



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	January 16, 2024
SUBJECT/REPORT NO:	Application for Zoning By-law Amendment for Lands Located at 83 and 85 Emerald Street South, Hamilton (PED24001) (Ward 3)
WARD(S) AFFECTED:	Ward 3
PREPARED BY:	Alaina Baldassarra (905) 546-2424 Ext. 7421
SUBMITTED BY:	Shannon McKie Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Amended Zoning By-law Amendment Application ZAC-22-053, by Gladki Planning Associates Inc. c/o John Gladki on behalf of Realty Holdings Group Ltd. c/o David Joy, owner**, for a change in zoning from the Community Institutional (I2) Zone to the “E/S-1834-H” (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified, Holding, to permit the conversion of an existing three storey building, including a 555.59 square metre addition at the rear of the building, into a multiple dwelling with a maximum of 60 units and eight surface parking spaces, on lands located at 83 and 85 Emerald Street South, Hamilton, as shown on Appendix “A” attached to Report PED24001, be **APPROVED**, on the following basis:

- (a) That the draft By-laws, attached as Appendix “B” and Appendix “C” to Report PED24001, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by introducing the Holding symbol ‘H’ to the proposed “E-3/S-1834-H” (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified;

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.

The Holding Provision 'H' is to be removed, conditional upon:

- (i) The Owner submitting and receiving approval of a watermain hydraulic analysis, identifying the modelled system pressures at pressure district level under various boundary conditions and demand scenarios, to demonstrate that the municipal system can support the proposed intensification, to the satisfaction of the Director of Development Engineering and the Director of Hamilton Water;
 - (ii) That the Owner enters into an External Works Agreement with the City to complete upgrades on the municipal infrastructure that has been identified through the Functional Servicing Report, submitted in support of the proposed intensification of the subject site, at 100% their costs, to the satisfaction of the Director of Development Engineering and the Director of Hamilton Water;
- (c) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and complies with the Urban Hamilton Official Plan.

EXECUTIVE SUMMARY

The subject lands are municipally known as 83 and 85 Emerald Street South, Hamilton and are located on the east side of Emerald Street South between Main Street East and Hunter Street East. The application was received and deemed complete prior to Ministerial approval of Official Plan Amendment No. 167. As per *Bill 150*, any decision must conform to the Official Plan in effect on November 4, 2022.

The owner has applied for a Zoning By-law Amendment to remove the lands from Zoning By-law No. 05-200 by changing the zoning from Community Institutional (I2) Zone to the "E/S-1834-H" (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified, Holding, in the former City of Hamilton Zoning By-law No. 6593 to permit the conversion of an existing three storey building into a multiple dwelling with a maximum of 60 units (a mix of studio and one bedroom units) and eight surface parking spaces, as shown on Appendix "E" attached to Report PED24001. The last recognized use of the existing building is a residential care facility. Site-specific modifications to the "E" District are required to accommodate the proposed development, which are discussed in detail in Appendix "D" attached to Report PED24001.

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The proposed Zoning By-law Amendment has merit and can be supported for the following reasons:

- It is consistent with the Provincial Policy Statement (2020);
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- It complies with the Urban Hamilton Official Plan, in particular, the function, scale and design of the “Neighbourhoods” designation as well as, the Residential Intensification and Urban Design policies; and,
- The development is compatible with the existing land uses in the immediate area, and represents good planning by, among other things, providing a compact and efficient urban form, adding to the range of housing types by introducing studio and one bedroom units into the area, is an adaptive reuse of an existing building which has been identified as having cultural heritage value (specifically the exterior façade features) and supporting the development of a complete community.

Alternatives for Consideration – See Page 13

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Owner:	Realty Holdings Group Ltd.
Applicant:	Gladki Planning Associates Inc.
File Number:	ZAC-22-053.
Type of Application:	Zoning By-law Amendment.

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Application Details	
Proposal:	To permit the conversion of a former residential care facility to a multiple dwelling with maximum of 60 units (56 studio units and four one bedroom units) and eight surface parking spaces located to the rear of the building. The applicant proposes to utilize the existing building and construct a three storey addition at the rear that maintains the heritage value of the building. The building is listed in the City's Inventory of Heritage Properties as a non-designated property. The surface parking spaces will be accessed from Emerald Street South.
Property Details	
Municipal Address:	83 and 85 Emerald Street South.
Lot Area:	1557.55 m ² .
Servicing:	Existing full municipal services.
Existing Use:	Vacant, previously a residential care facility.
Proposed Use:	Multiple dwelling.
Documents	
Provincial Policy Statement:	The proposal is consistent with the Provincial Policy Statement (2020).
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
Official Plan Existing:	"Neighbourhoods" on Schedule "E" – Urban Structure and "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations.
Official Plan Proposed:	No amendment proposed.
Zoning Existing:	Community Institutional (I2) Zone.
Zoning Proposed:	"E/S-1834-H" (Multiple Dwellings, Lodges, Clubs, Etc.) District, Modified, Holding.
Modifications Proposed:	<ul style="list-style-type: none"> • To require a minimum front yard setback of 5.0 metres and remove the maximum setback; • To require a minimum rear yard setback of 13.0 metres and remove the maximum setback; and, • To reduce the minimum landscaped area from 25% to 12.5%.

