SUBJECT: City Initiative for an Official Plan Amendment and Change in Zoning for Lands Located at 130 Bay Street South - St. Mark’s Anglican Church (Hamilton) (PED08128) (Ward 2)

RECOMMENDATION:

(a) That approval be given to City Initiative CI-08-D, City of Hamilton, Owner, for Official Plan Amendment No.____, to permit additional commercial uses within the “Residential” designation, for the lands located at 130 Bay Street South, as shown on Appendix “A” to Report PED08128, on the following basis:

   (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED08128, be adopted by City Council.

   (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement and conforms to the Hamilton-Wentworth Official Plan.

(b) That approval be given to City Initiative CI-08-D, City of Hamilton, Owner, for a change in zoning from the “A/S-1443” (Conservation, Open Space, Park and Recreation) District, Modified, in By-law No. 6593, to the modified Downtown Mixed Use - Holding (H-D3-10) Zone, in By-law No. 05-200, in order to permit a limited number of uses that are considered appropriate for the redevelopment of
the subject property, with the intent of maintaining the existing heritage building on lands located at 130 Bay Street South - St. Mark’s Anglican Church (Hamilton), as shown on Appendix “A” to Report PED08128, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED08128, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the Holding Provision (H1) may be removed, and site alteration shall be permitted when an Archaeological Assessment for the subject property is completed and approved by the Director of Planning and the Minister of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

(iii) That the Holding Provision (H2) may be removed for the permitted uses of a Day Nursery, Dwelling Unit(s), Multiple Dwelling, Place of Worship and Retirement Home, at such time as an acoustical and vibration report is prepared by a qualified Professional Engineer, containing the recommended control measures to meet the Ministry of Environment Guidelines, and shall be submitted to the satisfaction of the Director of Planning.

(iv) That upon finalization of the implementing Zoning By-law, the approved Durand Neighbourhood Plan be amended to redesignate the subject lands from “Civic and Institutional” to “Commercial and Apartments”.

(v) That the proposed changes in zoning will be in conformity with the Official Plan for the City of Hamilton upon finalization of proposed Official Plan Amendment No. ___, and is in conformity with Hamilton-Wentworth Official Plan.

EXECUTIVE SUMMARY:

On April 3, 2007, City Council approved recommendations within the report entitled “St. Mark’s Church Feasibility Study” (see Appendix “D”), which included the following recommendation:
That the Development and Real Estate Division of the Planning and Economic Development Department investigate the highest and best use and potential for increased value through rezoning to allow additional permitted uses prior to the disposal of the subject site. Such additional uses will be compatible with the surrounding land uses and the Department shall consult with the neighbourhood on any zoning proposal prior to consideration by Committee and Council.

The purpose of this initiative is to change the zoning of the subject lands in order to permit a limited number of uses that are considered appropriate for the redevelopment of the subject property, with the intent of maintaining the existing heritage building.

The proposed uses are: Day Nursery, Dwelling Unit(s), Financial Establishment, Home Business, Multiple Dwelling, Office, Personal Service, Place of Worship, Restaurant, Retail, Retirement Home and a Studio.

To implement this By-law, an Official Plan Amendment is required to modify the "Residential" Official Plan designation to permit a Financial Establishment, Office and Studio uses within this designation. The Official Plan permits commercial uses, within the "Residential" designation, that serve the local neighbourhood, however, Financial Establishment, Office and Studio uses may draw people from outside the neighbourhood, and thus an amendment is required.

Due to archaeological potential, and the proximity of the subject lands to the buried CP rail line, (H) Holding provisions have been applied. The Holding provision will allow non-sensitive uses to be permitted only within the existing building until it is lifted. Therefore, should the eventual purchaser propose a sensitive land use, such as a Day Nursery, Dwelling Unit(s), Multiple Dwelling, Place of Worship or a Retirement Home, or if development will involve soil disturbance, then they will be responsible to complete the acoustical report and the archaeological assessment prior to lifting the 'H' Holding provision.

As the property was acquired through the use of the Parkland Fund, any proceeds from the sale of the property through a public tender shall be returned to the Parkland Fund.

The proposal has merit and can be supported as the change in zoning is consistent with the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan. The proposal provides the opportunity to preserve a Designated Heritage Building, and is compatible with existing land uses in the surrounding area.

**BACKGROUND:**

The former St. Mark’s Anglican Church at 130 Bay Street South, Hamilton was closed in 1989 and, subsequently, acquired by the City of Hamilton in 1994. The property was acquired through the use of funds from the Parkland Fund. The property (including the 1877 sanctuary, the 1925 Sunday School and the landscaped grounds) was designated
in 1995 under Part IV of the Ontario Heritage Act. Despite calls for tenders for adaptive re-use, the church has remained vacant and in municipal ownership. In 2000, the City (in response to a development proposal) approved a change in zoning from the “E3” (High Density Multiple Dwellings) District to a modified “A” (Conservation, Open Space, Park and Recreation) District, which allows for open space and a place of worship, within the existing building only, however, no new ownership resulted.

The church has remained vacant and in municipal ownership. On April 3, 2007, City Council approved recommendations within the report entitled “St Mark’s Church Feasibility Study” (see attached Appendix “D”), which included the following recommendation, among others:

“That the Development and Real Estate Division of the Planning and Economic Development Department investigate the highest and best use and potential for increased value through rezoning to allow additional permitted uses prior to the disposal of the subject site. Such additional uses will be compatible with the surrounding land uses and the Department shall consult with the neighbourhood on any zoning proposal prior to consideration by Committee and Council.”

These recommendations were approved in order to proceed with a Request For Proposal (RFP) that will eliminate uncertainty and potential risks faced by prospective purchasers, in that these purchasers will be more apt to acquire the lands on an “as is” “where is” basis knowing that development/re-development can occur within a timely manner.

The purpose of this City Initiative is for an Official Plan Amendment, and to change the Zoning from the “A/S-1443” (Conservation, Open Space, Park and Recreation) District, Modified, in By-law No. 6593, to the modified Downtown Mixed Use (D3) Zone with Holding provisions, in By-law No. 05-200, in order to permit a limited number of uses that are considered appropriate for the redevelopment of the subject property, with the intent of maintaining the existing heritage building. The proposed uses that will be permitted are: Day Nursery, Dwelling Unit(s), Financial Establishment, Home Business, Multiple Dwelling, Office, Personal Service, Place of Worship, Restaurant, Retail, Retirement Home and a Studio.

The “Residential” designation within the City of Hamilton Official Plan permits commercial uses on lands less than 0.4 ha, which includes the subject lands, subject to the “Commercial” designation policies of the Official Plan. The proposal would be considered a LOCAL COMMERCIAL development, and thus the intent of this type of development is to serve the local Residential areas only with convenience goods and personal services. As a result, an Official Plan Amendment is necessary to permit a broader range of commercial uses on the subject lands that may draw people from outside the neighbourhood.
Location: 130 Bay Street South (see Appendix “A”)

Owner/Applicant: City of Hamilton (Owner)

Property Description (total rezoned lands):

Frontage: Approximately 38.71 metres (127 ft.) on Bay Street South
Flankage: Approximately 33.6 metres (110.24 ft.) on Hunter Street West
Area: Approximately 0.15 ha (0.36 acres)

EXISTING LAND USE AND ZONING:

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<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tr>
<td>Subject Lands</td>
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<td>South</td>
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<td>East</td>
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<tr>
<td>West</td>
<td>Multiple Dwelling</td>
<td>“E-3” (High Density Multiple Dwellings) District</td>
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ANALYSIS/RATIONALE:

1. The proposal has merit and can be supported for the following reasons:
   (i) It is consistent with the Provincial Policy Statement.
   (ii) It conforms to the Hamilton-Wentworth Official Plan.
   (iii) The proposed amendment will allow for the proposal to conform with the “Residential” designation of the City of Hamilton Official Plan.
   (iv) It will allow development compatible with existing and planned uses in the surrounding area.
SUBJECT: City Initiative for an Official Plan Amendment and Change in Zoning for Lands Located at 130 Bay Street South - St. Mark’s Anglican Church (Hamilton) (PED08128) (Ward 2) - Page 6 of 16

(v) It will allow for the potential adaptive reuse of a historically designated building.

(vi) It is an appropriate redevelopment that will make efficient use of existing services in a downtown neighbourhood.

2. The approval of this application will allow the opportunity for the subject property to be developed in an appropriate manner with uses compatible in type and character with the adjacent neighbourhood and the Downtown Secondary Plan, thereby allowing a limited number of uses that will make use of existing services and promote the preservation of the existing designated heritage building.

