



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 6, 2022
SUBJECT/REPORT NO:	Applications for an Official Plan Amendment and Zoning By-law Amendment for the Lands Located at 383 and 383½ Hughson Street North, Hamilton (PED22177) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Alaina Baldassarra (905) 546-2424 Ext. 7421
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That City of Hamilton **Official Plan Amendment Application UHOPA-20-001 by T. Johns Consulting Group c/o Katelyn Gillis, on behalf of Hughson Street Baptist Church (c/o Paul Havercroft), (Owner)**, for an amendment to the West Harbour (Setting Sail) Secondary Plan to redesignate the lands from Low Density Residential to Medium Density Residential 1 with a site specific policy area, to permit a 12 unit multiple dwelling for lands located at 383 and 383 ½ Hughson Street North, as shown on Appendix “A” attached to Report PED22177, be **APPROVED** on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED22177, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan for the Greater Golden Horseshoe (2019), as amended;
- (b) That **Amended Zoning By-law Amendment Application ZAR-20-001 by T. Johns Consulting Group (c/o Katelyn Gillis), on behalf of Hughson Street Baptist Church (c/o Paul Havercroft), (Owner)**, for a change in zoning from

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

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

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

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Neighbourhood Institutional (I1) Zone to a Neighbourhood Institutional (I1, 815) Zone, to permit a two and three storey addition for a 12 unit multiple dwelling to the existing heritage building with 10 parking spaces, for lands located at 383 and 383 ½ Hughson Street North, as shown on Appendix “A” attached to Report PED22177, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED22177, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
- (iii) That this By-law will comply with the City of Hamilton Official Plan upon approval of Official Plan Amendment No. _____.

EXECUTIVE SUMMARY

The subject lands are municipally known as 383 and 383 ½ Hughson Street North. The Agent T. Johns Consulting Group (c/o Katelyn Gillis) on behalf of the Owner, Hughson Street Baptist Church (c/o Paul Havercroft), applied for a City of Hamilton Urban Official Plan Amendment and Zoning By-law Amendment to permit a multiple dwelling, a two and three storey addition to the existing heritage building on the City’s Registry and 10 parking spaces provided at grade to the rear of the subject lands. At this time, the proposed development is for a rental units.

The purpose of the City of Hamilton Official Plan Amendment Application is to redesignate the subject lands from “Low Density Residential” to “Medium Density Residential 1” with a site specific policy area in the West Harbour (Setting Sail) Secondary Plan to permit a multiple dwelling.

The purpose of the Zoning By-law Amendment Application is for a change in zoning from the Neighbourhood Institutional (I1) Zone to Neighbourhood Institutional (I1, 815) Zone, to permit a two and three storey addition to the existing heritage building and 10 parking spaces to the rear of the subject lands. The proposed development includes retaining the 1856 former school and church building, the removal of the rear portion of the 1925 Sunday School building, the removal of the south side entrance and the removal of the parsonage addition of the 1955 building so to construct a two and three storey addition to the existing building.

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

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- It is consistent with the Provincial Policy Statement (2020) (PPS);
- It conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
- It complies with the general intent of the City of Hamilton Official Plan and West Harbour (Setting Sail) Secondary Plan upon adoption of the Official Plan Amendment No.____;
- The proposed development is compatible with the existing land uses in the immediate area, represents good planning by, among other things, providing a compact and efficient urban form, provides an alternative housing form in the area and supports developing a complete community; and,
- The proposal provides for the adaptive reuse of a heritage resource.

Alternatives for Consideration – See Page 27

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 applications for amendments to the Official Plan and Zoning By-law.

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Owner:	Hughson Street Baptist Church (c/o Paul Havercroft)
Applicant:	OrcreHill Development Inc. (c/o Srimonti Karmakar)
Agent:	T. Johns Consulting Group (c/o Katelyn Gillis)
File Number:	UHOPA-20-001 and ZAR-20-001
Type of Application:	City of Hamilton Official Plan Amendment and Zoning By-law Amendment

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Application Details	
Proposal:	<p>The original submission was to develop an 18 unit multiple dwelling with 10 parking spaces which would be accessed through the unassumed public laneway to the rear of the property. The proposal was to build a new addition attached to the existing building and demolish a portion of the existing building. The proposal will demolish the rear portion of the 1925 Sunday School building, the removal of the south side entrance and the removal of the parsonage addition of the 1955 building and retain the remained of the existing building.</p> <p><u>Final Proposal</u></p> <p>Through the review process the proposal was modified to reduce the number of units from 18 to 12 and for the 10 parking spaces to the rear of the property to be accessed from Hughson Street North. The proposed setbacks were modified due to the inability to obtain access to the laneway at the rear of the property. The applicant changed the requested site specific modifications related to the Rear Yard Setback and Building Height. The subject site includes a registered heritage building which was reviewed as part of the application. The previous institutional building will be adaptively reused for residential units within the multiple dwelling proposed.</p> <p>(see the Preliminary Site Plan and Building Elevations attached as Appendix “D” to Report PED22177).</p>
Property Details	
Municipal Address:	383 and 383 ½ Hughson Street North, Hamilton
Lot Area:	0.13 ha
Servicing:	The subject land is serviced by municipal services.
Existing Use:	Place of Worship with supporting residential and office use.
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), as amended.

