK SIZE SHOWN IN METRES  
 CDENOTES CONIFEROUS TREE SCALED TO CANOPY, TRUNK SIZE SHOWN IN METRES  
 BUILDING TIES SHOWN HEREON ARE TO FOUNDATION UNLESS OTHERWISE NOTED.

BOUNDARY DATA SHOWN HEREON WAS TAKEN FROM SURVEYORS REAL PROPERTY REPORT DONE BY MACKAY, MACKAY & PETERS, DATED APRIL 20, 2018, FILE No. 18-055.

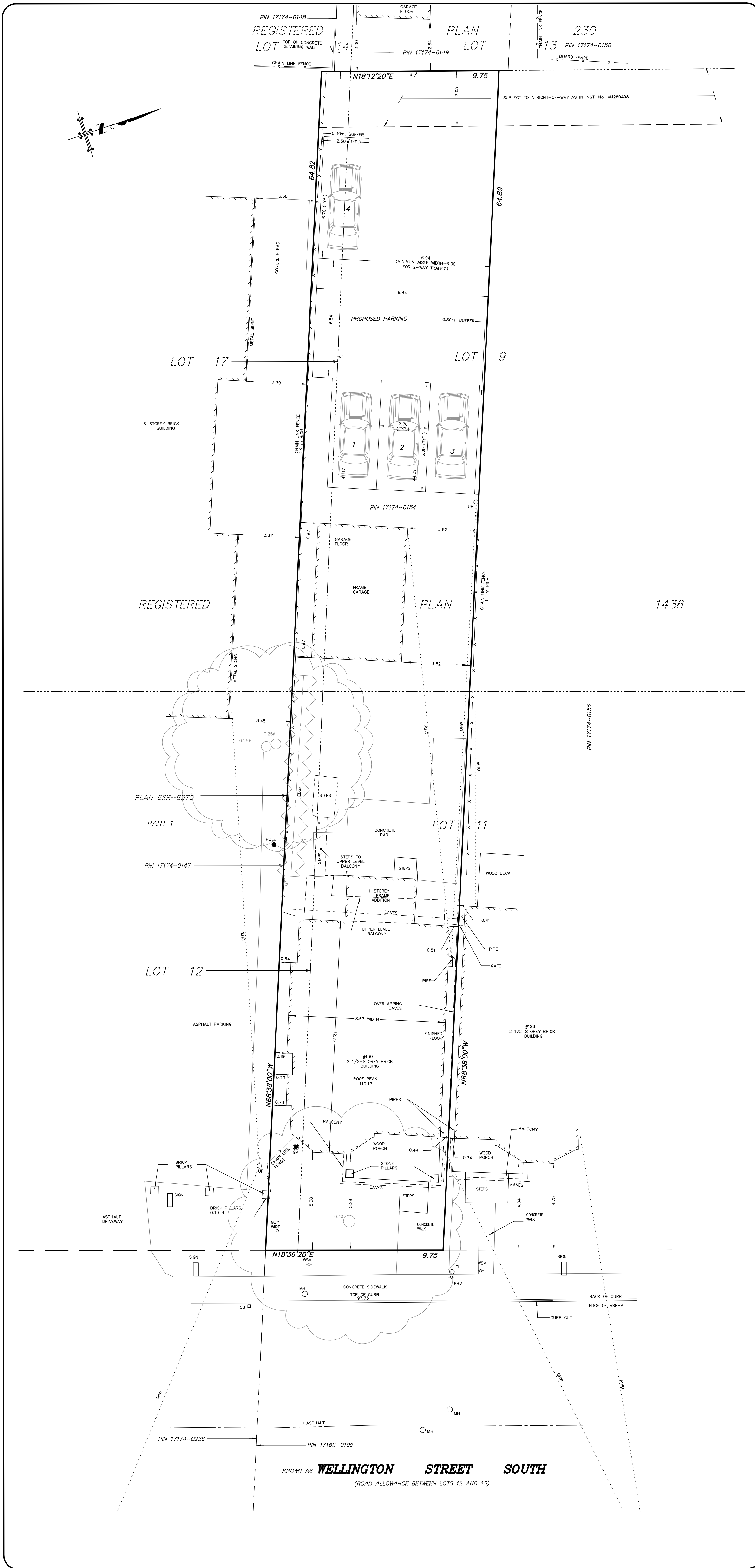
MAY 12, 2020  
 DATE ROY C. MAYO, O.L.S.  
 FOR MACKAY, MACKAY AND PETERS LIMITED

CAUTION: THIS IS NOT AN ORIGINAL COPY UNLESS EMBOSSED WITH SEAL.  
 CAUTION: THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR TRANSACTION OR MORTGAGE PURPOSES.  
 © 2020 MACKAY, MACKAY & PETERS LIMITED

No.	DATE	REVISIONS
4	MAY 12, 2019	REVISED AS PER CITY COMMENTS
3	MAY 21, 2019	ADDED EXTRA PARKING AS PER CLIENT
2	MAY 17, 2019	REVISED AS PER CITY COMMENTS
1	APRIL 04, 2019	PREPARED SITE PLAN

MACKAY MACKAY & PETERS LIMITED  
 ONTARIO LAND SURVEYORS  
 3380 SOUTH SERVICE ROAD  
 BURLINGTON, ONTARIO L7N 3J5  
 PHONE: (905) 639-1375  
 FAX: (905) 333-9544  
 e-mail: halton@mmlimited.com  
 Records of Sewell & Sewell and Yates & Yates LTD.  
 Established 1906

DRAWN BY:	PARTY CHIEF:	CHECKED BY:	PROJECT No.	DWG. No.
M.S.	N/A	A.S.	18-055-SP	1



PIN 17174-0148 REGISTERED LOT  
 PIN 17174-0149 REGISTERED LOT  
 PLAN 1436

REGISTERED

PLAN 1436

PLAN 62R-8570 PART 1

LOT 12

LOT 11

PIN 17174-0226

PIN 17169-0109

KNOWN AS WELLINGTON STREET SOUTH  
 (ROAD ALLOWANCE BETWEEN LOTS 12 AND 13)



Hamilton

**Committee of Adjustment**

City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**APPLICATION FOR A MINOR VARIANCE**

**FOR OFFICE USE ONLY.**

APPLICATION NO. \_\_\_\_\_ DATE APPLICATION RECEIVED \_\_\_\_\_

PAID \_\_\_\_\_ DATE APPLICATION DEEMED COMPLETE \_\_\_\_\_

SECRETARY'S  
SIGNATURE \_\_\_\_\_

**The Planning Act**

**Application for Minor Variance or for Permission**

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1, 2

	NAME	MAILING ADDRESS
--	------	-----------------

Registered  
Owners(s)

Applicant(s)\*

Agent or  
Solicitor

**Note:** Unless otherwise requested all communications will be sent to the agent, if any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:

**Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled**

4. Nature and extent of relief applied for:

Permit multiple dwelling units; Eliminate required loading space; Eliminate requirement that loading, parking and manoeuvring be located on same lot; 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" District in which the multiple dwelling is located and the district which does not permit such uses, whereas 3.0 metres is required; Permit 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 for multiple dwellings; Permit a non-paved (gravel) parking surface; and Eliminate requirement for commercial motor vehicles to move readily between the loading spaces and an access driveway.

- Secondary Dwelling Unit       Reconstruction of Existing Dwelling

5. Why it is not possible to comply with the provisions of the By-law?

The subject property is current zoned "D", which does not permit multiple dwellings. The legally recognized use is a boarding house, but the building has been used as a multiple dwelling with 6 units. The owner is seeking to legally recognize 4 of these multiple dwelling units to allow continued use for rental purposes.

6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):

Part of Lots 9, 11, 12 and 17 (Registered Plan 1436)  
130 Wellington Street South

7. PREVIOUS USE OF PROPERTY

- Residential       Industrial       Commercial   
Agricultural       Vacant       Other

Other \_\_\_\_\_

8.1 If Industrial or Commercial, specify use N/A

8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes       No       Unknown

8.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes       No       Unknown

8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes       No       Unknown

8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes       No       Unknown

8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes       No       Unknown

8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes       No       Unknown

8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes       No       Unknown

8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes       No       Unknown



8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes  No  Unknown

8.11 What information did you use to determine the answers to 8.1 to 8.10 above?

Knowledge of previous/historical uses for residential (boarding house)

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes  No

**9. ACKNOWLEDGEMENT CLAUSE**

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

2021-12-01  
Date



Signature Property Owner(s)

Andrew Cigna

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 9.75 m  
Depth 64.89 m  
Area 631.3 m2  
Width of street

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing:  
12.42 metre high, 2.5-storey structure with 6 multiple dwelling units (not legally recognized); 23.5% lot coverage; 44% floor area ratio; 12.77 metre dwelling depth  
4 surface parking spaces in rear yard

Proposed  
Existing structure and site conditions (including 4 parking spaces) to remain.  
Minor variance required to undertake interior renovations to 4 of the existing units.