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Documents	
Modifications Proposed (Continued):	<ul style="list-style-type: none"> • To require a minimum of eight parking spaces for a multiple dwelling containing 60 units or less (including one barrier-free parking space); • To remove the minimum number of loading spaces for a multiple dwelling; • To require a minimum of four one bedroom units within the building; and, • To reduce the parking space setback adjacent to a residential district from 1.5 metres to 1.3 metres along the rear lot line and 0.9 metres along the southerly side lot line. <p>A complete analysis of the proposed modifications is attached as Appendix “D” to Report PED24001.</p>
Processing Details	
Received:	August 9, 2022.
Deemed Complete:	August 22, 2022.
Notice of Complete Application:	Sent to 237 property owners within 120 metres of the subject property on August 22, 2022.
Public Notice Sign:	Posted on August 29, 2022, and updated with the Public Meeting date on December 14, 2023.
Notice of Public Meeting:	Sent to 237 property owners within 120 metres of the subject property on December 22, 2023.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix “G” attached to Report PED24001.
Public Consultation:	<p>In addition to the <i>Planning Act</i> requirements, the Applicant has completed the following additional Public Consultation:</p> <ul style="list-style-type: none"> • A Public Open House was held at Central Memorial Recreation Centre in the afternoon on February 22, 2023; and, • A Public Open House was held at Central Memorial Recreation Centre in the evening on February 27, 2023.

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Processing Details	
Public Consultation (Continued):	The Applicant advised that approximately 30 individuals attended the open houses. The Applicant advised that the attendees were generally supportive of the proposed development, however concerns were raised regarding the poor state of the existing building since it is frequently vandalized. In addition, it was stated that the possibility of outdoor amenity space may result in noise disruptions.
Public Comments:	The City received 17 letters in opposition to the proposed development. Overall, the issues identified in the written responses included concerns with the size and number of units proposed, the impact of the addition on the surrounding uses, overcrowding, the limited number of parking spaces provided, reduced property values, and concerns regarding the existing building being used as a housing support service (residential care facility). The letters and responses to the concerns are attached as Appendix "H" to Report PED24001.
Processing Time:	519 days from receipt of initial application, 230 days from receipt of the final submission.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Vacant, Residential Care Facility.	Community Institutional (I2) Zone.
Surrounding Lands:		
North	Medical Clinic.	Mixed Use Medium Density (C5) Zone.
South	Multiple dwelling.	"E" (Multiple Dwellings, Lodges, Clubs, Etc.) District.
East	Single detached dwelling.	Low Density Residential – Small Lot (R1a) Zone.

Surrounding Lands (Continued):

West	Long Term Care Facility (Saint Patrick Lodge) and Single Detached Dwelling.	Community Institutional (I2) Zone and “E” (Multiple Dwellings, Lodges, Clubs, Etc.) District.
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POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

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

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal approval of the City of Hamilton Official Plan, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of Provincial interest (i.e., efficiency of land use) are discussed in the Official Plan analysis that follows.

As the application for a Zoning By-law Amendment complies with the Urban Hamilton Official Plan, it is staff’s opinion that the application is:

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

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan. Based on a policy review attached as Appendix “F” to Report PED24001, the proposed development is identified as Medium Density Residential in the “Neighbourhoods” designation.

The intent of the “Neighbourhoods” designation in the Urban Hamilton Official Plan is to develop neighbourhoods as complete communities. The “Neighbourhoods” designation primarily consists of residential uses with complementary facilities to serve residents. As part of a complete community a full range of housing forms, types and tenures shall be encouraged for residential uses. For any development within the “Neighbourhoods” designation, the proposed development should be compatible with the character of the existing neighbourhood. The proposal meets the intent of the designation by adding to the range of residential dwelling types within the existing building stock while proposing minimal exterior modifications to the street façade of the existing building. Therefore, the proposed building will remain consistent with the neighbouring properties in terms of height, massing and setbacks.

The Urban Hamilton Official Plan identifies “Medium Density Residential” as areas where multiple dwellings are located on the periphery of neighbourhoods. Medium Density Residential uses should be in close proximity to major or minor arterial roads and within a safe and convenient walking distance of existing or planned community facilities and services. The community facilities and services can include, but are not limited to, public transit, schools, and active or passive recreational facilities while being in close proximity to local or district commercial uses.