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Documents	
Official Plan Existing:	<p>“Residential”: Schedule A to the Official Plan for the City of Hamilton</p> <p>“Low Density Residential” on Schedule M-2 – General Land Use Map of the West Harbour (Setting Sail) Secondary Plan in the former City of Hamilton Official Plan</p>
Official Plan Proposed:	<p>“Medium Density Residential 1” with a special policy area on Schedule M-2 – General Land Use Map of the West Harbour (Setting Sail) Secondary Plan in the former City of Hamilton Official Plan</p>
Zoning Existing:	Neighbourhood Institutional (I1) Zone
Zoning Proposed:	Neighbourhood Institutional (I1, 815) Zone
Modifications Proposed:	<ul style="list-style-type: none"> • To only permit a multiple dwelling in conjunction with a portion of the existing heritage building on the subject lands and any proposed additions whereas a multiple dwelling is not permitted within the Neighbourhood Institutional (I1) Zone; • To require a minimum rear yard setback of 2.2 m for a multiple dwelling use; • To require a maximum building height of 13 m for a multiple dwelling use; • To allow an accessory structure having a minimum side yard setback and rear yard setback of 0.6 m whereas the minimum rear yard setback is 1.2 m; and, • To allow a fire escape or exterior staircase to encroach into a required side yard or rear yard with no maximum whereas the by-law states may encroach into a required side or rear yard to a maximum of 1.5 metres, or to a maximum of half the distance of the required yard, whichever is the lesser; • Amending the definition of existing for the subject lands in order to recognize a portion of the existing heritage building.

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Documents	
Modifications Proposed Continued:	<ul style="list-style-type: none"> To allow a parking space ratio of 0.6 spaces per unit except where a dwelling unit is 50 square metres in gross floor area or less, in which case, parking shall be provided at a rate of 0.3 spaces per unit whereas the by-law requires a parking space ratio of one space per unit except where a dwelling unit is 50 square metres in gross floor area or less, in which case, parking shall be provided at a rate of 0.3 spaces per unit.
Processing Details	
Received:	November 29, 2019.
Deemed Complete:	December 29, 2019.
Notice of Complete Application:	Sent to 161 property owners within 120 m of the subject lands on January 13, 2020.
Public Notice Sign:	Posted January 13, 2020 and updated on August 10, 2022.
Notice of Public Meeting:	Sent to 102 property owners within 120 m of the subject lands on August 18, 2022.
Public Comments:	No public comments received to date.
Processing Time:	1012 days from the date of receipt of applications. 228 days from the receipt of the amended applications.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Place of Worship	Neighbourhood Institutional (I1) Zone
Surrounding Land Uses:		
North	Residential dwellings	“D” (Urban Protected Residential - One And Two Family Dwellings, Etc.) District
South	Residential dwellings	“D” (Urban Protected Residential - One And Two Family Dwellings, Etc.) District

Surrounding Land Uses Continued:

East	Bennetto Elementary School	Neighbourhood Institutional (I1) Zone
West	Residential dwellings	“DE-3” (Multiple Dwellings) District

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The following policies, amongst others, apply to the applications.

- “1.1.3.1 *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted.
- 1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:
 - a) Efficiently use land and resources;
 - b) Are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and / or uneconomical expansion;
 - e) *Support active transportation*; and,
 - f) Are *transit-supportive*, where transit is planned, exists or may be developed;

Land use patterns within *settlement areas* shall also be based on a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

- 1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

- 1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.”

The development is located within a settlement area and the development of a multiple dwelling promotes efficient use of land, transit, public services and amenities. The subject lands are serviced by a street network, various transit routes, active transportation uses and municipal infrastructure.

Cultural Heritage and Archaeology

- “2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.
- 2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.
- 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 subject property meets two of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

1. In areas of pioneer Euro Canadian settlement; and,
2. Along historic transportation routes.

Notwithstanding current surface conditions, the criteria define the property as having archaeological potential. Accordingly, Section 2.6.2 of the Provincial Policy Statement applies to the subject Application.

A Stage 1 and 2 archaeological report was submitted to the City of Hamilton and the Ministry of Heritage, Sport, Tourism and Culture Industries. The Provincial interest has yet to be signed off by the Ministry, however staff are of the opinion that the archaeology condition for the subject application has been met.

The subject property comprises a Baptist church constructed in 1856 as a school building. The subject property is included in the City’s Register of Property of Cultural Heritage Value or Interest as a non-designated property.