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing:  
Front yard: 5.28 m; Rear yard: 44.17 m; Side Yards: 0.44 m and 0.64 m

Proposed:  
Existing to remain

13. Date of acquisition of subject lands:  
January 2019
- 
14. Date of construction of all buildings and structures on subject lands:  
Immediately
- 
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
Multiple dwelling units (not legally recognized); legal Boarding House
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
Apartment buildings; multiple dwellings; single detached dwellings
17. Length of time the existing uses of the subject property have continued:
18. Municipal services available: (check the appropriate space or spaces)
- |                |                                     |           |                                     |
|----------------|-------------------------------------|-----------|-------------------------------------|
| Water          | <input checked="" type="checkbox"/> | Connected | <input checked="" type="checkbox"/> |
| Sanitary Sewer | <input checked="" type="checkbox"/> | Connected | <input checked="" type="checkbox"/> |
| Storm Sewers   | <input checked="" type="checkbox"/> |           |                                     |
19. Present Official Plan/Secondary Plan provisions applying to the land:  
Neighbourhoods
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
D – Urban Protected Residential - One and Two Families etc.
21. Has the owner previously applied for relief in respect of the subject property?  
Yes  No   
If the answer is yes, describe briefly.  
Zoning By-law Amendment Application ZAR-18-057 denied by Council
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?  
Yes  No
23. Additional Information  
Please refer to correspondence submitted with this application
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

November 30, 2021

City of Hamilton  
Committee of Adjustment  
71 Main Street West  
Hamilton, ON

**Re: Application for Minor Variance – 130 Wellington Street South, Hamilton**

## 1. Background and Overview

I am a Registered Professional Planner (RPP) and full member of the Ontario Professional Planners Institute (OPPI). I am the President and Founder of MB1 Development Consulting Inc. (“MB1”) and a highly qualified land use planning and real estate development professional with extensive and diverse experience in all aspects of commercial and residential real estate development. I have practiced land use planning for over 20 years in communities across Ontario and Canada. I have been qualified as an expert in land use planning by the Ontario Land Tribunal (formerly Local Planning Appeal Tribunal (LPAT) and Ontario Municipal Board (OMB)), as well as the Toronto Local Appeal Body (TLAB).

I have been retained by the Owner of 130 Wellington Street South in the City of Hamilton (the “Subject Property”) to submit an application for Minor Variance to legally recognize and permit occupancy of 4 of the 6 existing multiple dwelling units that currently exist on the Subject Property. This application for Minor Variance follows Hamilton City Council’s denial of Zoning By-law Amendment Application ZAR-18-057 that related to changing the zoning designation on the Subject Property to permit 6 multiple dwelling units.

The Owners purchased the Subject Property to undertake interior renovation of the 6 existing, but not legally recognized, multiple dwelling units in the structure and maintain the existing building exterior and site characteristics. The Zoning By-Law Amendment application sought to change the zoning designation on the Subject Property to legally permit the existing 6 multiple dwelling units in conjunction with 4 surface parking spaces at the rear of the property. After a lengthy review and discussion process, City staff supported the Zoning By-Law Amendment application and recommended approval under staff report PED21024. However, the application was ultimately denied by City Council.

The Owner has appealed the Council decision to the Ontario Land Tribunal (OLT) and these proceedings are ongoing. However, the Owner has decided to submit a Minor Variance application to permit four multiple dwelling units for the following reasons:



- There are 6 units in the building that have been used as separate multiple dwelling units for an extended period of time and there are existing rental tenants in some of these units;
- The requested minor variances will maintain the existing land use and built form conditions on the Subject Property and continue to contribute to the critical rental housing needs in the urban area;
- Removal of the existing units from the rental market will adversely impact housing availability in this community;
- The four existing parking spaces in the rear yard, as illustrated on the site plan, will satisfy the parking requirements of the Zoning By-Law of 3.84 spaces based on 0.8 spaces per unit (3.2 spaces) plus 0.16 spaces per unit (0.64 spaces) for visitor parking; and
- The existing zoning already permits a two family dwelling with three lodgers per unit, as well as a lodging house for the accommodation of not more than 6 lodgers having the principal entrance to each residential unit comprised in the lodging house, located within the lodging house.

## 2. Summary of Land Use Planning Opinion

It is my opinion that the requested minor variances are appropriate and compatible with the existing uses on the Subject Property and the surrounding community, and:

- Are consistent with the applicable policies of the Provincial Policy Statement, 2020;
- Conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe;
- Maintain the general purpose and intent of the Urban Hamilton Official Plan;
- Maintains the general purpose and intent of the Zoning By-Law;
- Are minor in nature; and
- Are desirable for the appropriate use of the Subject Property.

The Planning Justification Report submitted with the Zoning By-Law Amendment application (**Appendix A**) and the City staff report recommending approval of this application (**Appendix B**) remain relevant to this application as the planning merits are consistent with the application for minor variance. Even though the proposed number of units is reduced to 4, which now allows for the existing parking to comply with the zoning requirements, the following points are applicable:

- The subject property is well-served by municipal transit, including transit routes and stops in close proximity.
- The subject property is served by full municipal services from Wellington Street South, including water, sanitary sewer and storm sewer. There is a fire hydrant located directly in front of the existing building. The demands on the municipal servicing capacity would not be expected to increase as a result of the development proposal and no new servicing connections are anticipated to be required.

Moreover, the proposal is to use existing municipal services and not require either new services or upgrades to the existing infrastructure.

- While located within the interior of the neighbourhood, the subject property is immediately adjacent to an existing 8-storey multiple dwelling rental building and surrounded by large E zoning district.
- There are existing multiple dwellings to the south of the subject property and in surrounding area that are rental in tenure.
- The existing building is similar in character to the other dwellings in the neighbourhood and will provide a transitional buffer to higher density residential to the south of the subject property, which will help to ensure compatibility in the community.
- The proposal will increase residential density and availability of housing types on the neighbourhood in a manner that is consistent and compatible with existing uses and built form.
- The proposal represents growth in existing built-up area with uses and built form that will be compatible with the character and quality of the existing neighbourhood and will also increase the intensity of development and variety of housing available in the community.
- The proposal will support transportation modes other than the private automobile, including transit, cycle and walking.

On this basis, it is my recommendation that the requested minor variance be approved by the Committee of Adjustment.

Regards,



Michael Barton, MCIP, RPP  
President

**MB1 Urban Planning Services**  
**MB1 Development Consulting Inc.**

**Appendix A**

**Planning Justification Report Submitted with Zoning By-Law Amendment Application**

**Planning Justification Report  
Proposed Official Plan and Zoning By-Law Amendments  
130 Wellington Street South, Hamilton, ON**

Prepared for:

The City of Hamilton

November 2018

**Table of Contents**

1. Introduction and Overview .....	3
2. Existing Conditions and Site Context .....	3
2.1 Site Location.....	3
2.2 Surrounding Land Uses and Features .....	5
2.3 Existing Site Conditions .....	7
2.4 Existing Land Use Planning Designations.....	8
3. Development Proposal .....	14
3.1 Conceptual Plan and Proposed Uses.....	14
3.2 Land Use Planning Applications .....	15
3.3 Transportation and Parking .....	15
3.4 Municipal Servicing .....	17
3.5 Rationale for Development Proposal .....	17
4. Land Use Planning Policy Analysis .....	17
4.1 Provincial Policy Statement .....	18
4.2 Niagara Escarpment Plan .....	19
4.3 Greenbelt Plan .....	20
4.4 Places to Grow .....	20
4.5 Parkway Belt West Plan.....	21
4.6 Conservation Authority Regulated Area.....	21
4.7 Urban Hamilton Official Plan (UHOP) .....	21
4.8 Secondary Plan .....	25
4.8 City of Hamilton Zoning By-Law 6593 .....	25
5. Parking Analysis .....	25
6. Public Consultation Strategy .....	26
7. Conclusions .....	26



## 1. Introduction and Overview

MB1 Development Consulting Inc. (“MB1”) has been retained by the owners 130 Wellington Street South (the “subject property”) to provide planning and advisory services in support of the proposed Official Plan and Zoning By-Law Amendments for these lands. The owners are seeking to re-zone the subject property to permit multiple dwellings, in order to facilitate the use of the existing building for six multiple dwelling units. A Formal Consultation Meeting was convened on April 11, 2018 to discuss this proposal. The Formal Consultation (FC) Document confirmed that amendments to the Urban Hamilton Official Plan and Zoning By-Law 6593 would be required to facilitate the development proposal. To facilitate this application, the City identified the following submission requirements:

- Concept Plan;
- Draft OPA and By-Laws;
- Planning Justification Report;
- Parking Analysis;
- Noise Study;
- Cost Acknowledgment Agreement; and
- Public Consultation Strategy.