The proposed development is located within a safe and convenient walking distance of a number of uses and facilities to support the proposed density including retail uses and recreational facilities, such as Bishop’s Park, Carter Memorial Recreation Centre and Carter Park. Hamilton Street Railway operated bus routes are located along both Main Street East and Victoria Avenue North. Bicycle lanes are located south of the subject lands along Stinson Street. The site is located within 500 metres of the Downtown Urban Growth Centre which permits a range of commercial uses.

The subject lands include an existing three storey building constructed circa 1900, which is currently included in the City’s Inventory of Heritage Properties and Non-Designated properties. As per Policies B.3.4.1.3 and B.3.4.2.6, Cultural Heritage staff identified cultural heritage value of the existing building and recommended retention of the exterior building features. The proposed retention of the building would also maintain the existing streetscape along Emerald Street South and overall character of the Stinson Neighbourhood. As per the review completed in Appendix “F” attached to Report PED24001, staff are satisfied that the existing heritage features on the subject lands are being maintained. If there are changes to the building retention plan, additional measures may be required through a future Site Plan Control application.

The Applicant is proposing to construct a three storey addition to the rear of the existing building and relocating the existing surface parking area, to accommodate the proposed multiple dwelling. Staff have reviewed the scale and massing of the proposed addition

and are satisfied that the development and parking area are compatible with the adjacent single detached dwellings to the rear. The proposed three storey addition is setback from the rear property line (minimum 13.0 metres) resulting in no concerns with privacy and overlook. The proposed surface parking area is appropriately screened with a proposed planting strip and visual barrier between the adjacent single detached dwellings and the future parking spaces at the rear. The visual barrier will limit the impacts of lights shining into the rear yards of the existing single detached dwellings along the rear property line of the subject lands which will be implemented through a future Site Plan Control application.

The proposed development fronts onto Emerald Street South, a local road, which provides access to the parking spaces at the rear of the property. As per the Urban Hamilton Official Plan policies, the proposed multiple dwelling meets the access policy by locating the development at the periphery of a residential neighbourhood.

The proposed breakdown of the unit type within the development is primarily made up of studio units and includes four, one bedroom units. The proposed development is in line with the intent of the policy to add a range of uses within the Neighbourhoods designation of the Urban Hamilton Official Plan. The proposed multiple dwelling will provide studio units and four, one bedroom units, that will add additional unit types within the neighbourhood. It should be noted that during the Building Permit stage the individual unit floor areas will be reviewed to ensure that they meet the minimum standard of the Ontario Building Code.

In addition, staff are satisfied that the proposal provides sufficient internal amenity space with attached communal balcony space (see Appendix "E" to Report PED24001). There will be opportunities for larger gatherings in the internal amenity space and private amenity space is provided by the balconies. The current concept plan shows a total of 20 square metres of amenity space internal to the site and approximately 31 square metres of communal balcony space.

The Applicant requested a reduction to the parking requirements. A Parking Justification Study was submitted in support of the application and was approved by the Transportation Planning Section. The Parking Justification Study confirmed that the number of parking spaces proposed can accommodate the parking need for the proposed maximum of 60 units, in conjunction with the Transportation Demand Management options proposed including: access to multiple transit routes, long term bicycling parking on-site and access to ridesharing programs. The proposed parking reduction to permit eight parking spaces for a 60 unit (maximum) multiple dwelling has merit based on the location of the subject property being adjacent to the Downtown Hamilton Secondary Plan area which has reduced parking requirements. In the Downtown Hamilton Secondary Plan area, no parking is required for the first 12 units of

a residential development. Furthermore, as part of the Residential Zoning Project, Planning and Transportation Planning staff are exploring and assessing options for lowered City-wide parking standards. While street parking is available in the neighbourhood, it should be noted that the residents of the proposed multiple dwelling would not be eligible to obtain street parking permits as more than three units are proposed.

Holding “H” Provisions are proposed to be added to the subject lands for the purpose of requiring a Watermain Hydraulic Analysis to demonstrate that the municipal system can support the proposed intensification and to ensure the Owner enters into an External Works Agreement with the City to complete upgrades to the municipal infrastructure at 100% of the Owner’s cost.

Therefore, the proposal complies with the Urban Hamilton Official Plan, subject to the proposed Holding Provisions.

Neighbourhood Plan

The subject lands are located in the Stinson Neighbourhood Plan and are identified as medium density apartments. There are commercial uses located along Main Street East to the north of the subject lands. The subject site is adjacent to medium density uses. Low density residential uses are envisioned towards the Niagara Escarpment (specifically in proximity to the Sherman Access). The proposed development generally implements the vision within the neighbourhood plan.