3. The proposed zoning provisions will restrict the use of the subject lands to the following uses: Day Nursery, Dwelling Unit(s), Financial Establishment, Home Business, Multiple Dwelling, Office, Personal Service, Place of Worship, Restaurant, Retail, Retirement Home and a Studio, which are considered to be compatible with the existing uses in the surrounding area. Along with these uses, the proposed Draft By-law (see Appendix “C”) also contains some site-specific provisions that relate to the preservation of the historical nature of the site. In this regard, the proposed By-law:

- Only permits new building construction that is setback 21 metres from Bay Street South. The preference would be that the significant portion of the historical façade would remain and be visible from both Bay and Hunter Streets. The setback will provide appropriate visibility to the existing building and maintain some openness to the site.

- Permits a maximum building height of 22.0 metres for any new buildings or structures. The parent Downtown Mixed Use (D3) Zone does not recognize a specific height for the subject property as it is located outside of the Downtown Area originally zoned for which heights were regulated by Figure 1: Maximum Building Height on Schedule “F” to By-law 05-200. The height restriction is more in keeping with the character of the site and the existing historical building.

- The parent Downtown Mixed Use (D3) Zone requires a minimum ground floor façade to be equal to 75% or more of the measurement of the front lot line for any new building. Since any new construction must be setback 21 metres from Bay Street South in order to preserve the visibility of the façade of the existing building, only +/- 30% of the front lot line along Hunter Street West could be met and, therefore, this provision has been excluded for this site.

- Limits non-residential uses to the existing building and only within the ground floor of any new construction. To allow for the adaptive reuse of the designated heritage building, all uses are permitted within the existing
For any new construction, the commercial uses will be restricted to the ground floor with residential permitted above, in order to be more in keeping with the surrounding residential neighbourhood.

These provisions will permit the addition of a 6-story structure on the west side of the property adjacent to the existing Church. Should an addition be constructed, the additional gross floor area that will be added to the site will be between 2,000m$^2$ and 2,500m$^2$. The provision of parking for any of the proposed uses shall be required to conform to Zoning By-law 05-200.

Therefore, as these site-specific zoning provisions allow for the appropriate development of the subject site to preserve the existing building and character of the property, and ensure that the scale of development will reflect the surrounding neighbourhood, including the adjacent Downtown Secondary Planning area, these provisions can be supported.

4. The “Residential” designation within the City of Hamilton Official Plan permits commercial uses on lands less than 0.4 ha, which includes the subject lands, subject to the “Commercial” designation policies of the Official Plan. The proposal would be considered a LOCAL COMMERCIAL development, and thus, the intent of this policy/designation is to serve the local Residential areas only with convenience goods and personal services. As a result, an Official Plan Amendment is necessary to permit a broader range of commercial uses on the subject lands that may draw people from outside the neighbourhood. Of the permitted uses, the following uses are seen to have the potential to draw people from outside the local residential neighbourhood: Financial Establishment, Office and Studio.

The additional uses are compatible with the surrounding neighbourhood, provide additional opportunity for adaptive reuse of the existing designated heritage building, and generally could provide uses supportive of the Downtown area. It should also be noted that the commercial uses will be limited to only the ground floor in order to be compatible with the surrounding residential uses, thus not permitting a new 6-storey office building that may be better located towards the Downtown or along Main and King Streets.

5. Through the pre-circulation process, and even prior to initiating this rezoning application, City staff consulted with both the Municipal Heritage Committee and the Durand Neighbourhood Association on various occasions in order to generate feedback and input on the existing structures, as well as the proposed uses to be permitted on the site. These consultations were in accordance to Council direction, as noted in the Background Section of this report, and valuable to gain insight to the history of the site, as well as recognizing some competing priorities. Staff also received comments via mail, email and phone for this initiative from property owners and the Durand Neighbourhood Association as
part of the pre-circulation of the application. These consultations generated the views of preservation of the existing designated building and green space protection. It was perceived that since the City purchased the property in 1994 with parkland funds, this site should remain as the currently zoned (Conservation, Open Space, Park and Recreation) District, Modified, in order to preserve the building and the green space. It is recognized by staff that the Durand Neighbourhood has an existing parkland deficiency of 7.22 ha based on current City standards. However, it should be noted that the site is not designated as a Park within the Approved Durand Neighbourhood Plan.

The direction from Council was to rezone the property to find additional uses to increase the value of the land for public tender. As noted, the development of the new zoning has taken into account the opportunities to preserve the building. With respect to the open space issue, the disposition of the land to a private interest, as per Council direction, would need to be for the entire property, thus eliminating the potential for retention of any public green space. The proposed building setbacks for any new construction (i.e. 21.0m from Bay Street) will maintain some sense of openness on the site.

6. Should this rezoning be approved, it should be noted that any development on the site will be subject to a heritage permit as the entire site is Designated. Also, it would be subject to the formal Site Plan process that will address site design, stormwater management, servicing, landscaping, tree management, access, etc.

7. The subject property meets the Ministry of Culture’s criteria for determining archaeological potential and, therefore, an (H) Holding provision should be applied to ensure that an archaeological assessment of the subject property is completed and approved by the Director of Planning and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements. However, since the proposed development is unknown, and should the eventual purchaser only pursue the use of the existing building, with no additional soil disturbance; the various permitted uses will be permitted within the existing building while the lands are under the (H) Holding provision. Should any portion of the property be redeveloped or disturbed for the expansion of the existing building, as permitted and limited by this By-law, the (H) Holding provision can only be lifted through the submission of an Archaeological Assessment.

8. The subject property is in close proximity to the below grade Canadian Pacific (CP) rail line located under Hunter Street and, therefore, an (H) Holding provision should be applied to ensure that a noise and vibration study be conducted should the site be developed for a “Sensitive Land Use”, as defined by the Provincial Policy Statement and the Ministry of the Environment Procedure D-1-3. Therefore, the uses permitted within the existing structure, or within an expansion
of the existing building, while zoned with the (H) Holding provision, are: Financial Establishment, Office, Personal Service, Restaurant, Retail or a Studio. Whereas, a Day Nursery, Dwelling Unit(s), Multiple Dwelling, Place of Worship, or a Retirement Home are all “Sensitive Land Uses” and will require a noise and vibration study, prior to any change in use.

**ALTERNATIVES FOR CONSIDERATION:**

In the event Council does not support the proposed modification in zoning, the lands will be subject to the existing regulations in the “A/S-1443” (Conservation, Open Space, Park and Recreation) District, Modified, in By-law No. 6593, which would only permit: a place of worship within the existing building; offices for outreach programs accessory to a place of worship, including counselling programs but excluding overnight accommodations, within the existing building; and/or public open space. Attempts for sale of the lands under the current zoning have not been successful in the past.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

- **Financial** - The net proceeds of the sale of these lands will be deposited in the Parkland Fund.
- **Staffing** - N/A.
- **Legal** - As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for an Official Plan Amendment and Zoning By-law Amendment.

**POLICIES AFFECTING PROPOSAL:**

**Provincial Policy Statement**

The Provincial Policy Statement (PPS) provides policy direction of provincial interest related to land use planning and development. The Planning Act requires that, in exercising any authority that affects planning matters, planning authorities shall be consistent with policy statements issued under the Act.

As the nature of the application is for a change in zoning to a modified Downtown Mixed Use (D3) Zone with a limited number of uses within a settlement area, the proposal is consistent with the policies of the Provincial Policy Statement.

However, Policy 2.6.2 outlines that development and site alteration may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintains the
heritage integrity of the site may be permitted. Therefore, Condition 1.b) below will address this concern.

Lastly, Policy 1.7.1(e) outlines that long term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries and aggregate activities) and sensitive land uses are appropriately designed, buffered and separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety. Due to the proximity of the subject lands to the buried Canadian Pacific (CP) rail line, Condition 1.a) below will address this concern.

Conditions:

1. That the subject lands be placed under a “Holding” Provision, subject to the following conditions:

a) That the owner/applicant shall investigate the noise and vibration levels from the adjacent CP Rail and determine the noise and vibration control measures that are required to satisfy the City of Hamilton in meeting the Ministry of the Environment’s guidelines, where a day nursery, dwelling unit(s), multiple dwelling, place of worship or Retirement Home use is proposed for the property. An acoustical report, prepared by a qualified Professional Engineer containing the recommended control measures, shall be submitted to the satisfaction of the City of Hamilton, Director of Planning.

b) That the owner/applicant shall conduct an archaeological assessment of the entire development property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading or soil disturbances shall take place on the subject property prior to the approval of the Director of Planning, and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

Hamilton-Wentworth Official Plan

The subject lands are designated “Urban” in the Hamilton-Wentworth Official Plan. Policy C-3.1 outlines that 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. Urban Areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.

Additionally, Policy B-9.2 states that the City shall consider the protection and preservation of regionally significant historical and cultural resources, including recognized archaeological sites, in the review of a proposal for development and
redevelopment. Where possible, these attributes will be incorporated into the overall design in a manner which minimizes adverse impacts and encourages maintenance and protection. Therefore, as stated above, this rezoning application will be placed under an ‘H’ Holding Provision, subject to an archaeological assessment prior the disturbance of any soil on the site.