The purpose of this report is to address the submission requirements for the Planning Justification Reports, Parking Analysis and Public Consultation Strategy, as well as to outline the merits of the proposed Official Plan and Zoning By-Law Amendments.

## 2. Existing Conditions and Site Context

### 2.1 Site Location

The subject property is known municipally as 130 Wellington Street South and is located on the west side of Wellington Street South adjacent to the intersection with Stinson Street. The site location is identified in **Figure 1**. An aerial view of the existing property is provided in **Figure 2**.

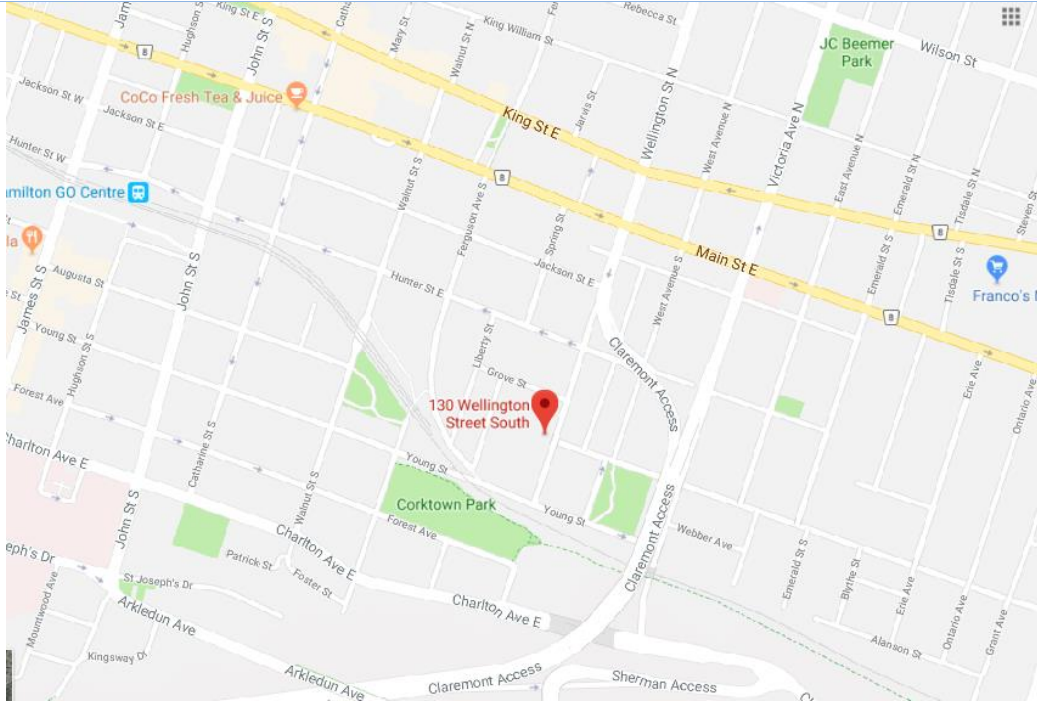


Figure 1 – Site Location

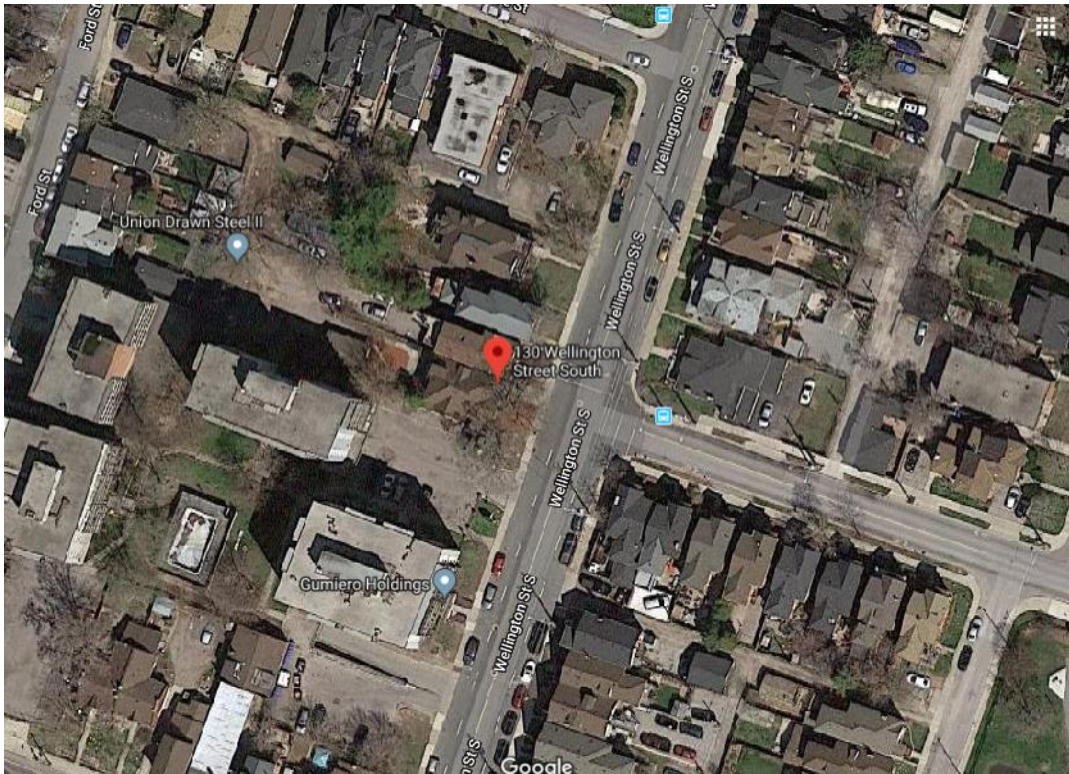


Figure 2 – Aerial View of Site

## 2.2 Surrounding Land Uses and Features

The subject property is surrounded by the following uses:

- To the south: Two 8-storey rental buildings surface parking area (**Figure 3**);
- To the north: Single detached residential dwellings (shown in **Figure 4** immediately next to the subject property);
- To the east: Single detached residential dwellings (**Figure 5**); and
- To the west: Single detached residential dwellings.



Figure 4 – Existing Rental Buildings to South of Subject Property





**Figure 5 – Existing Single Detached Residential Dwellings to North of Subject Property**



**Figure 6 – Existing Single Detached Residential Dwellings to East of Subject Property**

## 2.3 Existing Site Conditions

The subject property is currently occupied by a 2.5-storey detached residential dwelling. The survey of the property is provided in **Figure 7**. A photograph of the existing dwelling is provided in **Figure 8**. There is currently no on-site parking available and the rear yard is not accessible to vehicles. Thus, there are no opportunities to add on-site parking. The existing building is listed on the City’s Inventory of Buildings of Architectural and/or Historical Interest.

