




CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 5, 2024
SUBJECT/REPORT NO:	Application for a Zoning By-law Amendment for Lands Located at 72 and 78 Stirton Street, Hamilton (PED24202) (Ward 3)
WARD(S) AFFECTED:	Ward 3
PREPARED BY:	Daniel Barnett (905) 546-2424 Ext. 4445
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Zoning By-law Amendment Application ZAC-24-021, by A.J. Clarke and Associates c/o Ryan Ferrari on behalf of Vrancor 2007 c/o Gunther Bluesz, Owner**, for a change in zoning from the “D/S-459” and “D/S-1822” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified to the “DE-2/S-1837-‘H’” (Multiple Dwellings) District, Modified, Holding, to permit the adaptive reuse of the existing vacant two storey industrial building for 39 dwelling units and five parking spaces, for lands located at 72 and 78 Stirton Street, as shown in Appendix “A” attached to Report PED24202, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED24202, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the proposed change in zoning is consistent with the Provincial Planning Statement (2024), and complies with the Urban Hamilton Official Plan;

- (c) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act, R.S.O. 1990* to the subject lands by introducing the Holding symbol 'H' to the "DE-2/S-1837-'H'" (Multiple Dwellings) District, Modified:

The Holding Provision 'H', is to be removed conditional on the following:

- (i) That the Owner submit and receive completion of a signed Record of Site Condition to the satisfaction of the Director of Development Planning or enter into a conditional building permit agreement with respect to completing a Record of Site Condition. The Record of Site Condition must include a notice of acknowledgement of the Record of Site Condition by the Ministry of the Environment, Conservation and Parks, and submission of the City of Hamilton's current Record of Site Condition administration fee;
- (ii) That the Noise and Vibration Impact Study prepared by dBA Acoustical Consultants Inc. dated March 2024, be peer reviewed by a qualified acoustical consultant, at the expense of the Owner, to the satisfaction of the Director of Development Planning;
- (iii) That the Owner submit and receive approval of a Watermain Hydraulic Analysis Report to demonstrate that the existing watermain has sufficient capacity to support domestic and fire flows including an appropriate pressure range, and that the surrounding areas are not adversely impacted in accordance with City standards, to the satisfaction of the Director of Development Engineering;
- (iv) That the Owner enter into and register an External Works Agreement with the City on the title of the lands for the design and construction of any required improvements to the municipal infrastructure at the Owner's cost, should it be determined that upgrades are required to the infrastructure to support the development, according to the Functional Servicing Report and Watermain Hydraulic Analysis Report, to the satisfaction of the Director of Development Engineering;
- (v) That the Owner submit and receive approval of a Conservation Management Plan, which includes detailed information regarding masonry repairs and cleaning, retrofit of the existing masonry walls for insulation, foundation work, roof repairs, salvage, detailed drawings and specifications for new doors and windows informed by the original windows and doors, be submitted and approved to the satisfaction of the Director of Heritage and Urban Design;

- (vi) That the Owner submit and receive approval of a Conservation Management Plan and Interpretation / Commemoration Plan that may include salvage and reuse of interior elements and/or installation of interpretive elements that convey the significance of the Appleford Check Book Company and the Hamilton Radial Electric Railway, to the satisfaction of the Director of Heritage and Urban Design; and,
 - (vii) That the Owner receive approval from Hydro One Network Inc. prior to the proposed residential land use being established on the subject lands, to the satisfaction of Hydro One Network Inc., as well as the Director of Development Planning.
- (d) That upon finalization of the amending By-law, the subject lands be re-designated from “Single and Double” to “Medium Density Apartments” in the Gibson Neighbourhood Plan.

EXECUTIVE SUMMARY

The subject lands are municipally known as 72 and 78 Stirton Street, Hamilton and are located on the east side of Stirton Street between Wilson Street and Cannon Street East. The applicant has submitted a Zoning By-law Amendment application to permit the adaptive reuse of the existing vacant industrial building to establish a multiple dwelling containing 39 dwelling units and five parking spaces.

The purpose of the Zoning By-law Amendment application is to rezone the subject lands from “D/S-459” and “D/S-1822” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified to the “DE-2/S-1837-‘H’” (Multiple Dwellings) District, Modified, Holding, in City of Hamilton Zoning By-law No. 6593 to permit the proposed development. Site specific modifications to the “DE-2” (Multiple Dwellings) District are required to accommodate the proposed development, which are discussed in Appendix “D” attached to Report PED24202.