As the nature of the application is for a change in zoning to a modified Downtown Mixed Use (D3) Zone with a limited number of uses that are considered appropriate for the redevelopment of the subject property, and where full municipal services are available, the proposal conforms with the policies of the Hamilton-Wentworth Official Plan.

City of Hamilton Official Plan

The subject property is designated “Residential” on Schedule “A” - Land Use Concept to the Official Plan. This designation permits “Residential” and “Local Commercial” development that primarily serves the daily retail needs of the surrounding residents. However, this “Residential” designation is not intended to permit Commercial uses that offer goods and services to persons other than the local residential occupants. Therefore, a site-specific amendment to the Official Plan is required to add a Financial Establishment, Office and Studio uses. The following policies of the City of Hamilton Official Plan, among others, are applicable to the subject lands:

“A.2.1.1 The primary uses permitted in the areas designated on Schedule “A” as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to locating similar densities of development together.

A.2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and servicing the needs of local residents will be permitted, including, but not limited to:

   ii) Schools, churches and similar institutional uses less than 0.4 hectare in size, in accordance with the provisions for Major Institutional Uses, as set out in Subsection A.2.6 of this Plan.

   iv) Limited individual or groups of commercial uses on sites not exceeding 0.4 hectare in area, excluding Automobile Service Centres, in accordance with the Commercial Policies, as set out in Subsection A.2.2 of this Plan.

A.2.1.6 Where compatible uses are permitted, to preserve the amenities of and support RESIDENTIAL USES in the area, new development will, subject of the Zoning By-law:
SUBJECT: City Initiative for an Official Plan Amendment and Change in Zoning for Lands Located at 130 Bay Street South - St. Mark’s Anglican Church (Hamilton) (PED08128) (Ward 2) - Page 12 of 16

i) Be required to be provided with adequate yards, off-street parking and loading, landscaping, screening, buffering or other such measures as determined by Council; and,

ii) Not provide outside storage or engage in any use of land in a manner having a detrimental impact on the adjacent 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.

A.2.13 Plans for redevelopment will, to the satisfaction of Council, ensure that the RESIDENTIAL character of the area will be maintained or enhanced and that the redevelopment will not burden existing facilities and services.

A.2.2.25 The LOCAL COMMERCIAL category applies to groups of, or individual commercial establishments and local business and professional offices serving the daily retail needs of surrounding residents, and primarily dependent upon pedestrian access.

A.2.2.26 The maximum site areas of any LOCAL COMMERCIAL development will not exceed 0.4 hectare in keeping with the intention that LOCAL COMMERCIAL facilities are to serve local Residential areas only with convenience goods and personal services.

A.2.2.27 It is not the intent of Council that the LOCAL COMMERCIAL category be included within the Commercial classification indicated on Schedule “A” to this Plan. Rather, it is the intent of Council that LOCAL COMMERCIAL uses may be permitted within the Residential designation of land use indicated on Schedule “A”, subject to a specific application for an appropriate amendment to the Zoning By-law and without the necessity of amending this Plan. The location of LOCAL COMMERCIAL uses will be designated by Neighbourhood Plans."

Based on the foregoing, the proposal is consistent with the “RESIDENTIAL” policies of the Hamilton Official Plan, as amended. The proposed Official Plan Amendment will allow for additional commercial development on the subject lands that is compatible with surrounding residential land uses.
Durand Neighbourhood Plan

The subject property is designated as “Civic & Institutional” in the approved Durand Neighbourhood Plan. The proposal for several commercial and residential uses does not meet the general intent of the Neighbourhood Plan designation and an amendment is required to redesignate the lands from “Civic & Institutional” to “Commercial & Apartments”.

Although there are no specific policies under the “Civic & Institutional” designation of this neighbourhood plan, the following policies, among others, within this document are applicable:

“2.1.O4.P2 Adaptive re-use of existing buildings will be encouraged especially if the building is deemed of historical or architectural significance, contributes to the streetscape, or if the new use is providing a service or use not currently available in the area, such as short-term lodging homes, bed and breakfast establishments, neighbourhood pub, or family accommodation.”

Furthermore, the Urban Design Policies of this plan, among others, are also applicable to the subject lands:

“4.1.A3 City Council, through LACAC and/or Planning or other relevant departments, will use the following mechanisms to prevent destruction of buildings and areas of historic and architectural importance:

- demolition control
- modification of zoning standards
- allowance of uses in the zoning which would help preserve the building”

Therefore, since this rezoning will provide the opportunity to preserve the designated heritage building, this proposal conforms to this designation.

RELEVANT CONSULTATION:

The following Departments and Agencies had no comments or objections:

- Strategic Planning Section, Capital Planning and Implementation Division, Public Works Department.
- Environmental Planning Section, Capital Planning and Implementation Division, Public Works Department.
- Culture and Recreation Division, Community Services Department.
Horizon Utilities

Horizon Utilities stated that any relocation, modification, or removal of any existing hydro facilities shall be at the owner’s expense, and Horizon Utilities should be contacted to facilitate this.

Water and Wastewater Treatment Division, Public Works Department

The Water and Wastewater Treatment Division has noted that there are existing watermains on Hunter Street West and on Bay Street South which could be accessed for water supply to the subject property. However, the hydraulics of the existing watermains are substandard and may not provide adequate service in the near term. Replacement watermains have been recommended on both Hunter Street West and Bay Street South, abutting this property. Hunter Street West is scheduled for 2009 construction, Bay Street, south of Hunter for 2020 construction, and Bay Street, north of Hunter, has been recommended but not yet scheduled in the Capital Budget. In subsequent meetings with Public Works, there appears to be adequate services. However, at a further development stage, the applicant/owner will be required to provide the appropriate servicing plans and studies that would confirm the adequacy of services.

Traffic Engineering and Operations Section, Operations and Maintenance Division, Public Works Department

The Traffic Engineering and Operations Section has identified that on-street bike lanes may be proposed for Hunter Street.

Hamilton Street Railway (HSR)

HSR operates various bus routes within this area with no planned changes in service. Street orientation and pedestrian entrances are important. Direct short walking distances between dwellings and transit service are preferable. HSR supports the inclusion of high quality pedestrian amenities at this development like walkways, lighting etc. These are appreciated by transit customers and are especially handy for those using personal mobility devices. This mix-density development, located within an easy walk of a high frequency bus line, is extremely transit supportive in that it will generate additional passenger revenue without the need to extend routes. Mixed land uses
contribute to a healthy transit operation by accommodating a range of travel options or trip purposes.

**Budgets and Finance Division, Corporate Services Department**

The Budgets and Finance Division has identified that the owner of these lands should be aware of an annual alleyway local improvement charge, in the amount of $231.08 that is collected through the property taxes. This charge will be collected until December 31, 2012.

**Open Space Development and Park Planning Section, Public Works Department**

There is an existing parkland deficiency of 7.22 ha in the Durand Neighbourhood. The Planning and Economic Development Department should continue to investigate potential sites for acquisition and conversion to parkland to reduce this deficit, and furthermore, they should rank the priority of the Durand needs relative to other neighbourhood needs in the City.

If the site is developed for housing with on-site parking, there would not be sufficient lands remaining for a public park. We recommend that the net proceeds from any sale of the property be returned to the parkland reserve fund.

**Public Consultation**

In accordance with the Council approved Public Participation Policy, the City Initiative for a Change in Zoning was pre-circulated to all property owners (a total of 1,376) within 120 metres of the subject lands. A preliminary circulation was not required for the City Initiated Official Plan Amendment because, in the opinion of the City’s Manager of Development Planning, in consultation with the Ward Councillor, it was determined that the preliminary circulation of the Official Plan Amendment application would have minimal purpose or benefit in that the need for the Official Plan Amendment was identified after the initial pre-circulation had occurred. In addition, a Public Notice sign was placed on the subject lands. To date, staff has met with the Municipal Heritage Committee, and twice with the Durand Neighbourhood Association, and has received a total of one response from one household, one petition signed by 21 residents, as well as receiving written correspondence from the Durand Neighbourhood Association (see Appendix “E”), which have all been addressed in the Analysis/Rationale Section of this Report. Notice of the Public Meeting was provided in accordance with the Planning Act.
CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No

The public are involved in the definition and development of local solutions.

Environmental Well-Being is enhanced. ☑ Yes ☐ No

Existing services will be used as part of this development.

Economic Well-Being is enhanced. ☑ Yes ☐ No

Investment in Hamilton is enhanced and supported.

Does the option you are recommending create value across all three bottom lines?

☑ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants?

☐ Yes ☑ No

:TH/AF
Attaches. (5)
The purpose of the proposed Official Plan Amendment is to modify the "Residential" Official Plan designation to permit a Financial Establishment, Office and Studio within this designation.