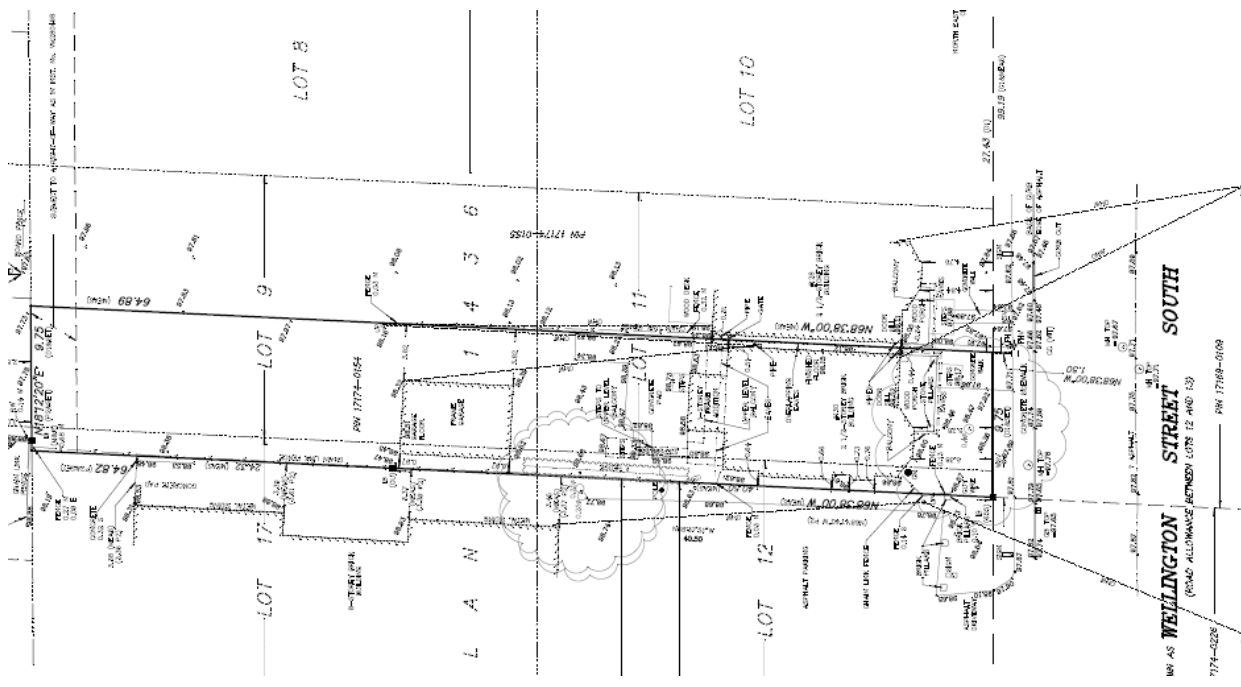


Figure 7 – Survey of Subject Property





**Figure 8 – Existing Dwelling on Subject Property**

## **2.4 Existing Land Use Planning Designations**

### **2.4.1 *Niagara Escarpment Plan***

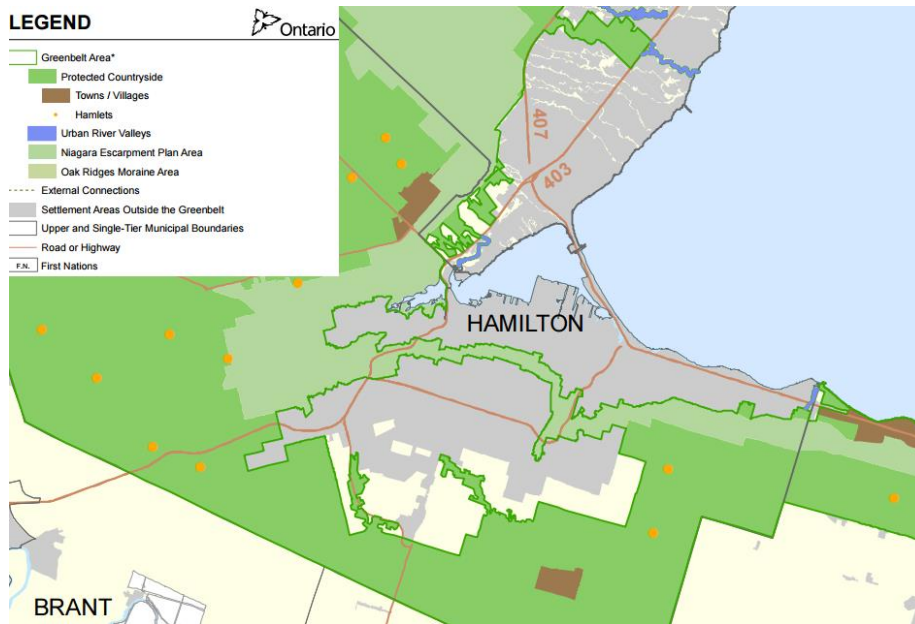
As illustrated in **Figure 9**, the subject property does not have a designation under the Niagara Escarpment Plan. However, the property is in close proximity to the *Urban Area* designation to the south, which surrounds an *Escarpment Natural Area* corridor.



**Figure 9 – Niagara Escarpment Plan Designations**

**2.4.2 Greenbelt Plan**

Figure 10 illustrates that the subject property is not located in the Greenbelt Plan Area and also that the Niagara Escarpment Plan Area is located immediately to the south.



**Figure 10 – Greenbelt Plan Area**

## 2.4.3 Places to Grow Growth Plan for the Greater Golden Horseshoe (2017)

Figure 11 includes a portion of Schedule 4 to the Places to Grow Growth Plan, which illustrates that the subject property is located in the Built-Up Area and in close proximity to the Downtown Hamilton Urban Growth Centre.

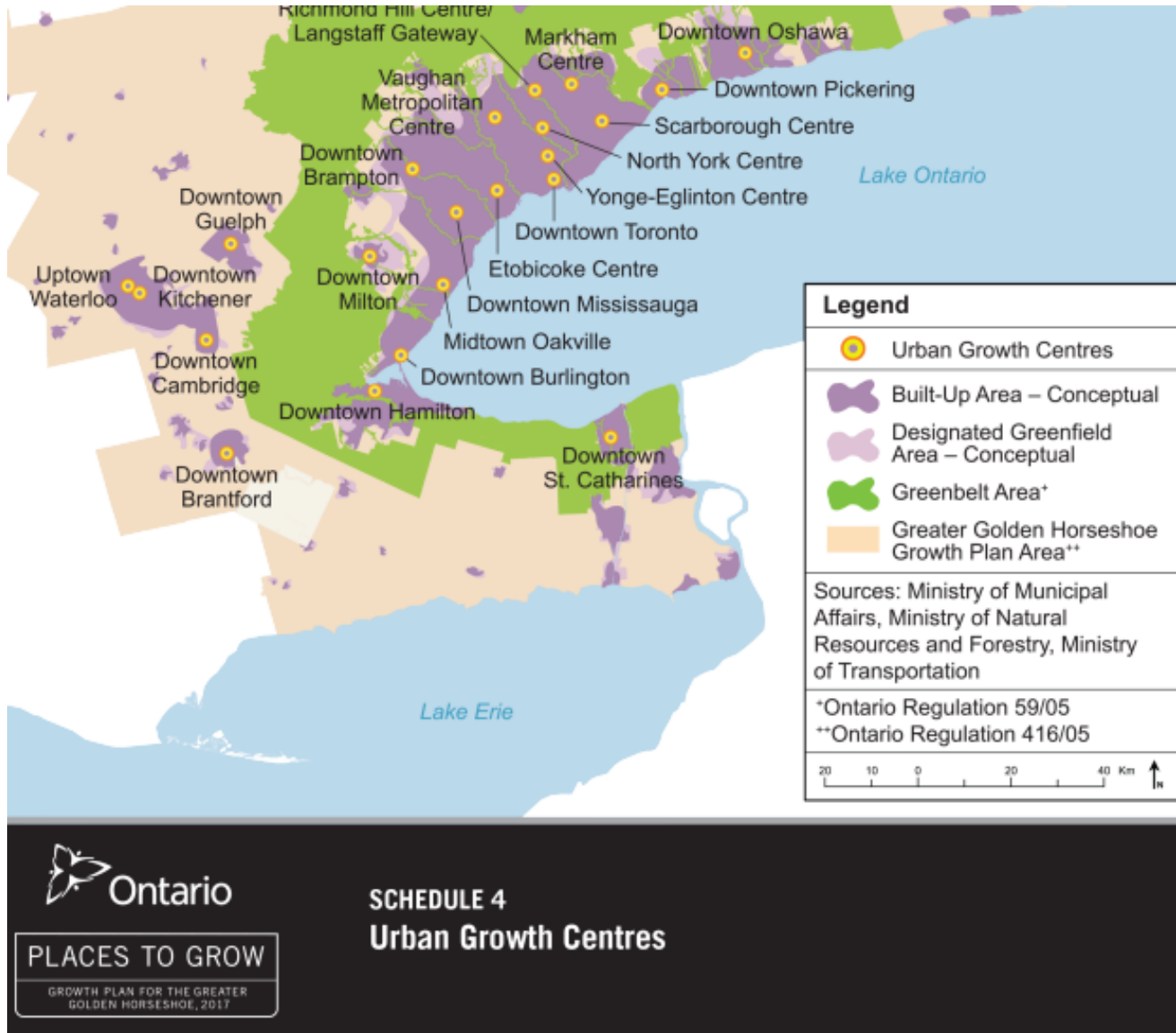


Figure 11 – Places to Grow Schedule of Urban Growth Centres



## 2.4.4 Parkway Belt West Plan

Figure 12 illustrates that the Parkway Belt West does extend into the downtown Hamilton Area, but does not extend into the core or the in the vicinity of the subject property.