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A Cultural Heritage Impact Assessment (CHIA) for the subject property was completed by Megan Hobson, dated October 24, 2019 and assessed the impact of the proposed redevelopment of the 1856 church building. The proposed development includes retaining the 1856 former school and church building, the removal of the rear portion of the 1925 Sunday School building, the removal of the south side entrance and the removal of the parsonage addition of the 1955 building to facilitate the construction of an addition. A Heritage Impact Assessment (HIA) Addendum, dated July 21, 2020 was submitted and staff are satisfied that the HIA Addendum has addressed the concerns of Staff and the Policy and Design Working Group in a satisfactory manner.

The Application was considered by the Policy and Design Working Group on January 20, 2020. The Policy and Design Meeting Notes were considered by Hamilton Municipal Heritage Committee (HMHC) on August 20, 2020 as a Consent Item and were received by HMHC. At this time, the property is not on Staff's Designation Work Plan.

Staff are supportive of all the recommendations outlined in the CHIA and note that they should be implemented as part of a future site plan control application. The proposed recommendations include:

- The site's evolution from a one storey school house to a church should be commemorated on-site with a historic plaque; and,
- A Documentation and Salvage report be submitted as a condition to a site plan control application for the Sunday School, the Parsonage and conservation and incorporation of exterior and interior elements of the 'Church'.

Noise

"1.2.6.1 Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures."

The Applicant submitted a Noise Impact Study prepared by dBA Acoustical Consultants Inc., dated June 2019 for 383 Hughson Street North. The Noise Study evaluated road noise impacts from James Street North and John Street North which are major road noise sources for the site and the Canadian National Railway works yard. The Study identified potential noise impacts from vehicular traffic and the Canadian National Railway works yard. Staff have reviewed the study and have no issues for the purposes of the Official Plan and Zoning By-law Amendment applications. At the site plan control

stage, minor revisions will be required to the applicant's proposal and warning clauses will need to be added to the undertaking.

Site Contamination

The PPS provides the following policy direction:

“3.2.2 Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.”

A Phase 1 Environmental Site Assessment (ESA) was submitted prepared by Peto MacCallum Ltd. Consulting Engineers dated September 2019. The Phase 1 ESA recommended that a Phase 2 ESA be required before a Record of Site Condition is completed. A Phase 2 Environmental Assessment by Peto MacCallum Ltd. Consulting Engineers dated March 2020 was submitted and the conclusion states that the chemical quality of the soil samples analysed from the site met the applicable requirements for residential/parkland/institutional uses. The report indicated there is some contaminated soil that is located in two areas of the site and to determine the extent of the contamination in these two areas further delineation and/or replicate sampling and analyses are recommended. A program of replicate sampling and/or delineation followed by site remediation and/or Risk Assessment (RA) will be required before any proposed earthwork activities commenced.

Growth Plan for the Greater Golden Horseshoe 2019, as amended

The following policies, amongst others, apply to this proposal.

“2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:

- a) the vast majority of growth will be directed to *settlement areas* that:
 - i. Have a *delineated built boundary*;
 - ii. Have existing or planned *municipal water and wastewater systems*; and,
 - iii. Can support the achievement of *complete communities*;
- c) within *settlement areas*, growth will be focused in:
 - i. *Delineated built-up areas*;
 - ii. *Strategic growth areas*;

- iii. Locations with existing or planned transit, with a priority on *higher order transit* where it exists or is planned; and,
- iv. Areas with existing or planned *public service facilities*;

2.2.1.4 Applying the policies of this Plan will support the achievement of *complete communities* that:

- a) Feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and *public service facilities*; and,
- c) Provide a diverse range and mix of housing options, including additional residential units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes.”

The subject lands are located within the Hamilton urban boundary and are fully serviced by municipal water and wastewater infrastructure (Policy 2.2.1.2 a) and c)).

The proposed development contributes toward providing a diverse range and mix of housing options and makes use of existing municipal services. The proposal represents a form of residential intensification within the built-up area, in a location serviced by existing transit routes along Barton Street East (Policy 2.2.1.4 a) and c)).

Based on the foregoing, the proposal conforms with the applicable policies of the Growth Plan.

Urban Hamilton Official Plan

The Urban Hamilton Official Plan (UHOP) was approved by Council on July 9, 2009 and the Ministry of Municipal Affairs on March 16, 2011.

There was no decision (Non-decision No. 113) made by the Ministry regarding the adoption of the West Harbour (Setting Sail) Secondary Plan into the UHOP because at the time the Ministry was reviewing the UHOP, the Secondary Plan was still under appeal. The lands are currently identified as “Lands Subject to Non Decision 113 West Harbour Setting Sail” on Schedule E-1 of the UHOP, therefore the UHOP policies do not apply. As a result, when the UHOP came into effect on August 16, 2013, it did not affect the West Harbour (Setting Sail) Secondary Plan. Should the applications be approved, staff would request that the proposed Official Plan Amendment be included in the Secondary Plan at the time when the Ministry deals with the non-decision.