The purpose of the proposed Zoning By-law Amendment is to change the zoning of the subject lands from the "A/S-1443" (Conservation, Open Space, Park and Recreation) District, Modified in By-law No. 6593 to the Downtown Mixed Use (D3) Zone, Modified in By-law No. 05-200, in order to permit a limited number of uses that are considered appropriate for the redevelopment of the subject property, with the intent of maintaining the existing heritage building.
Amendment No. to the

Official Plan for the former City of Hamilton

The following text, together with Schedule “A” (Schedule “B” - Special Policy Areas, City of Hamilton Official Plan) and Schedule “B” (Schedule “B-1” - Other Special Policy Areas, City of Hamilton Official Plan) attached hereto, constitutes Official Plan Amendment No. to the City of Hamilton Official Plan.

Purpose:

The purpose of this Amendment is to permit additional commercial uses within the “Residential” designation for lands located at 130 Bay Street South, in order to permit a Financial Establishment, Office and Studio use.

Location:

The lands affected by this Amendment are known municipally as 130 Bay Street South within the Durand Neighbourhood.

Basis:

The intent of the Amendment is to permit the following additional commercial uses: Financial Establishment, Office and a Studio. The basis for the redesignation is as follows:

- It is consistent with the Provincial Policy Statement, and conforms to the policies of the former Region of Hamilton-Wentworth Official Plan;
- It will allow development compatible with existing and planned uses in the surrounding area; and,
- It will allow for an appropriate redevelopment within an existing historic building that will make efficient use of existing services in a downtown neighbourhood.

Actual Changes:

1. Schedule “B” - Special Policy Areas - be revised by identifying the subject lands within the legend, as Special Policy Area, as shown on the attached Schedule “A” of this Amendment.

2. Schedule “B-1” - Special Policy Areas - be revised by identifying the subject lands as Special Policy Area, as shown on the attached Schedule “B” of this Amendment.

3. The following new policy be added to Subsection A.2.9.3. - Other Policy Areas as
Policy A.2.9.3.:

“In addition to the permitted uses set out in Subsection A.2.1 - RESIDENTIAL USES for those lands shown on Schedule “B-1” as SPECIAL POLICY AREA , and located at 130 Bay Street South, Financial Establishment, Office and Studio uses will be permitted.”

Implementation:

An implementing Zoning By-law Amendment will give effect to the intended use on the subject lands.

This is Schedule "1" to By-law No. 08-_____, passed on the day of , 2008.

The City of Hamilton

____________________________________  ______________________________________
Fred Eisenberger                        Kevin C. Christenson
Mayor                                 Clerk
Appendix "B" to Report PED08128

For other Special Policy Areas numbers, refer to Schedules: B-1, B-2, and B-3.

Special Policy Areas List to be amended to include Area A, refer to Policy D.1.

Schedule A
DRAFT Amendment No. _
To the Official Plan
for the
former City of Hamilton

Legend

Appendix "B" to Report PED08128
Page 3 of 4
CITY OF HAMILTON

BY-LAW NO. 05-200
To Amend Zoning By-law No. 05-200
Respecting Lands Located at 130 Bay Street South
(St. Mark’s Church)

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999, S.O. 1999, Chap. 14;

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law 05-200;

AND WHEREAS it is desirable to enact a new Zoning By-law to comprehensively deal with zoning throughout the City;

AND WHEREAS the first stage of the new Zoning By-law, being By-law 05-200, came into force on May 25, 2005;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 08- of Report 08- of the Economic Development and Planning Committee at its meeting held on the day of June, 2008, recommended that Zoning By-law No. 05-200 be amended as hereinafter provided;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Schedule “A” of By-law 05-200 be amended to include additional zone boundaries to Map No. 952, as shown on Schedule “A” to this By-law.

2. That Schedule “C” of By-law 05-200 is amended by adding an additional special exception as follows:
“10. Within the lands zoned Downtown Mixed Use (D3) Zone, identified on Map 952 of Schedule “A” and described as 130 Bay Street South, the following special provisions shall apply:

a) Notwithstanding Section 6.3.1 of this By-law, only the following uses shall be permitted:

Day Nursery  
Dwelling Unit(s)  
Financial Establishment  
Home Business  
Multiple Dwelling  
Office  
Personal Service  
Place of Worship  
Restaurant  
Retirement Home  
Retail  
Studio

b) That the following uses shall not be permitted above the ground floor, except within the existing building:

Day Nursery  
Financial Establishment  
Office  
Personal Service  
Place of Worship  
Restaurant  
Retail  
Studio

c) Notwithstanding Section 6.3.3 of this By-law, the Maximum Capacity for a Retirement Home shall not exceed 50 residents.
d) In addition to Section 6.3.3 a) of this By-law, no new building or structure shall be constructed within 21 metres of the east property line (Bay Street South).

e) Notwithstanding Section 6.3.3 b) of this By-law, the maximum building height for a new building or structure shall be 22.0 metres.

f) That Section 6.3.3 c) ii) of this By-law shall not apply."

3. That Schedule “D” of By-law 05-200 is amended by adding additional Holding provisions as follows:

“1. Notwithstanding Section 6.3 and Special Exception No. 10 of this By-law, on these lands zoned D3, on Schedule 952 of Schedule “A”, known as 130 Bay Street South (Hamilton), no site alteration shall be permitted until an Archeological Assessment of the subject property is completed and approved by the Director of Planning and the Minister of Culture confirming that all archeological resource concerns have met licensing and resource conversation requirements.

2. Notwithstanding Section 6.3 and Special Exception No. 10 of this By-law, on these lands zoned D3, on Schedule 952 of Schedule “A”, known as 130 Bay Street South (Hamilton), the following uses shall not be permitted until such time as an acoustical and vibration report is prepared by a qualified Professional Engineer, containing the recommended control measures to meet the Ministry of Environment Guidelines, and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning:

   Day Nursery
   Dwelling Unit(s)
   Multiple Dwelling
   Place of Worship
   Retirement Home”

4. The Clerk is authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.
5. This By-law No. shall come into force and be deemed to come into force in accordance with Subsection 34(21) of the Planning Act, either upon the date of passage of this By-law or as otherwise provided by the said Subsection.

PASSED and ENACTED this day of , 2008.

______________________________   ________________________________
Fred Eisenberger                     Kevin C. Christenson
Mayor                               Clerk

CI-08-D
Appendix “C” to Report PED08128
Page 5 of 5

This is Schedule "A" to By-Law No. 08.
Passed the .......... day of .................., 2008

Schedule "A"

Map Forming Part of
By-Law No. 08-_____

to Amend By-law No.05-200
(Map 952)

Subject Property
130 Bay Street South

Lands to be zoned Holding Downtown
Mixed Use (H-D3-10) Zone.
CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Development and Real Estate Division
&
PUBLIC WORKS DEPARTMENT
Capital Planning & Implementation

Report to: Chair and Members
Economic Development
& Planning Committee

Submitted by: Lee Ann Coveyduck
General Manager
Planning and Economic
Development Department

Scott Stewart, C.E.T.
General Manager
Public Works Department

Date: March 1, 2007
File: 2005 072
Prepared by: Bill Farkas
(905) 546-2424, Ext. 7019
Gerry Davis
(905) 546-2424, Ext. 4621

SUBJECT: St. Mark’s Church Feasibility Study (PED07111 / PW07037) – (City Wide)

RECOMMENDATION:

(a) That the findings of the Feasibility Study, dated February 6, 2007, entitled St. Mark’s Church – Community Services Feasibility Study Findings, attached as Appendix “A” to Report PED07111 / PW07037, be received.

(b) That St. Mark’s Church no longer be considered as a viable alternative to accommodate the Community Services Department.

(c) That St. Mark’s Church be declared surplus to the requirements of the City of Hamilton in accordance with the “Procedural By-law for the Sale of Land”, being By-law No. 04-299.

(d) That the Development and Real Estate Division of the Planning and Economic Development Department investigate the highest and best use and potential for increased value through rezoning to allow additional permitted uses prior to disposal of the subject site. Such additional uses will be compatible with the
SUBJECT: St. Mark’s Church – Feasibility Study (PED07111 / PW07037) - (City Wide) - Page 2 of 6

surrounding land uses and the Department shall consult with the neighbourhood on any zoning proposal prior to consideration by Committee and Council.

(e) That subsequent to completing the rezoning process, the Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to tender the sale of St. Mark’s Church through the issuance of a Request for Proposal, located at 130 Bay Street South, pursuant to the “Procedural By-law for the Sale of Land”, being By-law No. 04-299.

(f) That if no interest has been expressed for the subject property through the issuance of the Request for Proposal, that staff report back to Council on the future disposition of the site.