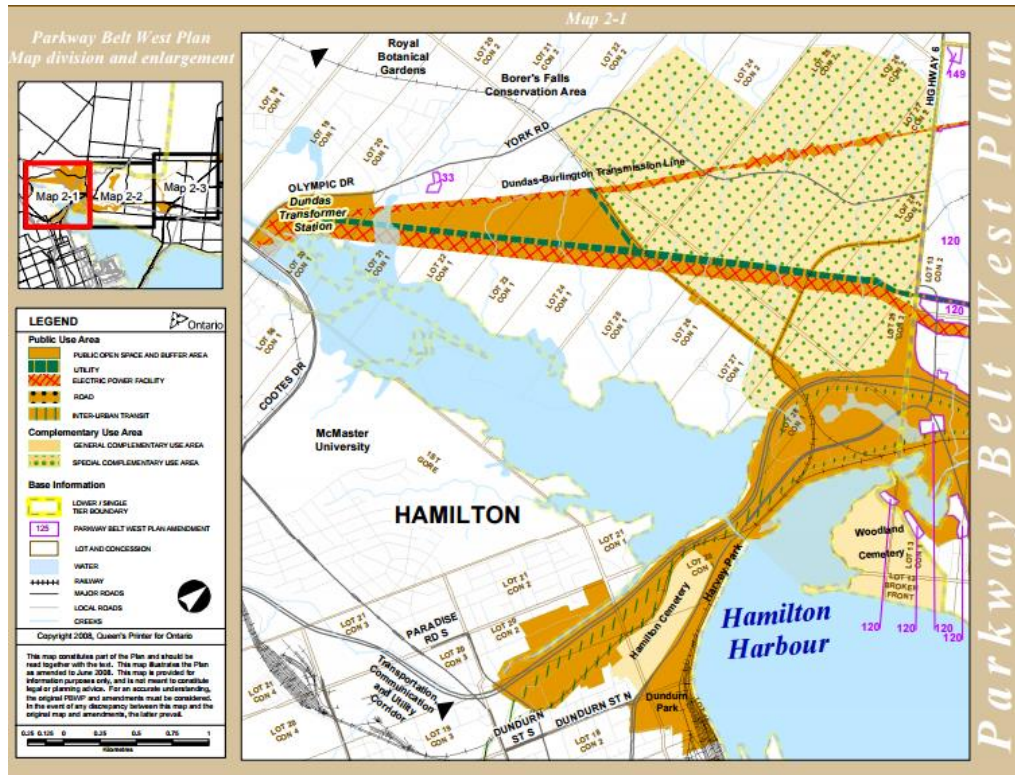


Figure 12 – Parkway Belt West Mapping

## 2.4.5 Conservation Authority Regulated Area

The subject property is located outside of the Hamilton Conservation Authority (HCA) regulated area. This has been confirmed through a query of the HCA online mapping tool. Figure 13 provides the mapping for the area.



**Figure 13 – Hamilton Conservation Authority Regulatory Mapping**

### 2.4.6 Urban Hamilton Official Plan

The subject property is designated *Neighbourhoods* under the Urban Hamilton Official Plan. The Official Plan mapping is illustrated in **Figure 14**. Section 3.2.1 indicates that “areas designated Neighbourhoods shall function as complete communities, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents”. With respect to residential intensification, section 3.2.4 indicates the following: “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”. Wellington Street South is a local road in proximity of the subject property and not designated on Schedule C – Functional Road classification.



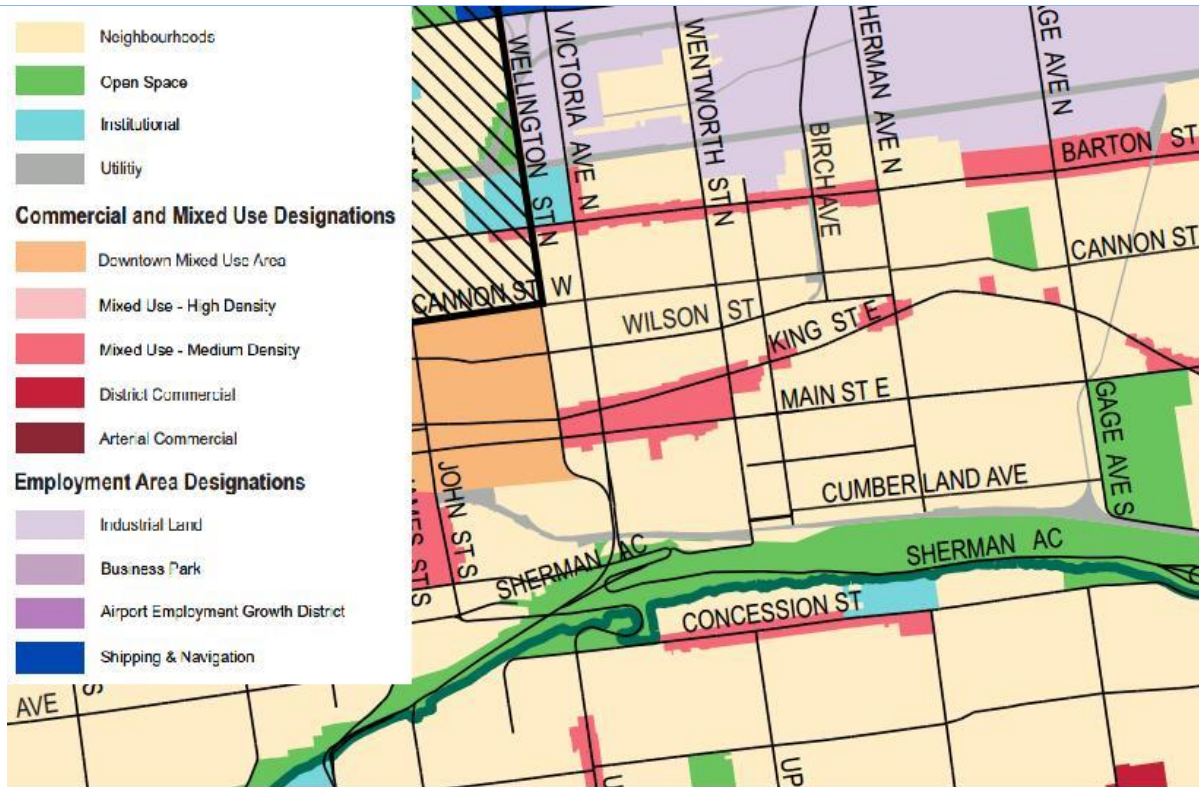


Figure 14 – UHOP Schedule E-1 – Urban Land Use Designations

### 2.4.7 Secondary Plan

The subject property is not subject to any of the Secondary Plans of the Urban Hamilton Official Plan.

### 2.4.8 City of Hamilton Zoning By-Law

As illustrated in **Figure 15**, the subject property is designated *D – Urban Protected Residential - One and Two Families etc.* under Zoning By-Law 6593. This designation permits a limited range of residential, institutional, commercial and public uses. Multiple Dwellings are not permitted. Properties to the south and east of the subject property are zoned *E – Multiple Dwellings, Lodges, Clubs, etc.*



Figure 15 – Existing Zoning Designation on Subject Property

### 3 Development Proposal

#### 3.1 Conceptual Plan and Proposed Uses

The owners of the subject property are proposing to amend the Urban Hamilton Official Plan and Zoning By-Law 6593 to permit six multiple dwelling rental units in the existing single detached dwelling. The proposal will involve only interior renovations to establish six legal units and will not involve exterior modifications to the existing structure. Therefore, there will be no impacts to the features deemed to have architectural and/or historical interest. No on-site parking will be provided for the units since there is no existing driveway, parking or access to the side or rear of the structure.

## 3.2 Land Use Planning Applications

The owners are proposing the following applications:

- To amend the Urban Hamilton Official Plan to permit the development proposal within the interior of the neighbourhood; and
- To amend the former City of Hamilton Zoning By-law No.6593 by rezoning the subject lands from a *D – Urban Protected Residential - One and Two Families etc.* to *E – Multiple Dwellings, Lodges, Clubs, etc.* zone that will permit the proposed multiple dwelling uses, development regulations and lot standards.

## 3.3 Transportation and Parking

### 3.3.1 Traffic Considerations

Wellington Street South is a local road in the vicinity of the subject property. As such, the intent of Wellington Street is to provide direct access to properties on the road and low traffic volume access to adjacent collector roads. The subject property does not provide on-site parking or driveway access to Wellington Street South or the road network. This current situation will be maintained, with residents of the proposed units using modes of transportation such as walking, cycling and transit, and/or finding on-street or other off-site parking.