Hamilton-Wentworth Official Plan

The subject lands are not included within the UHOP as they are part of Non-Decision No. 113. As a result, the policies of the Hamilton-Wentworth Official Plan that are applicable to the subject lands remain in effect. In this regard, the subject lands are within the Urban Area of the Hamilton-Wentworth Official Plan and the following policies, amongst other, apply to the proposal.

Urban Area

“C.3.1 A wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. These areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020. Accordingly, the Plan establishes a land use strategy for the Urban Area that consists of:

- Compact urban form, including mixed use areas.

C.3.1.1 A compact higher density form, with mixed use development in identified Regional and Municipal centres and along corridors, best meets the environmental, economic principles of sustainable development.

Mixed forms of development within an Urban Area is preferable to widespread, low density residential development and scattered rural development, because:

- Growth can be accommodated by building on vacant or redeveloped lands, without taking up agricultural or natural areas;
- Higher density development can reduce per capita servicing costs and makes more efficient use of existing services;
- Efficient and affordable public transit systems can be established;
- Effective community design can ensure people are close to recreation, natural areas, shopping and their workplace; and,
- A compact community makes walking and bicycling viable options for movement.”

The proposal complies with the direction to encourage redevelopment of the subject lands for compact development within the Urban Area. The proposed development

preserves and adaptively reuses an existing registered heritage building for a use that is compatible with the surrounding neighbourhood. The proposed multiple dwelling will contribute to a compact built form and represents a form of residential intensification in proximity to existing recreation, shopping and workplaces, and public transit systems.

Based on the foregoing, the proposal complies with the policies of the Hamilton-Wentworth Official Plan.

City of Hamilton Official Plan

The subject lands are not included within the UHOP as they are part of Non-Decision No. 113. As a result, the policies of the City of Hamilton Official Plan remain in effect. Schedule A of the City of Hamilton Official Plan designates the subject lands as “Central Policy Area”. The policies of the West Harbour (Setting Sail) Secondary Plan provide more detailed designations and policy framework for this area. The following policies, amongst others, apply to the proposal.

“Subsection A.2.1 – Residential Uses

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

2.1.9 Council will encourage the design of RESIDENTIAL areas which complement the natural features of the area and utilize energy saving measures such as, but not limited to:

- ii) Retention of existing trees and other vegetation;

Subsection A.2.8 - Central Policy Area

A.2.8.1 To promote the CENTRAL POLICY AREA as a multi-use node for both the City and the Region, a wide range of uses will be permitted where compatibility among adjacent uses can be achieved. The primary uses permitted in the CENTRAL POLICY AREA, as shown on Schedule "A", will be for the following uses:

- i) Commercial Uses such as, but not limited to, retail department stores; food, specialty and general merchandising establishments; personal services; head and branch offices and public administration offices;

hotels; mixed commercial and residential uses; and in keeping with the Commercial policies set out in Subsection A.2.2 of this Plan; and,

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

The proposal is for an adaptive reuse of an existing institutional building (Place of Worship) with a proposed addition to a maximum height of three stories. The proposed multiple dwelling is located in close proximity to transit, existing institutional uses (including an elementary school and recreation centre) and downtown Hamilton amenities. The proposed residential use provides an additional form of housing which is permitted in the policies in an existing neighbourhood. The proposal was further reviewed against policy C.7 below.

“Subsection B.2.1 – Water Distribution

- B.2.1.1 In accordance with the Regional Official Plan, Council will encourage the Region to maintain and, where necessary, improve water supply in the City. New development and / or redevelopment will only be permitted where the water supply is deemed to be adequate by the Region.

Subsection B.2.2 – Sewage Disposal

- B.2.2.1 Council will encourage the Region to ensure that all new development in the City be effectively serviced by the SEWAGE DISPOSAL System. In this regard, Council will encourage the appropriate agencies to ensure that necessary improvements to, or extension of, the SEWAGE DISPOSAL System, expansions to the capacity of the Woodward Avenue Sewage Treatment Plant, and the monitoring of effluents discharged are undertaken.

Subsection B.2.3 – Storm Drainage

- B.2.3.1 Council will require that all new development and / or redevelopment be connected to, and serviced by, a STORM DRAINAGE System or other appropriate system such as ditches, ‘zero run-off’, and any other technique acceptable to Council and the Conservation Authorities. Council will ensure that the extension of the STORM sewer System is at sufficient capacity to support future anticipated growth in the City. In this regard, Council will cooperate with the appropriate Conservation Authorities in any flood

management studies or engineering works that may be undertaken from time to time to improve or maintain the DRAINAGE capacity of natural watercourses flowing through the City.”

A Grading and Servicing Plan, Stormwater Management Report, Wastewater Generation Assessment dated March 2022 by S. Llewellyn & Associated Limited was submitted. There were no concerns with respect to establishing a multiple dwelling, however a revised Functional Servicing Report will be required at the Site Plan Control stage to address storm water management, water demand and required fire flow.