(g) That this Report be forwarded to the Municipal Heritage Committee for information.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

Scott Stewart, C.E.T.
General Manager
Public Works Department

EXECUTIVE SUMMARY:

This report presents the results of the feasibility study to accommodate the Community Services Department at St. Mark’s Church. To complete the feasibility study, a team of City staff and specialist consultants were assembled to coordinate and develop various engineering studies to provide an accurate assessment of the facility and site for possible expansion.

The technical results of the St. Mark’s Church feasibility study are outlined in the report dated February 6, 2007, entitled St. Mark’s Church – Community Services Feasibility. A brief summary of the findings from this report has been provided in Appendix “A”. The report describes that an order of magnitude capital expenditure cost of $11.7million has been estimated to renovate the existing St. Mark’s Church building and construct a 26,000 ft² expansion to accommodate the 148 staff and programme functions of the Community Services Department.

Appendix “B” to Report PED07000/PED07000 presents a financial analysis of the total anticipated cash outlays over a 40-year period should the Community Services Department be accommodated at St. Mark’s Church compared to accommodating the Community Services Department in other leased facilities. Based on the results presented in Appendix “B”, staff recommends that St. Mark’s Church no longer be considered as a viable alternative to accommodate the Community Services Department.
SUBJECT: St. Mark's Church – Feasibility Study (PED07111 / PW07037) - (City Wide) - Page 3 of 6

Staff is further recommending that one last attempt be made following the completion of a re-zoning process to issue a Request for Proposal (RFP) for the adaptive re-use of St. Mark’s Church.

BACKGROUND:

The Community Services Department has approximately 148 employees who are currently accommodated in leased facilities and City Hall. The current leases will expire in 2007. On September 27, 2006, Council directed staff to investigate options to accommodate the Community Services Department, stating “that investigation to include priority consideration for this accommodation as part of an adaptive re-use of a prominent or architecturally significant building on City-owned brownfield properties in the core area as well as exploring St. Mark’s Church.” Council identified $6 million in funding priority for this work in the 2006 Budget priorities. These monies have not been provided for in the draft 2007 capital budget priorities on the basis of the feasibility study finds referenced in this report. In addition to presenting the results of the St. Mark’s Church feasibility study, this report provides staff advice on taking the necessary steps to invest in examining the highest and best use for the site and, having the lands re-zoned to appropriate, compatible uses to facilitate a more successful disposal process and, to promote the City objectives for the rehabilitation, redevelopment, conservation and adaptive re-use of St. Mark’s Church through the issuance of an RFP.

The former St. Mark’s Anglican Church at 130 Bay Street South, Hamilton, was closed in 1989 and, subsequently, acquired by the City of Hamilton in 1994. The acquisition was made in an effort to conserve the church and to provide for open space in the Durand Neighbourhood. The property (including the 1877 sanctuary, the 1925 Sunday School and the landscaped grounds) was designated in 1995 under Part IV of the Ontario Heritage Act. Despite calls for tenders for adaptive re-use, the church has remained vacant and in municipal ownership. In 2000, the City (in response to a development proposal) approved a change in zoning from E3 (high density multiple dwellings) to modified “A” (conservation, open space, park and recreation), which allows for open space and a place of worship, within the existing building only, however, no new ownership resulted.

In 2004, the Corporate Management Team requested that the Planning and Economic Development Department prepare a development analysis for the property in order to facilitate the sale, since internal circulation had failed to identify a viable use (attached as Appendix “C” to Report PED07111 / PW07037). Various site configurations were developed at that time including: development of the property as a local area park; retention of the existing building; or redeveloping the entire site through demolition of the existing heritage building.

Upon staff completing its due diligence including obtaining all necessary planning approvals, staff is of the opinion that the issuance of the RFP will eliminate the uncertainty and potential risks faced by prospective purchasers. By eliminating these potential risks, proponents may be more desirous in acquiring the lands on an “as is” “where is” basis knowing that development/re-development can occur within a timely manner.
SUBJECT: St. Mark’s Church – Feasibility Study (PED07111 / PW07037) - (City Wide) - Page 4 of 6

In the event that no interest has been expressed for the subject property through the issuance of the Request for Proposal, staff will report back to Council on the disposition of the property including its potential use as active park space and further advice on any re-zoning issues that may be warranted.

**ANALYSIS/RATIONALE:**

The existing St. Mark’s Church building is a designated heritage building that was constructed in 1877. The building is a single storey masonry building with a floor area of approximately 4,600 ft². The Sunday School portion of the building has required internal and external structural bracing for several years. Although the existing building has been vacant for more than 5 years, the structural engineering analysis undertaken for this study has deemed the building structure as stable, but requiring significant rehabilitation and remedial repairs for the purposes of retrofitting for City office accommodation.

A Project Team consisting of City staff and specialist consultants was assembled to carry out the St. Mark’s Church feasibility study. After consultation with the Community Services Department representatives, the Project Team determined that the department consists of 148 City employees and they need to be accommodated in 35,000 gross ft² of space.

The Project Team engaged specialist consultants to investigate the feasibility of renovating and expanding the existing building to create 35,000 ft² of office space to accommodate the Community Services Department. The technical results of the St. Mark’s Church feasibility study are summarized in a report dated February 6, 2007, entitled St. Mark’s Church – Community Services Feasibility. A summary of the results are provided in Appendix “A”.

The report findings suggest that the existing St. Mark’s Church building will require selective demolition and extensive structural alterations to accommodate future City staff functions. The renovation work would be carried out with consideration of the municipal designation of the building under the Ontario Heritage Act. A new office building expansion of about 26,000 ft² would be constructed and connected to the existing church building to provide the 35,000 ft² required to accommodate the Community Services Department. Due to site constraints, parking will not be available on site. Handicapped parking accessibility would be provided at the street level and all other parking access would be off-site, likely available at the City Hall property.

An order of magnitude cost of $11.7 million has been estimated to renovate the existing St. Mark’s Church and build the 26,000 ft² expansion. Appendix “B” presents a financial analysis of the total anticipated cash outlays over a 40-year period should the Community Services Department be accommodated at St. Mark’s Church.
SUBJECT: St. Mark’s Church – Feasibility Study (PED07111 / PW07037) - (City Wide) - Page 5 of 6

ALTERNATIVES FOR CONSIDERATION:

The scope of the study described herein was to investigate the feasibility of accommodating the Community Services Department at St. Mark’s Church. No other accommodation alternatives were considered at this time. Further consideration could be given to accommodating another use in this facility as the structural engineering analysis concluded that the building was a feasible candidate for renovation and redevelopment.

To compare the financial feasibility of accommodating the Community Services Department at St. Mark’s Church, a financial analysis of the total anticipated cash outlays over a 40-year period of continuing to accommodate the Community Services Department in downtown leased facilities was carried out. The results of this financial analysis are presented in Appendix “B”.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial: The results presented in Appendix “B” suggest that anticipated cash outlays over a 40-year period resulting from the renovation/construction of 35,000 ft² and accommodating the Community Services Department at the existing St. Mark’s Church site, is higher than the costs to continue to accommodate the same department in leased facilities. Based on financial considerations, staff recommends that St. Mark’s Church no longer be considered as a viable alternative to accommodate the Community Services Department.

Staffing: Should the Community Services Department be accommodated at St. Mark’s Church, the City will need to address parking requirements for the 143 staff who will be accommodated at this location, as there will not be parking available on site. It is assumed that the City will operate and maintain the facility using existing operations staff from City Hall.

Legal: There are no known legal implications.

POLICIES AFFECTING PROPOSAL:

The former City of Hamilton OP states that: it is the intent of Council to encourage the preservation, maintenance, reconstruction, restoration and management of property that is considered to have historic, architectural or aesthetic value (Section 6.1). The retention of St. Mark’s Church as part of a redevelopment would fulfill these policies.

RELEVANT CONSULTATION:

The Project Team consisted of representatives from Capital Planning and Implementation, Finance and Corporate Services, Community Planning and Design (Heritage and Urban Design), Real Estate, Community Services and Planning Engineering and technical reports were provided by MHPM Project Managers Inc., Morrison Hershfield, Jokinen Engineering Services and Amec Earth and Environmental.
SUBJECT: St. Mark’s Church – Feasibility Study (PED07111 / PW07037) - (City Wide) - Page 6 of 6

CITY STRATEGIC COMMITMENT:

The approval of the recommendations herein endorses many of the principles and policies of the City’s Vision 2020 as well as the City’s Strategic goal of a “City of Growth and Opportunity”. The redevelopment and adaptive re-use of the St. Mark’s Church is considered to relate directly to the goals of a sustainable community envisioned by Vision 2020 and the City’s focus of Downtown revitalization as part of its economic development clusters.

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☐ Yes ☐ No
The sale and development opportunities contribute to the strategic goal of a City of Growth and Opportunity.

Environmental Well-Being is enhanced. ☐ Yes ☐ No
The initiative contributes to the strategic goal to encourage development which makes efficient and economical use of infrastructure and services.

Economic Well-Being is enhanced. ☐ Yes ☐ No
Investment in Hamilton is enhanced and supported.