### 3.3.2 Transit

The subject property is well-served by municipal transit. **Figure 16** shows that a transit route runs directly across the frontage of the subject property. **Figure 17** illustrates the existing transit stops located directly across the street from the subject property on the northeast corner of the intersection of Wellington Street and Stinson Street, as well as to the north, on the northwest corner of the intersection of Wellington Street and Grove Street.



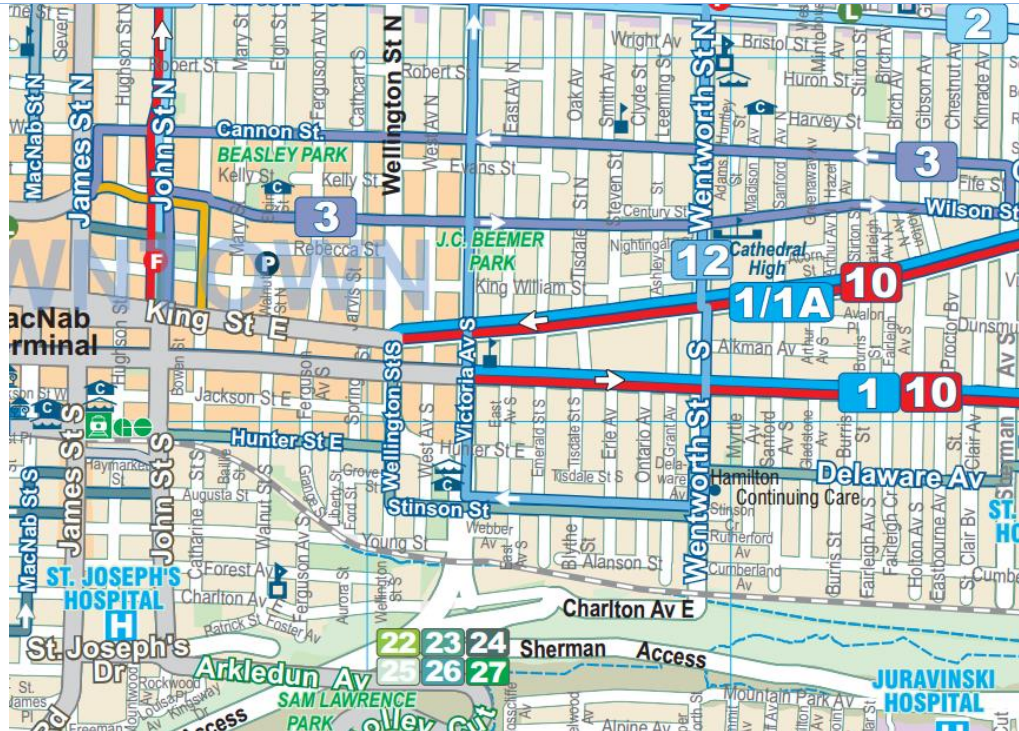


Figure 16 – HSR Transit Route Map

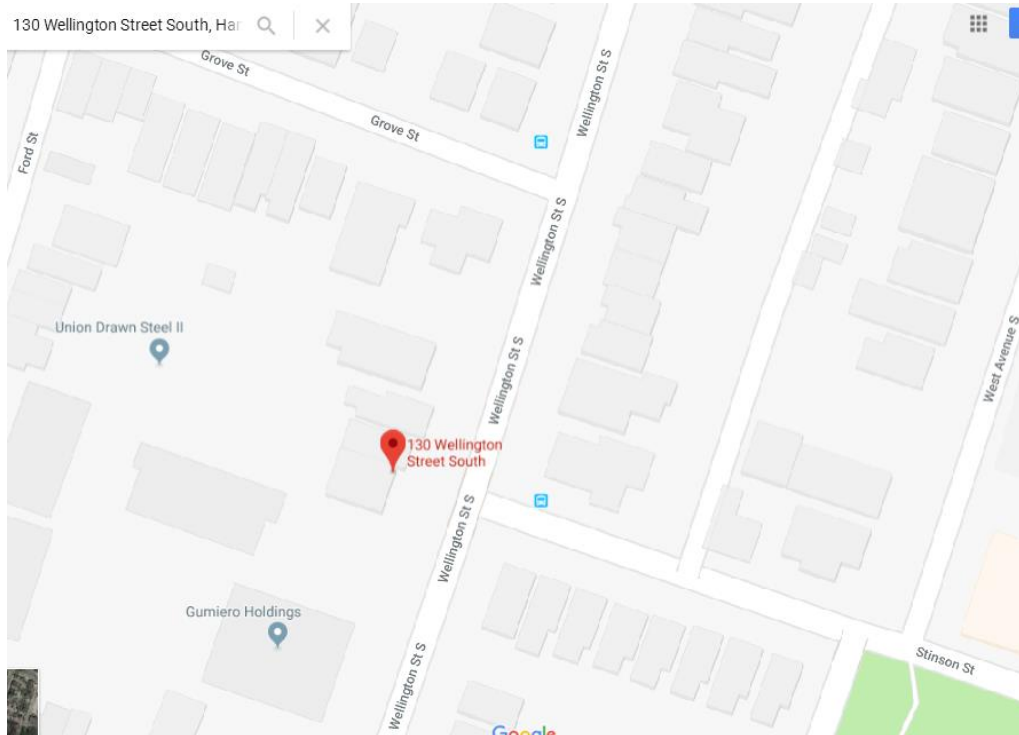


Figure 17 – Transit Stops near Subject Property

### **3.3.3 Parking**

No on-site parking is currently provided for the subject property. The property does not have driveway access from Wellington Street South and there is no driveway providing access to the rear of the property. There is also no opportunity to provide parking in front of the existing dwelling, as there is insufficient setback from the street and parking in the front yard would also be in contravention of the Zoning By-Law. Current residents of the existing dwelling, which has historically operated as illegal multiple dwelling units, either park off-site or do not own vehicles.

### **3.3.4 Noise**

The main generator of noise adjacent to the subject property is traffic on Wellington Street South. As part of the development application process, a comprehensive Noise Impact Study has been prepared to assess the potential impact of traffic noise on residents of the proposed units. The report findings indicate that there would be no adverse noise impacts associated with the development proposal.

## **3.4 Municipal Servicing**

The subject property is served by full municipal services from Wellington Street South, including water, sanitary sewer and storm sewer. There is a fire hydrant located directly in front of the existing building. The demands on the municipal servicing capacity would not be expected to increase as a result of the development proposal and no new servicing connections are anticipated to be required. Moreover, the proposal is to use existing municipal services and not require either new services or upgrades to the existing infrastructure.

## **3.5 Rationale for Development Proposal**

As outlined in more detail in the following sections, our land use planning policy analysis leads us to the opinion that the proposal and the associated amendments to the Urban Hamilton Official Plan and Zoning By-Law 6593 are consistent with the purpose and intent of applicable Provincial and municipal planning policy, with the following key points in mind:

- While located within the interior of the neighbourhood, the subject property is immediately adjacent to an existing 8-storey multiple dwelling rental building and surrounded by large E zoning district;
- There are existing multiple dwellings to the south of the subject property and in surrounding area;
- The existing building on the subject property will be maintained with only interior modifications;



- The existing building is similar in character to the other dwellings in the neighbourhood and will provide a transitional buffer to higher density residential to the south of the subject property, which will help to ensure compatibility in the community;
- The proposal will increase residential density and availability of housing types on the neighbourhood in a manner that is consistent and compatible with existing uses and built form; and
- The proposal can be accommodated within the existing municipal infrastructure without requiring new services or upgrades.

## 4 Land Use Planning Analysis

### 4.1 Provincial Policy Statement

#### 4.1.1 Policy Overview

Section 3 of the Planning Act requires that municipal decisions affecting planning matters “shall be consistent” with the Provincial Policy Statement (PPS). The Vision for Ontario’s Land Use Planning System outlined in Part IV of the PPS includes the following key points:

- Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns and avoiding significant or sensitive resources and areas which may pose a risk to public health and safety; and
- Efficient development patterns optimize the use of land, resources, public investment in infrastructure and public service facilities.

Section 1.0 of Part V of the PPS outlines policies for Building Strong Healthy Communities. In Section 1.1, a number of principles are outlined that sustain healthy, liveable and safe communities, including:

- Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- Promoting cost-effective development patterns and standards to minimize land consumption and servicing costs; and
- Ensuring that necessary infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities are or will be available to meet current and projected needs.