Zoning By-law No. 05-200

The Zoning By-law Amendment proposes to remove the Community Institutional (I2) Zone from Schedule “A” of Zoning By-law No. 05-200 and add the lands to Zoning By-law No. 6593 as “E/S-1834-H” (Multiple Dwellings) District, Modified, Holding. The Zoning By-law Amendment is required as a multiple dwelling is not permitted in the Community Institutional (I2) Zone. The effect of this Zoning By-law Amendment will permit the development of a multiple dwelling containing a maximum of 60 units (including a requirement for a minimum of four one bedroom units) with eight surface parking spaces. Modifications to the “E” District are required to facilitate the development and are summarized in the report Fact Sheet above and further discussed in Appendix “D” attached to Report PED24001.

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 general intent and purpose of the Urban Hamilton Official Plan, in particular, the function, scale and design of the “Neighbourhoods” designation, is an adaptive reuse of an existing building, supports residential intensification, protects an existing building which has been identified as having cultural heritage value (specifically exterior façade features) and is in keeping with the relevant Urban Design policies; and,
 - (iii) It is considered to be compatible with the existing development in the immediate area and, it represents good planning by, among other things, providing a compact and efficient urban form, adding additional housing types (studio and one bedroom units) within the existing neighbourhood, and supporting the development of a complete community.

2. Zoning By-law Amendment

The subject lands are zoned Community Institutional (I2) Zone in Zoning By-law No. 05-200. The Zoning By-law Amendment proposes to remove the lands from Zoning By-law No. 05-200 and add the lands into the former City of Hamilton Zoning By-law No. 6593 as “E/S-1834-H” (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified, Holding.

Staff are satisfied that the proposal meets the intent of the “Neighbourhoods” designation policies and applicable intensification policies of the Urban Hamilton Official Plan as outlined in the attached Appendix “F” to Report PED24001. The proposed multiple dwelling is a permitted use in the “Neighbourhoods” designation.

The Applicant is proposing to adaptively reuse the existing building for a multiple dwelling, maintaining the heritage value of the building, and adding an addition to the rear of the subject lands. By adaptively reusing the existing building, the proposal maintains the streetscape along Emerald Street South and the rear addition is compatible with the single detached dwellings to the rear.

The applicants are proposing a 1.5 metre planting strip along the rear of the property between the proposed relocated surface parking and the adjacent single detached dwellings. Additionally, the required landscaped area is proposed to be reduced from 25% to 12.5% to accommodate the proposed addition to the existing building. The proposed addition will be located on a paved portion of the existing lot and does not have the effect of further reducing landscaped area. The existing front yard landscaping will not be impacted by the proposed development. Any proposed landscaping provided as part of the proposal would be addressed through the future Formal Consultation and Site Plan Control processes. In addition, the proposed use adds another type of housing within the existing neighbourhood (studio and one bedroom units).

The Applicant is seeking a reduction in parking to provide a total of eight parking spaces for the proposed development and provided a Parking Justification Study in support of the application. A multiple dwelling containing a maximum of 60 units would require 75 parking spaces and 15 visitor spaces. Staff are satisfied with the proposed parking ratio as the subject lands are within 300 metres of a number of existing Hamilton Street Railway Bus Routes and the site is located within 300 metres of a bicycle lane on Stinson Street. In addition, the site is located within a safe walking distance from commercial and office uses on Main Street East and recreational facilities, such as Bishop's Park, Carter Memorial Recreation Centre and Carter Park.

The proposed amendments meet the general intent of the Zoning By-law. An analysis of the requested modifications is provided in Appendix "D" attached to Report PED24001.

Therefore, staff support the proposed Zoning By-law Amendment, subject to the proposed Holding Provisions.

3. Holding Provisions

Holding "H" Provisions are proposed to be added to the subject lands for the purpose of requiring the submission of a watermain hydraulic analysis report to demonstrate that the municipal system can support the proposed intensification. In addition, the Owner is required to enter into an External Works Agreement with the City to complete upgrades to the municipal infrastructure at 100% of the Owner's cost. Upon submission and approval of the above noted requirements, the Holding 'H' Provisions can be lifted.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the subject property can be used in accordance with the Community Institutional (I2) Zone in Zoning By-law No. 05-200.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to PED24001 – Location Map
Appendix "B" to PED24001 – Zoning By-law No. 05-200
Appendix "C" to PED24001 – Zoning By-law No. 6593
Appendix "D" to PED24001 – Zoning Modification Table
Appendix "E" to PED24001 – Concept Plan
Appendix "F" to PED24001 – Policy Review
Appendix "G" to PED24001 – Staff and Agency Comments
Appendix "H" to PED24001 – Public Comments and Responses

AB:sd