Does the option you are recommending create value across all three bottom lines?
 ☐ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☐ Yes ☐ No

GD/BF
Attachments: (3)


COMMUNITY SERVICES FEASIBILITY STUDY FINDINGS

The following is a brief description of the scope of work and related cost and schedule impacts related to accommodate the 148 staff from the Community Services Department at St. Mark’s Church. A detailed outline has been provided in the St. Mark’s Church Community Services Feasibility Study, prepared by MDPM Project Managers Inc., dated February 6, 2007.

Description

Implement necessary rehabilitation and renovation works to the existing St. Mark’s Church Building and the construction of a new building expansion of approximately 26,000 ft² to accommodate a total of 35,000 ft².

Scope of Work

Extensive rehabilitation, renovation and site development works to the existing church building would be required. This includes underpinning the foundations, which would result in a functional full-height basement, modifications to the first floor for public use, inserting a new mezzanine above the existing first floor for office use, as well as creating a two-storey atrium at the front of the church building, which faces onto Bay Street. The existing Sunday School would be demolished and replaced by a new building expansion.

The proposed new building expansion would be a four-storey building built perpendicular to the existing church in the existing park area adjacent to Hunter Street West. The new building expansion would have a full lower level or basement covering the whole area below the first floor subject to acceptance by the City. Alternatively a five-storey building would be required. Future studies would be required to determine the structural configuration of the building.

There would be no on-site parking allowed and an agreement would have to be reached with the City for the provision of handicapped parking along the road adjacent to the building. Similarly, a delivery bay for building maintenance and office supplies would be provided on Hunter Street subject to City approval.

Estimated Cost:

- Gross Floor Area: 35,000 ft²
- Cost per ft²: $3.167/ft²
- Construction Cost: $9,340,000

(Refer to Analysis Summary in Figure 1)

Total Project Cost: $11,675,000 ($9,340,000 plus 25% soft cost, contingencies etc)

Project Schedule: Project delivery would take approximately 36 months.

FIGURE 1 - ANALYSIS SUMMARY

<table>
<thead>
<tr>
<th>Description</th>
<th>Work Detail</th>
<th>Total sq.ft.</th>
<th>Cost/per sq.ft</th>
<th>Construction Cost</th>
<th>Total Cost (+ 25%)*</th>
<th>Comments/Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carry out necessary rehabilitation &amp; construction of a new building to accommodate 35,000 ft²</td>
<td>Rehabilitation &amp; renovation&lt;br&gt;Underpin foundation, create basement&lt;br&gt;Add second floor mezzanine in church</td>
<td>9,000</td>
<td>$200</td>
<td>$1,800,000</td>
<td>$2,250,000</td>
<td>Regulatory/City approvals required</td>
</tr>
<tr>
<td></td>
<td>Demolish Sunday School&lt;br&gt;Construct new building and site services</td>
<td>26,000</td>
<td>$250</td>
<td>$7,540,000</td>
<td>$9,425,000</td>
<td>Regulatory/City approvals required</td>
</tr>
<tr>
<td>Subtotal</td>
<td></td>
<td></td>
<td></td>
<td>$9,340,000</td>
<td>$11,675,000</td>
<td></td>
</tr>
</tbody>
</table>
### Community Services Feasibility Study

#### Appendix B to Report PED07111/PW07337, Page 1 of 1

**Assumptions and Cost Data Used for Analysis**

<table>
<thead>
<tr>
<th>Description</th>
<th>Renovate St. Mark’s Church Option 1</th>
<th>Continue to Lease Option 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carry out necessary rehabilitation &amp; refitting of existing church and construct a new building to accommodate 35,000 sf.</td>
<td>Continue to lease 35,000 sf at other downtown locations.</td>
<td></td>
</tr>
<tr>
<td>Lease costs</td>
<td>No lease costs</td>
<td>Initial lease costs are 35,000 sf @ $200 psf and the increase is at 3% per annum</td>
</tr>
<tr>
<td>Operating costs</td>
<td>Initial Year 1 operating costs are 35,000 sf @ $500 per year and increase at 3% per annum</td>
<td>Operating costs are 32,000 sf @ $160 and increase at 3% per annum</td>
</tr>
</tbody>
</table>

**Efficiency Savings**
- Annual savings by accommodating staff in 1 location
- Assumed to reduce annual costs by $760,000 per annum

**Building Costs**
- Total capital cost of $11,775,000 to renovate St. Mark’s Church and construct new office expansion.
- Facility renewal costs are 1.5% of building costs per annum.

**Residual Value**
- Residual value of building and lease improvements is assumed to be zero after 45 years.

**Capital Costs**

<table>
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<tr>
<th>Interest Rate</th>
<th>5.50%</th>
<th>5.50%</th>
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<tr>
<td>Amortization period</td>
<td>25 years</td>
<td>25 years</td>
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<tr>
<td>Building Costs</td>
<td>$11,775,000</td>
<td>$1,050,000</td>
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<tr>
<td>Lease Breaks</td>
<td>$0</td>
<td>$0</td>
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<tr>
<td>Total 2010 Capital Cost</td>
<td>$11,775,000</td>
<td>$1,050,000</td>
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<tr>
<td>Total 2020 Capital Cost</td>
<td>$11,775,000</td>
<td>$1,050,000</td>
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</table>

**Debt Charges**
- Annual Debt Charges @ Total Capital Costs

<table>
<thead>
<tr>
<th>Year</th>
<th>2010 Debit Charge</th>
<th>2011 Debit Charge</th>
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</thead>
<tbody>
<tr>
<td>2010</td>
<td>$770,000</td>
<td>$782,770</td>
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<td>2011</td>
<td>$782,770</td>
<td>$797,227</td>
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</table>

**Occupancy Costs**
- Operating Costs @ St. Mark’s Annual Facility Operating Costs
- Year 1 Occupancy Costs @ St. Mark’s Annual Facility Operating Costs

<table>
<thead>
<tr>
<th>Year</th>
<th>2010 Occupancy Cost</th>
<th>2011 Occupancy Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>$125,000</td>
<td>$149,518</td>
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<tr>
<td>2011</td>
<td>$149,518</td>
<td>$175,147</td>
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</table>

**Total Occupancy Costs in Year 1**

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Occupancy Cost</th>
<th>Year 1 Debt Charge</th>
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<tbody>
<tr>
<td>2010</td>
<td>$1,541,257</td>
<td>$791,482</td>
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**Cash Outflows and Comparative Net Present Values**

<table>
<thead>
<tr>
<th>Year</th>
<th>Renovate &amp; Expand Option 1</th>
<th>Renovate Existing Option 2</th>
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<tbody>
<tr>
<td>2011</td>
<td>$1,541,901</td>
<td>$791,402</td>
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<tr>
<td>2012</td>
<td>$1,557,901</td>
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<td>2017</td>
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**Net Present Value of Future Cash Outflows**

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**Residual Value**

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**Net Present Value of Future Cash Outflows Less Residual Values**

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**Appendix “D” to Report PED08128**

**Page 8 of 26**
St. Mark’s Anglican Church: Site Potential

City of Hamilton
Long Range Planning & Design
Community Planning and Design
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Appendix A:

St. Mark’s Anglican Church: Site Potential
1.0 INTRODUCTION

In February 2004, CMT requested the Planning and Development Department to prepare a development analysis for a municipally owned property located at 120 Bay Street South, formally known as St. Mark's Anglican Church. The purpose of the development analysis is to establish a variety of feasible development options for the site in order to facilitate the sale of the St. Mark's property for a maximum financial return.

1.1 PURPOSE OF THIS REPORT

The purpose of this report is to examine various development options for the St. Mark's Church property through disposal of the site for an optimal financial return. Included in this report is a discussion on how the St. Mark's property could potentially be developed. This report will review and analyze a variety of development options. Accompanying this report are a series of sketches prepared to illustrate the development options. This report will conclude with a vision statement and a series of objectives, as well as, a variety of feasible land use concepts.

The various site options were developed by assessing local area park needs, the potential for retention of the existing building, and the potential of re-developing the entire site including demolition of the existing building.

1.2 ST. MARK’S ANGLICAN CHURCH BACKGROUND

St. Mark’s Church, located at 120 Bay Street South, was built in 1978 with a Sunday School portion added 1985. On July 28, 1994 City Council approved the purchase of St. Mark’s at a cost of $425,000 for the purposes of OPEN SPACE and PUBLIC USAGE of the facility. Following the acquisition, the former Council of the City of Hamilton approved the designation of 120 Bay Street South under Part IV of the Ontario Heritage Act under by-law 95-13.

Early 1990s Diocese of Niagara made an application for a high-rise development for 120 Bay Street S. The proposal was to build a 10-storey, 48-unit apartment building combined with offices and a chapel in the preserved section of the church. The former city of Hamilton Council denied the application necessary for re-zoning. The application was subsequently approved by the Ontario Municipal Board in September 1990. However, the diocese’s plans for a non-profit housing and office complex fell through.