Section 1.1.2 also mandates that, within settlement areas, sufficient land shall be made available through intensification and redevelopment. Section 1.1.3.5 reiterates that municipalities shall establish and implement minimum targets for intensification and redevelopment within built-up areas. This is consistent with the policies of the Growth Plan for the Greater Golden Horseshoe, which represent the minimum targets. Similarly, Section 1.1.3.6 indicates that new development taking place in designated growth areas should

occur adjacent to the existing built-up area and shall have a compact form, mixed of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

Section 1.4 relates specifically to Housing, and section 1.4.1 a) indicates that planning authorities shall maintain the ability to accommodate residential growth for a minimum period of 10 years through intensification and redevelopment. Section 1.4.3 suggests that this be done by “directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and project needs”. Similarly, this section promotes “densities for new housing which efficiently use land, resources, infrastructure and public service facilities”.

Section 1.6 emphasizes the importance of efficient and cost effective infrastructure and public service facilities. Specifically, these facilities are to be financially viable over their life cycle and available to meet current and projected needs. Section 1.6.3 suggests that priority be given to development that uses and optimizes existing infrastructure rather than development that requires construction of new facilities.

#### 4.1.2 Analysis of Conformity with Policy

It is our opinion that the development proposal and proposed Official Plan and Zoning By-Law Amendments are consistent with the applicable provisions of the Provincial Policy Statement. The proposal provides for accommodation of residential population growth inside the existing urban boundary, built-up area, and built form. The low density residential design is compatible and consistent with the character of the adjacent community and represents a reasonable intensification on the subject property. The proposal also provides for intensification within a building with heritage attributes, in a manner that will protect and preserve these attributes. In addition, the development will make more efficient use of existing serviced land without adverse impacts to the quality of life and built form in the community. Moreover, no public investment is required in municipal services or infrastructure. The proposal will contribute to the financial well-being of the City by increasing the property tax levy on the property and generating payment of development charges, planning application fees and building permit fees. Finally, the development will assist the City of Hamilton in achieving its goals for growth and intensification under Places to Grow and UHOP.

#### 4.2 *Niagara Escarpment Plan*

Since the subject property is not designated under the Niagara Escarpment Plan and is situated most closely to an *Urban Area* designation under NEP, the development proposal and applications conform to the objectives and policies of the Niagara Escarpment Plan.

### 4.3 Greenbelt Plan

The subject property is situated outside of the Greenbelt Plan Area. Consequently, there are no elements of the development proposal or applications that would not conform to the policies of this Plan.

### 4.4 Places to Grow

#### 4.4.1 Policy Overview

The Places to Grow Growth Plan for the Greater Golden Horseshoe (the “Growth Plan”) is aimed at growth that sustains the economy, builds strong communities and promotes a healthy environment. The key policy directions that stem from the objective of mitigating the negative effects of growth include the following:

- Directing growth to built-up areas;
- Promoting transit-supportive densities; and
- Conservation of natural systems and agricultural areas.

Among the Guiding Principles for development of land outlined in the Growth Plan are the following:

- Build compact, vibrant and *complete communities*;
- Plan and manage growth to support a strong and competitive economy; and
- Optimize the use of existing and new infrastructure to support growth in a compact, efficient form.

The Growth Plan also outlines how and where growth should occur, and indicates that better use of land and infrastructure can be made by directing growth to existing urban areas. The Growth Plan envisages increasing intensification of the existing built-up area, with a focus on urban growth centres, intensification corridors, major transit station areas, brownfield sites and greyfields. Revitalization of urban growth centres is seen to be of paramount importance in accommodating additional people and jobs, as well as providing regional focal points in local communities.

The Growth Plan indicates that population and employment growth will be accommodated in the following ways:

- directing a significant portion of new growth to the *built-up areas* of the community through *intensification*;
- focusing *intensification* in *intensification areas*;
- reducing dependence on the automobile through the development of mixed-use, *transit-supportive*, pedestrian-friendly urban environments;
- providing convenient access to intra- and inter-city transit;

- planning and investing for a balance of jobs and housing in communities across the *GGH* to reduce the need for long distance commuting and to increase the *modal share* for transit, walking and cycling; and
- encouraging cities and towns to develop as *complete communities* with a diverse mix of land uses, a range and mix of employment and housing types, high quality public open space and easy access to local stores and services.

#### 4.4.2 Analysis of Conformity with Policy

It is our opinion that the development proposal and applications conform to the Growth Plan. The proposal represents growth in an Urban Growth Centre and the existing built-up area with uses and built form that will be compatible with the character and quality of the existing neighbourhood. The proposal will also increase the intensity of development and variety of housing available in the community. This intensification will also be done in a manner that is compatible with the existing neighbourhood and consistent with existing built form. It is anticipated that the proposal will also support transportation modes other than the private automobile, including transit, cycle and walking. Finally, the proposal will make use of existing City infrastructure without requiring upgrades or new services to be installed.

#### 4.5 *Parkway Belt West Plan*

The subject property is outside the mapped area of the Parkway Belt West Plan and, consequently, is not subject to its policies and regulations.

#### 4.6 *Conservation Authority Regulated Area*

The subject property is not located within the regulated area of the Hamilton Conservation Authority (HCA). Moreover, HCA mapping indicates that there are no regulated areas within close proximity of the property. Therefore, it is anticipated that HCA would have no objections or requirements for development of the subject property as proposed.

#### 4.7 *Urban Hamilton Official Plan*

##### 4.7.1 Introduction and Strategic Directions

Section A2.0 of the Introduction to the UHOP includes 9 strategic directions to guide development. They are as follows:

1. Encourage a compatible mix of uses in neighbourhoods that provide opportunities to live, work, and play;
2. Concentrate new development within existing built-up areas and within a firm urban boundary;
3. Protect rural areas for a viable rural economy, agricultural resources, environmentally sensitive recreation and enjoyment of the rural landscape;
4. Design neighbourhoods to improve access to community life;
5. Retain and attract jobs in Hamilton's strength areas and in targeted new sectors;
6. Expand transportation options that encourage travel by foot, bike and transit and enhance efficient inter-regional transportation connections;
7. Maximize the use of existing buildings, infrastructure and vacant or abandoned land;
8. Protect ecological systems and improve air, land and water quality; and
9. Maintain and create attractive public and private spaces and respect the unique character of existing buildings, neighbourhoods and settlements.

Section 2.4 of Chapter B outlines principles for "Residential Intensification". Intensification is seen as "a key component of Hamilton's growth strategy and is essential to meet our growth and employment targets". Intensification is also identified as contributing to vibrant neighbourhoods, nodes and corridors and providing a wider range of housing types to meet the housing needs of Hamilton's current and future population. A key point in this section is the following: "UHOP supports the intensification of the existing built-up area of the City, with a focus on intensification of planned Urban Nodes and Urban Corridors described in Chapter E – Urban Systems and Designations". However, it is clearly stated that intensification must be done properly with appropriate consideration for design and compatibility with existing uses, neighbourhood character, and cultural and natural heritage.

Section 2.4.1.2 indicates that the City's primary intensification areas shall be the Urban Nodes and Urban Corridors as illustrated on Schedule E of UHOP. Section 2.4.1.3 c) further points out that 40% of the residential intensification target is anticipated to occur within the "Neighbourhoods" land uses.

Sections 2.4.1.4 and 2.4.2.2 establish the following criteria for evaluating proposed residential intensification projects:

- 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;
- the development's contribution to maintaining and achieving a range of dwelling types and tenures;
- 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;
- the development's contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;

- compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- the consideration of transitions in height and density to adjacent residential buildings;
- the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- the provision of amenity space and the relationship to existing patterns of private and public amenity space;
- the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- the ability to complement the existing functions of the neighbourhood;
- the conservation of cultural heritage resources; and
- infrastructure and transportation capacity and impacts.

**It is our opinion that the proposed development will directly support these strategic objectives, based on the following:**

- **The development represents infill intensification of a property inside the existing urban boundary and built-up area;**
- **While the proposal represents intensification, the proposed use will make use of the existing structure, which will maintain compatibility with the character of the community, as well as maintain the heritage characteristics of the building;**
- **The proposal will increase the range of house types and tenure in the community;**
- **The proposal will increase the intensity of land use on the subject property and in the community in a manner that is consistent and compatible with surrounding built form, including building type, massing, scale and setbacks;**
- **The subject property will maintain a significant amount of open and amenity space to the rear of the property with the structure oriented towards the Wellington Street frontage;**
- **The proposed units will attract tenants that rely on transit, cycling and walking as primary modes of transportation, which will support the City's transportation objectives; and**
- **The development is an opportunity to increase the intensity of use on the property and to enhance the quality of the property in a manner that is consistent with the City's urban design objectives and compatible with the existing community.**

#### 4.7.2 Urban Land Use Designations

Section E.1.0 sets out goals for the urban systems and land use designations of UHOP, including the following:

- a) Designate land uses to facilitate the development of a node and corridor based urban structure.