“Subsection C.7 – Residential Environmental and Housing Policy

- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value;
- C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:
- iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and / or physical infrastructure that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;
 - v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;
 - ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton Residents; and,
 - xii) Encourage development at densities conducive to the efficient operation of Public Transit and which utilizes designs or construction techniques that are energy efficient.”

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The proposed development will establish a new residential development that will contribute to a range of tenure options for the area and contribute to providing a diversity of dwelling forms and housing options (Policy 7.3 iii), v) and ix)).

The proposal adaptively reuses an existing heritage building which encourages infilling that is complementary to the surrounding neighbourhood. The proposal also includes an addition to the rear and side of the existing building for the proposed residential development. The existing building and proposed addition is two and three storeys in height which is compatible with the adjacent residential area with adequate setbacks to protect adjacent properties from privacy and overview impacts. The two and three storey height is appropriate based on massing, setbacks and lot coverage and will not create adverse shadow impacts on the surrounding area (Policy 7.3 iii) and v)).

The proposed development is located in proximity to existing public transit routes and will therefore establish a form of development that will be conducive to the efficient operation of public transit (Policy C.7.3 xii).

The City of Hamilton Official Plan states that when redeveloping a site it is to recognize and enhance the scale and character of the existing residential area (Policy 7.3 iii)). Natural Heritage reviewed tree resources early in the process for the subject lands and provided the following comments: Since the retention of trees informs the design, tree protection is to occur early in the process, a Tree Protection Plan (TPP) was identified to be provided at this stage (Formal Consultation FC-19-001; January 30, 2019). A revised Arborist and Tree Protection Plan has been prepared by Terrastory Environmental Consulting Inc. (Tristan Knight; certified arborist) April 2022. A total of 17 trees have been inventoried. Of these, 6 will be removed (1 tree has already been removed due to its health). The decision to retain trees is to be based on vigour, condition, aesthetics, age, and species. It is recognized that several trees on/adjacent to the properties will be retained. A Landscape Plan will be required at the Site Plan Stage to confirm compensation requirements.

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

West Harbour (Setting Sail) Secondary Plan (OPA No. 198)

The West Harbour (Setting Sail) Secondary Plan was approved by Council in 2005. Due to appeals to the Ontario Municipal Board (OMB) (now Ontario Land Tribunal (OLT)), the Secondary Plan was not deemed to be in effect until the OLT issued its final decision in 2012. This decision added the Secondary Plan to the former City of Hamilton Official Plan as that was the Official Plan in effect for the former City of Hamilton at that time.

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When the UHOP was brought into effect by the OLT in 2013, the lands within the West Harbour (Setting Sail) Secondary Plan area were noted as being subject to Non-Decision No. 113. Therefore, the operable Secondary Plan policies in effect to review against the proposed development are those policies in the Setting Sail Secondary Plan OPA No. 198, instead of the UHOP (Volume 2).

The subject lands are designated “Stable Areas” on Schedule M-1 – Planning Area and Sub-Areas. The subject lands are designated “Low Density Residential” on Schedule M-2 – General Land Use in the West Harbour (Setting Sail) Secondary Plan.

The following policies, among others, apply to the proposal.

- “A.6.3.3.1.2 The City will ensure development and redevelopment in neighbourhoods and lands surrounding West Harbour respect the type, scale and character of development identified in this plan; and,
- A.6.3.3.1.9 To encourage a broad mix of household types at varying income levels, West Harbour shall accommodate a diversity of housing types, including detached and semi-detached dwellings, and multiple dwellings.”

The proposed multiple dwelling represents a development that will maintain the scale and character of the surrounding neighbourhood. The proposed multiple dwelling is effective in providing an appropriate transition in scale to adjacent buildings with materials that respect the adjacent residential streetscape along Hughson Street North (A.6.3.3.1.2). The development promotes a range of housing types in West Harbour (A.6.3.3.1.9). The proposed development will adaptively reuse an existing building of cultural heritage significance for the purposes of residential units.

The subject lands are designated “Low Density Residential” in the West Harbour (Setting Sail) Secondary Plan. The scale and type of the proposed multiple dwelling is not permitted under Policy A.6.3.3.1.12 ii) and iii), therefore, an Official Plan Amendment is required to change the designation of the subject lands from “Low Density Residential” to “Medium Density Residential 1”.