In September 1994, the City of Hamilton purchased the site at a cost of $425,000. Since 1994, the site has remained vacant and in municipal ownership with no capital restoration undertaken. The structure is slowly deteriorating.

In 1999 the Community Planning Department of the City of Hamilton put out a Request for Proposals (RFP) for the subject property. The RFP resulted in the proposed sale of the site to the Charismatic Episcopal Church. One of the conditions of the property sale was the rezoning of the site from ‘E3’ (High Density Multiple Dwellings) to modified ‘A’ (Conservation, Open Space, Park and Recreation) designation. The zoning change was approved however, the sale of the property did not take place as the church was not in a position to complete the offer to purchase document.
2.0 SITE CONDITIONS AND PLANNING CONTEXT

2.1 EXISTING SITE CONDITIONS

120 Bay Street South has a site area of 0.141 ha and has frontage on both Bay Street South and Hunter Street. Located on the site is a single-storied, redbrick church, built in 1879, and featuring an attached three-storey tower at the northeast corner. A redbrick Sunday School addition is located at the west end.

A landscaped area featuring pathways and a number of ornamental plantings are located in the north-east quadrant of the site.

The west wall of the 1925 Sunday school is currently being supported structurally through rented bracing at an annual cost of $24,000. The structural bracing has been in place since 1996-97. This site has an annual budget requirement to maintain the property. The bracing for the structure being rented by the City, has to date cost the Corporation approximately $150,000.

2.2 ONTARIO HERITAGE ACT, PART IV
DESIGNATION BY LAW

The property is designated by By-law 95-13 under Part IV of the Ontario Heritage Act. Permits are required for any alterations or additions that affect the reasons for Designation contained in the By-law. The By-law provides context on the historical and cultural significance of the St. Mark’s structure. Permit Applications are also required for demolition. In 1971, construction of St. Mark’s Anglican Church began at the southwest corner of Bay Street South and Hunter Street West. By January 1878, the church had its first service. Subsequently, a corner bell tower was erected on its Bay Street facade, and in 1925, the Sunday school was added to the west end of the sanctuary. The grounds in front of St. Mark’s traditionally have been landscaped, creating a park-like setting for the church.

The church and Sunday school together create a single-storey, L-shaped structure with an attached three-storey tower. It is the fifth Anglican church to be erected in Hamilton and the first to be constructed in brick. As originally built in 1879, St. Mark’s was a typical parish church building designed in the vernacular Gothic Revival tradition. Characteristic of this late 19th-century version is the rectangular, one-storey, brick structure with gable roof, buttresses, belfry, and pointed arch windows. St. Mark’s Church is distinguished in the use of brick controlling and sets of triple arch windows which formerly contained stained glass. A bell tower, built later, adds a strong architectural feature to the east facade, while the gothic Sunday school and entrance porch of 1925 blend harmoniously with the original design of the church.

2.3 EXISTING ZONING PROVISIONS

The subject site is zoned “A” (Conservation, Open Space, Parks and Recreation) District, modified under the City of Hamilton By-law No. 6693. Only the following uses are permitted:

1. A Place of Worship within the existing building only.

2. Offices for outreach programs accessory to a Place of Worship, including counseling program but excluding overnight accommodations, within the existing building only.

3. Public Open Space.

1. LACAC has agreed in principle to the demolition of the Sunday School.
2.4 OFFICIAL PLAN POLICIES AND DESIGNATION

Under the City of Hamilton’s Official Plan, Schedule ‘A’: Land Use Concept, the St. Mark’s site is identified as “RESIDENTIAL”. The intent of the residential designation is to provide a variation of densities and housing types, while ensuring the maintenance of amenities for residents. However, as stated in Section 2.13 of the OP, additional uses permitted within the “RESIDENTIAL” designation are:

i. Public parks less than 0.4 hectares in size;

ii. Schools, churches and similar institutional uses less than 0.4 hectare in size, in accordance with the provisions for Major Institutional uses as set out in Subsection A.2.6 of the Plan;

iii. Individual retail or service stores in a multiple dwelling containing at least 100 dwelling units, expressly to serve the occupants thereof;

iv. Limited individual or groups of commercial uses on sites not exceeding 0.4 hectare in area, excluding Automobile Service Centres, in accordance with the Commercial Policies as set out in Subsection A.2.2 of this Plan.

The City of Hamilton OP has policies specific to historic and architectural resources. It is the intent of the OP that those resources of historic, architectural, archaeological and aesthetic merit will be preserved where feasible. Section 6.9 of the OP states:

“6.9 A Heritage Impact Assessment may be required by the City for any development or redevelopment, both public and private initiatives, that proposes to erect, demolish, alter buildings or structures or be adjacent to properties that meet one or more of the following criteria (OP A.150):

i. The properties are designated under the Ontario Heritage Act or are adjacent to buildings/structures that are designated under the Ontario Heritage Act.

2.5 NEIGHBOURHOOD PLAN POLICIES

The St. Mark’s site is located within the Durand Neighbourhood. Under the Neighbourhood Plan the subject site is designated “Civic & Institutional”.

St. Mark’s Anglican Church: Site Potential 3
3.0 CONSERVATION & DEVELOPMENT OPTIONS: PROS AND CONS

Before taking further action on the St. Mark’s property, the City’s Long Range Planning and Design Division has developed a series of conservation and development options for the property. Included in this section is a rationale for each option which attempts to maximize the return to the City.

3.1 ADAPTIVE RE-USE OF EXISTING STRUCTURE: RESIDENTIAL, COMMERCIAL, MIXED USE

Option 1 comprises the adaptive re-use of the existing structure with retention of the original Church building and demolition of the Sunday school portion. Proposed uses for this re-development option are Residential, Commercial, and/or Mixed Use. This development option has the following site potential:

- Building footprint of approximately 357.5 m²;
- 25.8% coverage;
- 2 stories;
- 13 parking spaces;
- Vehicular access onto Bay Street; and,
- Private garden area.

Table 1 depicts the number of units that potentially could be developed within the existing structure depending on the proposed use.

<table>
<thead>
<tr>
<th>Proposed Use</th>
<th>No. Of Units</th>
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<tr>
<td>Residential or Commercial</td>
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<td>Commercial or Mixed Use</td>
<td>6 Office Units</td>
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<tr>
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<td>3 Apartments, 3 Office Units</td>
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PROS

- Assists in preserving portion of the heritage building on its landscaped grounds and partially promotes sound conservation.
- Reduces liability inherent in unstable building portion and reduces ongoing stabilization costs.
- The creation of on-site parking.

CONS

- Financial cost associated with the demolition of the Sunday school portion along with substantial costs to stabilize and renovate the structure.
- Alteration of the building would lessen its heritage integrity.
- Any development applications made for anything other than a park use may result in opposition by the Durand Neighbourhood residents, who desire a park on this site.

POLICY ISSUE

All three (3) proposed adaptive re-uses of the church structure require a zoning change, OPA, and a Neighbourhood Plan amendment and site plan control approval.
Option 1
Site Plan: Ground Floor

Adaptive Re-use of Existing Structure

- Building footprint: 3975 sq. m
- Coverage: 23.6%
- No. of parking spaces: 15
- Total number of floors: 2

Development Options:
- 1A All residential: 6 Loft apartments
- 1B All commercial: 6 Office units
- 1C Mixed use: 3 Office units, 3 Apartment lofts
- Minimum area per unit: 100 sq m

St. Mark’s Anglican Church: Site Potential
3.2 ADAPTIVE RE-USE OF EXISTING STRUCTURE & CONSTRUCTION OF NEW ADDITION

The proposed commercial development option (Option 2) retains the existing 1876 church, demolishes the 1925 Sunday school portion, replacing it with a three-storey addition. The commercial option has the following site potential:

- Building footprint of approximately 550 m²;
- 37% coverage;
- 14 parking spaces;
- Vehicular access onto Bay Street, and,
- 3 stories.

Table 2 depicts the number of units that potentially could be developed within the existing structure depending on the proposed use.

<table>
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<th>Proposed Use</th>
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<td>Residential or Commercial</td>
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<td>or Mixed Use</td>
<td>7 Office Units</td>
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<td>3 Apartments, 4 Office Units</td>
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**PROS**

- Assists in preserving key portion of the heritage building on its landscaped grounds and partially promotes sound conservation.
- Reduces liability inherent in unstable building portion.

**CONS**

- Three (3) storey addition increases the amount of developable floor area.
- Creates onsite parking.

- Financial cost associated with the demolition of the Sunday school portion along with substantial costs to stabilize and renovate the structure.
- Alteration of the building would lessen its heritage integrity.
- Any development applications made for anything other than park use may result in opposition by the Durand Neighbourhood residents, who desire a park on this site.
- Loss of landscaped setting.
- The character of the area is predominantly residential. From a land use perspective, introducing commercial uses to this site may not be supportable.