- b) Support and facilitate development and investment that contributes to the development of the overall urban structure.
- c) Develop compact, mixed use urban environments that support transit and active transportation.
- d) Develop complete communities where people can live, work, learn, and play.
- e) Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs.
- f) Promote and support design which enhances and respects the character of existing neighbourhoods and creates vibrant, dynamic, and liveable urban places.
- g) Promote and support appropriate residential intensification throughout the urban area and focused in Urban Nodes and Urban Corridors.
- h) Recognize that Hamilton’s neighbourhoods are stable, not static.
- i) Protect and enhance a system of linked natural areas.
- j) Protect Hamilton’s existing and planned Employment Areas

Section E3.0 outlines policies for the “Neighbourhoods” designation. The policy goals outlined in Section 3.1 include the following:

- Develop compact, mixed use, transit-supportive, and active transportation friendly neighbourhoods;
- Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs;
- Promote and support design which enhances and respects the character of existing neighbourhoods while at the same time allowing their ongoing evolution; and
- Promote and support residential intensification of appropriate scale and in appropriate locations throughout the neighbourhoods.

Section 3.2.4 indicates that “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.” Similarly, Section 3.3.2 stresses that “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.” Thus, the importance of compatibility and mitigating adverse impacts is critically important.

**It is our opinion that the proposed redevelopment of the subject property is consistent with these principles, based on the following:**

- **The proposal will facilitate built form and land use that is consistent and compatible with the adjacent community, as well as the principles and policies set out in UHOP;**
- **The proposal will facilitate a residential development that maintains the site and community character while also providing intensified land use; and**
- **The proposal offers a greater range of housing types and densities in a manner that supports transit and active transportation modes.**



## 4.8 Secondary Plan

The subject property is not located within the Downtown Hamilton Secondary Plan area or the limits of any other secondary plan area.

## 4.9 City of Hamilton Zoning By-Law

As noted in Section 1.5 of the Urban Hamilton Official Plan, the Zoning By-law is one of the key implementation tools to ensure the City's goals, objectives and policies of this Plan are realized. In general, the Zoning By-Law is the key document to govern land use and built form in conjunction with the vision of the Official Plan. The intent is to ensure compatible and complementary built form in particular zones and neighbourhoods.

It is our opinion that the development proposal and proposed Official Plan and Zoning By-Law Amendments conform to the purpose and intent of the Zoning By-Law for the following reasons:

- The proposed residential uses would comply with the applicable Official Plan policies and be developed within the existing building and property limits;
- The proposal would facilitate built form and intensified use that are consistent with the Official Plan;
- The building conversion would not result in any adverse compatibility concerns relative to existing conditions;
- The Zoning By-Law Amendment will not result in an expansion of the existing building but rather a compatible change in use of the subject property; and
- The subject property is located immediately adjacent to a large "E" zoning district and would provide a buffer/transition to the existing "D" district uses.

## 5 Parking Analysis

The development proposal seeks to take advantage of its downtown location and proximity to transit service, while aligning with the City's policies around surface parking, transit and non-automotive modes of transportation. The subject property is occupied by an existing building that has previously been used for multiple apartment dwelling units. There is currently no on-site parking provided and no opportunities to provide new on-site parking. The proposed units will attract renters that use transportation modes other than a private automobile, or secure are willing to seek parking off-site.

As has already been noted in this report, the subject property does not provide on-site parking or driveway access to Wellington Street South. Also, the location of the existing structure does not provide opportunity to access the rear or side yards, where on-site parking could potentially be provided. In terms of parking off-site,

there are street parking opportunities in the immediate vicinity of the subject property, including along Wellington Street South, which also includes overnight parking. Tenants of the subject property would be able to secure permits for street parking if required.

This report has also noted that the subject property is well-served by municipal transit. There are transit routes that run along Wellington Street South and transit stops directly across the street from the subject property on the northeast corner of the intersection of Wellington Street and Stinson Street, as well as to the north, on the northwest corner of the intersection of Wellington Street and Grove Street.

Given the availability of street parking immediately adjacent to the subject property, in conjunction with such considerations of the available transit infrastructure, downtown location, and pedestrian and cycling opportunities, it is our opinion that it is appropriate for the subject property to continue to operate with no on-site parking supply. Doing so would also be consistent with the City's policies for intensification in the existing built-up area and downtown core.

## 6 Public Consultation Strategy

The proposed Public Consultation Strategy for this proposal will include the following elements:

- Circulation of a description of the proposal and project contact information to residents of the adjacent community in advance of convening a Community Meeting and/or Statutory Public Meeting;
- Coordination with the ward Councillor to provide other forms of public notification deemed appropriate;
- Posting of the mandatory Public Notification Sign;
- Coordination with the ward Councillor to determine if a Community Meeting is appropriate in advance of the Statutory Public Meeting; and
- Convening the Statutory Public Meeting.

## 7 Conclusions

It is our opinion that the proposed residential conversion and amendments to the Urban Hamilton Official Plan and Zoning By-Law 6593 are appropriate and desirable for the subject lands, on the basis of the following:

- The proposal is consistent with Provincial Land Use Planning Policy as established through the Provincial Policy Statement, Places to Grow Growth Plan for the Greater Golden Horseshoe, Greenbelt Plan, Niagara Escarpment Plan and Parkway Belt West Plan;
- The proposal will have no adverse impacts on cultural or natural heritage, and is also outside of areas of natural heritage interest of the City of Hamilton and Hamilton Conservation Authority;

- 
- The proposal conforms to the policies of the Urban Hamilton Official Plan, including compatibility, residential intensification, communities, and housing; and
  - In general, the proposal will allow for desirable and appropriate use of the subject lands in a manner that is compatible and beneficial for the neighbourhood and wider community.

**Appendix B**

**City Staff Report Recommending Approval of Zoning By-Law Amendment Application**





**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
 Planning Division

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

**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;

- (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,

**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 130 Wellington Street South, Hamilton (PED21024) (Ward 2) - Page 3 of 19**

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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**

<b>Application Details</b>	
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.
<b>Property Details</b>	
Municipal Address:	130 Wellington Street South, Hamilton

**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 130 Wellington Street South, Hamilton (PED21024) (Ward 2) - Page 4 of 19**

Lot Area:	631.3 square metres (.0613 hectares)
Servicing:	Existing full municipal services.
Existing Use:	Lodging house with six lodgers.
<b>Documents</b>	
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"> <li>• Permit multiple dwelling;</li> <li>• Recognize existing front yard depth of 5.28 metres, whereas 6.0 metres required;</li> <li>• Recognize existing side yard depth of 0.44 metres (north side) and 0.64 metres (south side), whereas 1.2m is required;</li> <li>• Recognize existing lot width of 9.75 metres, whereas 12.0 metres is required;</li> <li>• Recognize existing encroachments into yards;</li> <li>• Reduce required parking ratio from 0.8 (5 spaces) to 0.66 (4 spaces) per Class A dwelling unit;</li> <li>• Eliminate required visitor parking space (1 space required);</li> <li>• Eliminate required loading space and loading manoeuvring space;</li> </ul>



**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 130 Wellington Street South, Hamilton (PED21024) (Ward 2) - Page 5 of 19**

	<ul style="list-style-type: none"> <li>• Eliminate requirement that loading, parking and manoeuvring be located only on the lot where the principle dwelling is located;</li> <li>• Modify requirement to have access to roadway from parking area and to utilize existing right-of-way;</li> <li>• 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;</li> <li>• 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;</li> <li>• Permit a non-paved (gravel) parking surface, whereas a paved surface is required; and,</li> <li>• Eliminate requirement for commercial motor vehicles to move readily between the loading spaces and an access driveway.</li> </ul>
<b>Processing Details</b>	
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:**

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

**Surrounding Land Uses:**

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

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

**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 130 Wellington Street South, Hamilton (PED21024) (Ward 2) - Page 16 of 19**

Works Department		
Recycling and Waste Disposal Section, Public Works Department	<ul style="list-style-type: none"> <li>• The property is eligible for municipal collection service.</li> <li>• Property owner must contact the Environmental Service Division to request service.</li> </ul>	None
Transportation Planning Section, Planning and Economic Development Department	<ul style="list-style-type: none"> <li>• Support Zoning By-law amendment.</li> <li>• Minimal increase in vehicular traffic is expected and be accommodated by the current road network.</li> </ul>	None
Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> <li>• No Right-of-Way dedication is required.</li> <li>• No objection to the Zoning By-law Amendment.</li> <li>• Existing municipal services can support the proposal.</li> <li>• No objection to the use of gravel for parking purposes.</li> <li>• 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.</li> </ul>	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