As part of the Zoning By-law Amendment, Holding ‘H’ Provisions are recommended to ensure that a Record of Site Condition has been filed, a peer review of the noise study with respect to the noise impacts from the Hydro One Network Inc. building is completed and mitigation measures are implemented as required, a Watermain Hydraulic Analysis Report is completed, an External Works Agreement is entered into with the City, a Conservation Management Plan and Interpretation / Commemoration Plan are approved, and the application is approved by Hydro One Network Inc.

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

- It is consistent with the Provincial Planning Statement (2024);

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 72 and 78 Stirton Street, Hamilton (PED24202) (Ward 3) - Page 4 of 11

- It complies with the general intent and purpose of the Urban Hamilton Official Plan, in particular, the function, scale and design policies of the “Neighbourhoods” designation, residential intensification, and urban design policies; and,
- The development represents good planning, as it will provide a built form that is compatible with the character of the area, provides a compact and efficient urban form, and adaptively reuses a vacant industrial building and cultural heritage resource.

Alternatives for Consideration – See Page 11

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

Application Details	
Owner:	Vrancor 2007 c/o Gunther Bluesz.
Applicant/Agent:	A.J. Clarke and Associates Ltd c/o Ryan Ferrari.
File Number:	ZAC-24-021.
Type of Applications:	Zoning By-law Amendment.
Proposal:	The purpose of the Zoning By-law Amendment is to change the zoning from the “D/S-459” and “D/S-1822” (Urban Protected Residential – One and Two Family Dwellings, etc.) District to the “DE-2/S-1837-‘H’” (Multiple Dwellings) District, Modified, Holding, in the City of Hamilton Zoning By-law No. 6593.
Proposal: (continued)	The effect of the application is to permit the proposed adaptive reuse of the existing vacant two storey industrial building to establish a multiple dwelling with 39 dwelling units including 33 one bedroom units and six two bedroom units, and five parking spaces. The existing vehicular access to the parking area will be maintained.

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 72 and 78 Stirton Street, Hamilton (PED24202) (Ward 3) - Page 5 of 11

Application Details	
Property Details	
Municipal Address:	72 and 78 Stirton Street
Lot Area:	0.218 hectares
Servicing:	Existing municipal services
Existing Use:	Vacant Industrial Use
Documents	
Provincial Policy Statement:	The proposal is consistent with the Provincial Planning Statement (2024).
Official Plan Existing:	“Neighbourhoods” on Schedule E-1 – Urban Land Use Designations
Official Plan Proposed:	No modifications
Zoning Existing:	“D/S-459” and “D/S-1822” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified
Zoning Proposed:	“DE-2/S-1837-‘H” (Multiple Dwellings) District, Modified, Holding
Modifications Proposed:	<p>The following modifications are being proposed by the applicant to Zoning By-law No. 6593:</p> <ul style="list-style-type: none"> • To change the definition of a landscaped area, for the entire site, to include raised planter beds, and to reduce the percentage of a landscaped area that is to be comprised of natural planting from 50% to 14%; • To permit a minimum front yard depth of 0.0 metres for the building existing on the date of the passing of the By-law; • To permit a minimum side yard depth of 0.0 metres for the building existing on the date of the passing of the By-law; • To increase the maximum gross floor area ratio from 0.9 of the lot area, to a ratio of 1.08 of the lot area; • To reduce parking from 1.25 parking spaces per unit (requiring a total of 49 parking spaces) to require a minimum of five parking spaces for a multiple dwelling; • To require no residential visitor parking spaces; • To require no loading space; • To reduce the required size of a parking space from 2.7 metres wide and 6.0 metres long, to 2.8 metres wide and 5.8 metres long; • To reduce the minimum required setback of a parking area from an adjoining residential district boundary from 1.5 metres to 0.15 metres;
Modifications Proposed: (continued)	

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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 72 and 78 Stirton Street, Hamilton (PED24202) (Ward 3) - Page 6 of 11