“A.6.3.3.1.13 In Medium Density Residential 1 areas:

- i) Multiple dwellings are permitted;
- ii) The density of development shall be in the range of 60 – 150 units per gross hectare;
- iii) The height of buildings shall range from 3 to 5 storeys;

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- iv) Existing grid patterns of streets, blocks and open spaces, and/or those proposed by this plan, shall be respected;
- v) Front yard setbacks shall be generally consistent with the setbacks of adjacent buildings;
- vi) For streets where a road allowance widening is required, the setback under the zoning by-law must be taken from the widened road allowance;
- vii) Parking areas generally shall be provided at the rear of sites or underground, with access from public streets or laneways;
- viii) Direct driveway access to individual units, garages fronting public streets and front yard parking shall not be permitted;
- ix) The main entrances to buildings shall face public streets;
- x) The design and massing of buildings shall minimize shadow and wind impacts on the public realm; and,
- xi) The design of new developments shall have respect for the light, views and privacy enjoyed by residents in adjacent buildings and areas.”

The proposed development is a two and three storey addition along with the adaptive reuse of the church which is permitted in the Medium Density 1 Designation (A.6.3.3.1.13 i, iii)). The proposed designation requires a minimum building height of three stories so an Official Plan Amendment application is required for the proposal. Staff are satisfied with the portion of the building proposed to be two stories in height because it is compatible with the existing two storey building being maintained on the property.

The proposed density is 92 units per hectare which complies (A.6.3.3.1.13 ii)). The parking is located to the rear of the subject lands and will have access through a driveway on Hughson Street North (A.6.3.3.1.13 iv), vi), vii), viii)). The front yard setback is in character with the area because it will maintain the existing setback of the building on-site and have the principle entrance facing Hughson Street North (A.6.3.3.1.13 ix), v)). Staff have reviewed the impacts of the proposed addition to the surrounding area and are satisfied that there are no shadow impacts to the public realm and protects the privacy of the adjacent neighbours (A.6.3.3.1.13 xii), xiii)).

“A.6.3.3.4 Urban Design

A.6.3.3.4.1 New development, redevelopment and alterations to existing buildings in West Harbour shall respect, complement and enhance the best attributes of West Harbour and shall adhere to the following urban design principles:

- i) Create a comfortable and interesting pedestrian environment;
- ii) Respect the design, scale, massing, setbacks, height and use of neighbouring buildings, existing and anticipated by this plan;
- iii) Generally locate surface parking at the rear or side of buildings;
- iv) Provide main entrances and windows on the street-facing walls of buildings, with entrances at grade level; and,
- v) Ensure barrier-free access from grade level in commercial mixed use developments;

A.6.3.3.4.4 The integration of public art into the design of buildings and open spaces is strongly encouraged.”

The proposed development will maintain the existing streetscape fronting onto Hughson Street North with direct pedestrian connections at grade to contribute to a comfortable pedestrian environment (A.6.3.3.4.1 i), iv) and v)). Surface parking for the development will be located to the rear of the building (A.6.3.3.4.1 iii)).

The proposed addition is an appropriate scale for the surrounding area and the addition maintains the two and three storey massing of the existing heritage building. The massing of the building provides an appropriate transition to the one, two and three storey dwellings along Hughson Street North, Ferrie Street East, James Street North and Simcoe Street East. The development provides adequate separation to adjacent buildings and provides appropriate setbacks to the adjacent uses. There are no shadow impacts to the adjacent land uses (A.6.3.3.4.1 ii)).

Based on the foregoing, Staff are of the opinion that the proposal complies with the policies of the West Harbour (Setting Sail) Secondary Plan, subject to the proposed amendment.

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Hamilton Zoning By-law No. 05-200

The subject lands are zoned Neighbourhood Institutional (I1) Zone, in the Hamilton Zoning By-law No. 05-200. The Application is for a modification to the Neighbourhood Institutional (I1) Zone to permit a 12 unit multiple dwelling with a maximum height of 3 stories and the adaptive re-use of the church. The applicant is requesting site specific modifications and an analysis of the proposed modifications is provided in the Zoning By-law Site Specific Modification Table contained in Appendix “D” attached to Report PED22177.

RELEVANT CONSULTATION

Departments and Agencies		
	Comment	Staff Response
	<ul style="list-style-type: none"> • Public Works Department, Asset Management Division, Capital Budget Project; • Public Works Department, Construction, Capital Budget Projects, • Planning and Economic Development Department, Economic Development Division, Corporate Real Estate Office, and Commercial Districts and Small Business Section; • Canada Post; and, • Alectra Utilities. 	No Comment
Waste Management Operations Section, Environmental Services Division, Public Works Department	This Application has been reviewed for municipal waste collection service. As currently designed the development is not serviceable.	The Applicant will be required through the Site Plan Control application demonstrate that the proposed development will need to provide service by way of a private waste hauler and include a warning clause in all offers of purchase and sale and lease and rental agreements.