	<ul style="list-style-type: none"> • To reduce the minimum setback from 6.0 metres to 3.0 metres, between a parking area from the front lot line; and, • To not require a planting strip between a parking area and a residential district. <p>The following modifications are proposed by staff to Zoning By-law No. 6593:</p> <ul style="list-style-type: none"> • To reduce the maximum building height from eight storeys or 26.0 metres to 10.0 metres; • To require a minimum of five short term bicycle parking spaces and a minimum of one long term bicycle parking space per dwelling unit; and, • To require a minimum of 15.3% of dwelling units to have two or more bedrooms. <p>A complete analysis of the proposed modifications is provided in Appendix “D” attached to Report PED24202.</p>
Processing Details	
Received:	June 13, 2024
Deemed Complete	June 21, 2024
Notice of Complete Application:	Sent to 235 property owners within 120 metres of the subject lands on July 2, 2024.
Public Notice Sign:	Posted July 8, 2024, and updated with public meeting date on October 25, 2024.
Processing Details	
Notice of Public Meeting:	Sent to 235 property owners within 120 metres of the subject lands on October 25, 2024.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix “F” attached to Report PED24202.
Public Consultation:	A virtual public meeting was held by the applicant on May 13, 2024. A total of 10 residents attended the virtual public meeting and a summary prepared by the applicant is attached as Appendix “G” to Report PED24202.
Public Comments:	Three Letters / emails expressing concerns with respect to parking for the proposed development were received (see Appendix “H” attached to Report PED24202).
Processing Time:	145 days from receipt of application

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Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Vacant Industrial Building.	“D/S-459” and “D/S-1822” (Urban Protected Residential – One and Two Family Dwellings) District, Modified.
Surrounding Land Uses:		
North	Hydro One Substation.	“J/S-326” (Light and Limited Heavy Industrial, Etc.) District, Modified.
South	Single detached dwellings, Hydro Lands (Stirton Tot Lot).	“D/S-634” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, “D/S-1822” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, and Low Density Residential – Small Lot (R1a) Zone.
East	Single detached dwelling, Hydro Land (Stirton Tot Lot).	“D/S-1822” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified and Low Density Residential – Small Lot (R1a) Zone.
West	Single detached dwelling.	Low Density Residential – Small Lot (R1a) Zone.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Statement (2024)

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Planning Statement (2024). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the Provincial Planning Statement (2024).

The Provincial Planning Statement (2024) require the Planning authorities shall provide for an appropriate range and mix of housing options and densities by permitting and facilitating all housing options required to meet the social, health, economic and well being requirements for current and future residents. The policies promote densities for new housing which efficiently use land, resources, infrastructure, and public service

facilities, and also support the use of active transportation. Settlement areas shall be the focus of growth and development.

The proposed Zoning By-law Amendment focuses growth and development within a settlement area, promotes density for new housing which efficiently uses land, existing infrastructure, and public service facilities, and supports the use of transit, and supports the provision of a range and mix of housing options.

Therefore, it is staff's opinion that the application is:

- Consistent with Section 3 of the *Planning Act*; and,
- Consistent with the Provincial Planning Statement (2024).

Urban Hamilton Official Plan

The subject lands are designated "Neighbourhoods" on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan. Analysis of the applicable Urban Hamilton Official Plan policies is located in Appendix "E" attached to Report PED24202.

The proposal to establish a multiple dwelling complies with the range of uses permitted for lands designated "Neighbourhoods" in Volume 1 of the Urban Hamilton Official Plan. The existing building complies with the maximum height of six storeys for medium density residential areas. The policies for lands designated "Neighbourhoods" encourages the adaptive reuse of existing buildings.

The development complies with the function, scale, and design policies of the "Neighbourhood" designation. The proposal also complies with the residential intensification policies of Volume 1 of the Urban Hamilton Official Plan.

Based on the foregoing and the analysis provided in Appendix "E" attached to Report PED24202, the proposal complies with the applicable policies of the Urban Hamilton Official Plan.

Gibson Neighbourhood Plan

The subject lands are designated "Single and Double" in the Gibson Neighbourhood Plan. An amendment to the Neighbourhood Plan from "Single and Double" to "Medium Density Apartment" will be required to implement the proposal. The proposed amendment to the Gibson Neighbourhood Plan is included in the Recommendation Section to Report PED24202. The proposed change in designation to the Gibson Neighbourhood Plan facilitates the adaptive reuse of a vacant industrial building which complies with the policy direction outlined in the Urban Hamilton Official Plan.

City of Hamilton Zoning By-law No. 6593

The proposed Zoning By-law Amendment is for a change in zoning from the “D/S-459” and “D/S-1822” (Urban Protected Residential One and Two Family Dwellings, etc.) District, Modified, to the “DE-2/S-1837-‘H’” (Multiple Dwellings) District, Modified, Holding. The effect of the Zoning By-law Amendment will permit the adaptive reuse of the existing vacant industrial building to establish a multiple dwelling containing 39 dwelling units and five parking spaces. Modifications to the “DE-2” (Multiple Dwellings) District are required to facilitate the development. The site specific modifications required to accommodate the proposal are outlined in the Report Fact Sheet found on pages 5 and 6 of this report and described in detail in Appendix “D” attached to Report PED24202.