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	Comment	Staff Response
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> • There are no municipal tree assets on-site; therefore, no Tree Management Plan is required; • A Landscape Plan will be required, showing the placement of trees on internal/external City property; and, • The City of Hamilton’s Public Tree Preservation and Sustainability Policy in conjunction with the Tree By-Law No. 15-125 requires new developments to provide payment per tree for road allowance street trees through an approved landscape plan. All street tree plantings shall be planted by the City of Hamilton, as approved through the review of a proposed street tree planting scheme. 	A landscape plan will be reviewed at the Site Plan Control Stage.
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> • The existing municipal address of 383 Hughson Street North will be retained for this development, and the municipal address of 383 ½ Hughson Street North will be retired. • Require that the address be affixed to the building and require a list of unit numbers through the letter of undertaking on the site plan. • Questioned whether the subject proposal will be Condominium Tenure? 	<ul style="list-style-type: none"> • The municipal address will be addressed at the Site Plan Control Stage; and, • At the time of the current applications, rental is proposed.
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<ul style="list-style-type: none"> • Minimal traffic will be generated on site which can be accommodated within the existing transportation network; • Transportation Planning will accept the proposed curb cut to Hughson St North as has been indicated on their site plan submitted with the Jun 2021 submission package. No driveway radii are required as the driveway will have a curb cut similar to the existing driveway; and, • Transportation Planning will review and provide comments at the future Site Plan Application stage related to a required turning plan for waste collection vehicles. Please note that it is recommended that the waste collection area be shifted easterly to allow for additional turnaround area. 	The turning plan will be reviewed at the Site Plan Control Stage.

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	Comment	Staff Response
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department Continued	<ul style="list-style-type: none"> • A Transportation Impact Study is not required for this development as minimal vehicle traffic will be generated by this development and is unlikely to have a perceptible negative impact on the area road network; and, • Transportation Planning does not require a report be submitted for this application, however the following TDM and TOD measures are required: <ol style="list-style-type: none"> a. Provide short-term and long-term bicycle parking within the property limits in accordance with the City of Hamilton Zoning By-Law No. 05-200. <p>Based on the existing 20.0 metre right-of-way along Hughson Street North no further land dedication is required.</p> 	
Metrolinx	<ul style="list-style-type: none"> • The proponent shall engage a qualified consultant to prepare a Noise Study to be submitted for review and satisfaction of Metrolinx; • The owner shall register on title an environmental easement in favour of Metrolinx against the subject residential dwellings; • The owner's Solicitor shall submit a letter of undertaking to Metrolinx stipulating that a warning clause will be inserted in all development agreements, offers to purchase and agreements of Purchase and Sale or Lease of each dwelling unit associated with the subject application that is located within 300 metres of the railway right-of-way; and, • Please note that the Owner shall be responsible for all costs associated with the preparation and registration of agreements/undertakings/easements/warning clauses, as determined appropriate by Metrolinx, to the satisfaction of Metrolinx. 	The Noise Study will be finalized at the Site Plan Control Stage.
Development Engineering Approvals Section, Planning and Economic Development Department	<ul style="list-style-type: none"> • The proposed sanitary discharge has been calculated in accordance with the City's Development Guidelines and stormwater has been overcontrolled to account for the peak sanitary discharge. Per the revised design, CB1.1 no longer bypasses the quantity controls on site. No further comments. 	The detailed plans and studies will be reviewed at the Site Plan Control Stage.

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	Comment	Staff Response
<p>Development Engineering Approvals Section, Planning and Economic Development Department Continued</p>	<p><u>SWM report (SLA; dated: March 2022)</u></p> <ul style="list-style-type: none"> • The OGS (HS4) design calculations show user defined particle size distribution (PSD) has been used in the OGS design; however, the OGS should be designed based on ETV PSD. Please review and confirm. • In addition, section 4.2 of the report did not demonstrate how ‘Level 1’ stormwater quality control will be achieved for the subject site considering 50% TSS removal credit is given to the proposed OGS unit . Section 4.2 paragraph 4 mentions that subject site does not require ‘Level 1’ quality control; however, in this connection please note that subject site discharges to combined sewer and as per City’s current practices, a site discharging to combined sewer requires ‘Level 1’ stormwater quality control. • Please submit OGS design calculations signed, dated and stamped by a Professional Engineer and update section 4.2 of the report as per above. <p><u>Source Water Protection (Public Works – Hamilton Water)</u></p> <ul style="list-style-type: none"> • The Phase II ESA will be reviewed and record given that the Phase I ESA recommends further investigation/remediation. This will allow for better characterization of groundwater levels onsite and resultant potential dewatering needs. Based on our desktop review, a small basement is being proposed for the development. • In order to comply with City of Hamilton Sewer Use Bylaw standards and Temporary Sewer Discharge Permit requirements, discharge location (manhole ID), peak dewatering rate (L/s), and representative water quality will be required. It is recommended to consult with the Superintendent of Environmental Monitoring and Enforcement Group within Hamilton Water as early as possible in the approval process, given that additional review may be required by Hamilton Water to verify the wastewater system could accept the quantity and/or quality of the discharge. 	

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	Comment	Staff Response
Development Engineering Approvals Section, Planning and Economic Development Department Continued	<ul style="list-style-type: none"> • If dewatering is expected to exceed 50,000 L/day, registration with the Environmental Activity Sector Registry or a Permit to Take Water from the Ministry of Environment, Conservation, and Parks may be required; • Due to limited capacity in the municipal sewer system, the applicant shall demonstrate that no long-term dewatering (due to groundwater) will be conveyed to municipal sewer infrastructure. Foundations/subsurface structures shall be designed/waterproofed accordingly if they are anticipated to intercept the groundwater table during peak groundwater level periods (ie. Spring); and, • Detailed design review of the Grading and Servicing Plans will be completed at the Site Plan Control Application stage. 	

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 161 property owners within 120 metres of the subject property on January 13, 2020. A Public Notice sign was posted on the property on January 13, 2020 and updated with the public meeting date on August 10, 2022. Finally, Notice of the Public Meeting was mailed to 102 property owners within 120 metres of the subject lands on August 19, 2022.

Staff have received no written submission regarding the Applications.

Public Consultation Strategy

The Applicants submitted a Public Consultation Strategy with the initial submission of the Application. The Public Consultation Strategy identified public consultation that had already been completed, including the following:

- Open House hosted at Williams’ Coffee Pub on Discovery Drive on July 29, 2019. Target audience was the immediate neighbours located on the same City block of the subject lands to introduce the proposed development. One resident located at Ferrie Street East attended; and,

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- Open House hosted at the Hughson Street Baptist Church on August 27, 2019. Target audience was residents within 120 metres of the subject lands. Intent of the meeting was to present a preliminary conceptual site plan and elevations to receive public comment and feedback. The ward councillor was in attendance along with approximately 30 residents.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, (2019), as amended;
 - (ii) It complies with the policies of the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan, and complies with the general intent of the West Harbour (Setting Sail) Secondary Plan upon approval of the Urban Hamilton Official Plan Amendment; and,
 - (iii) The proposed development is compatible with the existing land uses in the immediate area and represents good planning by, among other things, increasing the supply of housing units, making efficient use of existing infrastructure within the urban boundary, protecting heritage resources and supporting public transit.

2. Official Plan Amendment

The Official Plan Amendment is to designate the subject lands to “Medium Density Residential 1” with a site specific policy area within the Setting Sail (West Harbour) Secondary Plan to permit a multiple dwelling on the subject lands. The proposed site specific policy area is required to permit a building height range of two to five stories instead of a building range of three to five stories and to retain a portion of and the external character of the existing heritage building. The proposed Official Plan Amendment can be supported as follows:

- The proposed development is compatible with the existing land uses in the immediate area and represents good planning by, among other things, increasing the supply of housing units, and making efficient use of land and existing infrastructure;

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- The proposed development utilizes the site efficiently by redeveloping and retaining an existing heritage building on-site and adding residential uses to the neighbourhood;
- The proposed development is in close proximity to public services such as the Bennetto Elementary School and Bennetto Recreation Centre and downtown amenities; and,
- The proposed development is in proximity to transit and active transportation including the West Harbour Go Station.

Based on the foregoing, staff are satisfied that the intent of UHOP has been met and the proposed Official Plan Amendment can be supported.

3. Zoning By-law Amendment

The Zoning By-law Amendment application is for a modification to the Neighbourhood Institutional (I1) Zone in Hamilton Zoning By-law No. 05-200. The zoning by-law will permit a multiple dwelling with a maximum height of three storeys.

The proposal complies with the City of Hamilton Official Plan and general intent of the West Harbour (Setting Sail) Secondary Plan. Given that the proposed development will retain the heritage building through an addition to the building and provides residential uses to the neighbourhood while still maintaining the character of the surrounding area, staff are supportive of the proposed Zoning By-law Amendment.

The implementing by-law proposes modifications to the Neighbourhood Institutional (I1, 815) Zone which are discussed in detail in Appendix “E” to Report PED22177, are suitable for the proposed development and support the revised proposal.

The applicant has successfully demonstrated that the proposed multiple dwelling will be compatible with the surrounding area in terms of scale, form and character. The proposed site specific for the rear yard setback and increase in height for the proposed addition are compatible with the surrounding area. The reduced accessory structure setback is appropriate since the area is for a garbage enclosure. The proposed reduction in parking is supported because of its proximity to downtown and the sites access to City of Hamilton Transit. The proposed site specific related to the definition for the term existing is added in order to specify

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that a portion of the existing buildings on site is required to be maintained and incorporated as part of the development.

Therefore, Staff support the Zoning By-law Amendment application.

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the subject lands could be used in accordance with the Neighbourhood Institutional (I1) Zone which permits a range of institutional uses and single detached and semi detached dwellings.

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.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED22177 – Location Map

Appendix “B” to Report PED22177 – Draft Official Plan Amendment

Appendix “C” to Report PED22177 – Draft Zoning By-law Amendment to Zoning By-law
05-200

Appendix “D” to report PED22177 – Concept Plan

Appendix “E” to report PED22177 – Zoning By-law Site Specific Modifications