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 Planning Statement (2024);
 - (ii) It complies with the general intent and purpose of the Urban Hamilton Official Plan, in particular, the function, scale and design policies of the “Neighbourhoods” designation, residential intensification, and urban design policies; and,
 - (iii) The proposal represents good planning, as it will retain a built form that is compatible with the character of the area, provides a compact and efficient urban form, and adaptively reuses a vacant industrial building and cultural heritage resource.

2. The subject lands are currently zoned “D/S-459” and “D/S-1822” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified, in the City of Hamilton Zoning By-law No. 6593. The Zoning By-law Amendment proposes to change the zoning to “DE-2/S-1837-‘H’” (Multiple Dwellings) District, Modified, Holding. The proposal requires modifications which are identified in the Report Fact Sheet on pages 5 and 6 of Report PED24202 and discussed in detail in Appendix “D” attached to Report PED24202.

The proposed Zoning By-law Amendment is to permit the adaptive reuse of an existing vacant industrial building to establish residential uses, which complies with the Urban Hamilton Official Plan policies that lands designated “Neighbourhoods” shall primarily consist of residential uses and include the full range of residential dwelling types and densities. The Zoning By-law Amendment complies with the policies of the Urban Hamilton Official Plan with

respect to encouraging the adaptive reuse of the existing building stock for appropriate land uses.

The proposed development is within proximity to Wilson Street and Cannon Street East, both of which are minor arterial roads. The proposed development is in proximity to the Hamilton Street Rail bus routes along Wilson Street and Cannon Street East, being approximately 100 metres to the bus stop at the intersection of Wilson Street and Stirton Street, approximately 130 metres to the bus stop at Cannon Street East and Birch Avenue and approximately 300 metres from existing Hamilton Street Rail bus routes and the future Light Rail Transit route along King Street East.

As the subject lands are located within proximity to two minor arterial roads the proposal complies with the policies of the Urban Hamilton Official Plan to locate medium density residential developments on the periphery of neighbourhoods and in proximity to minor arterial roads. The proximity of the subject lands to existing and planned transit routes will ensure that the proposed residential intensification will be transit-supportive and therefore complies with the policies of the Urban Hamilton Official Plan. Therefore, the change in zoning to a site specific "DE-2" (Multiple Dwellings) District to permit the adaptive reuse of an existing vacant industrial building to residential represents an appropriate zone for the subject lands.

Therefore, staff support the amendment to the Zoning By-law.

3. A Holding 'H' Provision is proposed to be added to the subject lands for the purpose of requiring the filing of a Record of Site Condition, a peer review of the Noise and Vibration Study with respect to the noise impacts from the Hydro One Networks Inc., a Watermain Hydraulic Analysis Report is completed, an External Works Agreement is entered into with the City, a Conservation Management Plan and Interpretation / Commemoration Plan are approved, and the application is approved by Hydro One Network Inc.

Upon submission and approval of the above noted plans and studies, the Holding 'H' Provisions can be lifted.

4. The conceptual Site Plan submitted with the application identifies community garden boxes which encroach beyond the limits of the subject lands and onto the lands owned by Hydro One Networks Inc. Encroachments of community garden boxes or any other element onto adjacent lands is not permitted and would not be approved as part of the application for Zoning By-law Amendment.

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 72 and 78 Stirton Street, Hamilton (PED24202) (Ward 3) - Page 11 of 11

The conceptual Site Plan submitted with the application identifies an amenity area at the rear of 70 Stirton Street, these lands do not form part of Zoning By-law Amendment ZAC-24-021. Opportunities for amenity area and landscaping will be further reviewed at the Site Plan Control stage.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the subject lands can be used in accordance with the “D/S-459” and “D/S-1822” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, in the City of Hamilton Zoning By-law No. 6593.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED24202 – Location Map
Appendix “B” to Report PED24202 – Zoning By-law Amendment
Appendix “C” to Report PED24202 – Concept Plan
Appendix “D” to Report PED24202 – Zoning Modification Chart
Appendix “E” to Report PED24202 – Summary of Policy Review
Appendix “F” to Report PED24202 – Department and Agency Comments
Appendix “G” to Report PED24202 – Virtual Public Meeting Summary
Appendix “H” to Report PED24202 – Summary of Public Comments Received

DB:mb