**POLICY ISSUE**

All of the adaptive re-use options require a zoning change, Official Plan amendment, Neighbourhood amendment, and site plan approval.
Option 2

Site Plan: Ground Floor

Adaptive Re-Use of Existing Structure with Addition (1)

- Building footprint: 2000 sqm
- Coverage: 35%
- No. of parking spaces: 14
- Total number of floors: 3
- Addition: 3 floors / 3 units
- Existing building: 2 floors / 4 units
- Total number of units: 7 units

Development Options:
- 2A All Residential: 7 Loft Apartments
- 2B All Commercial: 7 Office Units
- 2C Mixed Use: 5 Loft Apartments, 4 Office Units

Minimum area per unit: 100 sqm
33 ADAPTIVE RE-USE OF EXISTING STRUCTURE & CONSTRUCTION OF NEW ADDITION (II)

The proposed mixed use development option (Option 3) retains the existing church portion of the building, demolishes the Sunday school portion and replaces it with a three storey addition on the west side of the site. The development option has the following site potential:

- Building footprint of approximately 770m².
- 52% coverage.
- 11 parking spaces.
- Vehicular access onto Hunter Street and 3 streets.

Table 5 depicts the number of units that potentially could be developed within the existing structure depending on the proposed use.

<table>
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<tr>
<th>Proposed Use</th>
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<td>13 Loft Apartments 15 Office Units 8 Apartments, 5 Office Units</td>
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PROS

- Assists in preserving portion of the heritage building on its landscaped grounds and partially promotes sound conservation.
- Reduces liability inherent in unstable building portion.
- Three (3) storey addition increases the amount of developable floor area.

CONS

- Financial cost associated with the demolition of the Sunday school portion along with substantial costs to stabilize and renovate the structure.
- Alteration of the building would lessen its heritage integrity.
- Any development applications made for anything other than a park use may result in opposition by the Durand Neighbourhood residents, who desire a park on the site.

POLICY ISSUE

All of the adaptive re-use options require a zoning change, Official Plan amendment, Neighbourhood amendment, and site plan approval.

St. Mark’s Anglican Church: Site Potential
Option 3

Site Plan: Ground Floor

Adaptive Re-Use of Existing Structure and Addition (II)
(Existing Structure with Addition on West Side of Site)

- Limit of existing building

- Building footprint: 770 sqm
- Coverage: 52%
- No. of parking spaces: 11
- Total number of floors: 3
- Ground level: 5 units
- Floors 2 & 3: 8 units
- Total number of units: 13 units

Development Options:
- A: All Residential
- B: All Commercial
- C: Mixed Use

- Minimum area per unit: 100 sqm

St. Mark's Anglican Church: Site Potential 9
3.4 DEMOLITION AND NEW CONSTRUCTION: RESIDENTIAL (i)

Option 4 proposes the demolition of the entire existing structure. It also entails the construction of a new 3 stories residential building along the south side of the site. The residential option has the following site potential:

- Building footprint of approximately 746m²
- 5% coverage
- 19 parking spaces
- Vehicular access onto Bay Street
- Loading area and
- 12 Apartment Units

PROs

- Reduces cost liability and costs inherent in entire building complex
- The creation of on site parking and the provision of on site loading
- Low rise building reflects character of the former structure and is supportive to site character.

CONS

- Cost of demolition
- Heritage “costs” incurred as a result of compromising all heritage attributes mentioned in “Reasons for Designation”.
- Loss of City’s leadership in role in community as steward and custodian of Hamilton’s cultural heritage.
- Loss of landscaped setting.

POLICY ISSUE

The residential development requires a zoning change, Official Plan amendment, Neighbourhood Plan amendment, and site plan approval. Any development applications made for anything other than a park use may result in opposition by the Durand Neighbourhood residents, who desire a park on this site.
Option 4
Site Plan: Ground Floor

Demolition and New Construction: Residential (1)

- Building footprint: 714 sq.m
- Coverage: 45%
- No. Of parking spaces: 19
- Total number of floors: 3
- Apartment units at ground level: 4
- Apartment units per floors 2-3: 8
- Total number of units: 12
- Minimum area per unit: 105 sq.m

St. Mark’s Anglican Church: Site Potential
3.5 DEMOLITION AND NEW CONSTRUCTION: RESIDENTIAL

Option 5 proposes the demolition of the entire existing structure. It entails the construction of a new 3 storey residential building with an L-shaped building footprint of approximately 1016m², 68% coverage. The residential option has the following site potential:

- Building footprint of approximately 1016m²
- 68% coverage
- 10 parking spaces
- Vehicular access onto Hunter Street
- Pedestrian access of Bay Street
- Loading area
- 3 stories
- 16-22 apartment units

PROS

- Reduces total liability and costs inherent in entire building complex
- The creation of on site parking and the provision of on site loading
- Low rise building reflects character of the former structure and is supportable to site character

CONS

- Cost of demolition
- Heritage "costs" incurred as a result of compromising all heritage attributes mentioned in "Reasons for Designation"
- Loss of City's leadership in role in community as steward and custodian of Hamilton's cultural heritage

POLICY ISSUE

The residential development requires a zoning change, Official Plan amendment, Neighbourhood Plan amendment, and site plan approval. Any development applications made for anything other than a park use may result in opposition by the Durand Neighbourhood residents, who desire a park on this site.
Option 5
Site Plan Ground Floor
Demolition and New Construction Residential (II)

- Building footprint: 1016 sq.m
- Coverage: 66%
- No. of parking spaces: 10
- Total number of floors: 3
- Apartment units at ground level: 9
- Apartment units per floors 2 & 3: 4-6
- Total number of units: 15-22
- Minimum area per unit: 100sq.m

St. Mark's Anglican Church: Site Potential 13
3.6 PARK AND OPEN SPACE USES

The St. Mark’s site was originally purchased by the City of Hamilton out of park funds. Option 6 proposes a passive park use for the site with a variety of design features. The proposal has 4 pedestrian entries into the site and is enclosed with decorative wrought iron fencing. The park layout has the potential to provide areas for sculpture placement along with decorative entrance markers.

PROS

- Reduces local liability and costs inherent in entire building complex.
- Provides the Durand residents with a Neighbourhood Park.

CONS

- Cost of demolition.
- Heritage “costs” incurred as a result of compromising all heritage attributes mentioned in “Reasons for Designation”.
- Loss of City’s leadership in role in community as steward and custodian of Hamilton’s cultural heritage.
- Annual cost for park maintenance.
- Promotes amenity and perceived enhancement; retains some element of church through *ruins”

POLICY ISSUE

There are no policy issues with the proposed park use.
Option 6
Neighbourhood Park

Pedestrian access to park from Hunter Street with decorative/sculptural entrance marker.

Pedestrian access to park from intersection.

Opportunity for vertical element/sculpture.

Pedestrian access to park from Bay Street with decorative/sculptural entrance marker.

Open grass area with low berm.

Opportunity to retain remnant element of church as runs.

Secondary pedestrian access.

Existing Alley.

Wrought iron fencing.

Not to Scale.
4.0 SUMMARY AND CONCLUSIONS

In summary, this report examined various development options for the St. Mark's Church property. The report has evaluated the strengths and weaknesses of 6 development options. The development options were based on three themes:

1. Adaptive re-use of the existing structure.
2. Adaptive re-use of a portion of the existing structure with construction of a new addition.
3. Demolition and new construction.

The intent of the report was not to select a preferred development option, rather to present CMT with a few development options for their review. A major objective of this report was to create development options that maintain the character of the existing residential neighborhood. Each option looked at the following development issues:

- Visibility
- Pedestrian access
- Traffic/vehicular movement
- Parking

One of the constraints of the report is that none of the development options were evaluated from a cost perspective, due to timing constraints. Approximate cost allocations for each development option can be determined.
TO: Mr. A Fletcher MCIP, RPP,
City of Hamilton
Planning and Economic Development Department
Planning and Development Department

Re: File Number CI-08-D

We hereby submit these signatures to inform you of our opposition to the proposed rezoning of the property at 130 Bay Street South, Hamilton. We also wish to be heard at the Public Meeting.

There will be more signatures submitted for the Public Meeting, planned for March 18, 2008. Please advise me of any meetings or information regarding this matter, at the below address.

Thank you in advance,
Yours,

Gail Burstyn
136 Bay Street South, #1602

cc: B. Bratina
    P. Mallard
    R. Lee
Attention: Al Fletcher MCIP RPP  
Manager, Zoning By-law Reform  
Strategic Services/Special Projects, Planning and Development Department

Dear Sir,
We the undersigned wish to inform you of our objection to the proposed Zoning By-law Amendment, File Number CI-08-D.
When the property was acquired by the City of Hamilton, the lands were deemed to be used by the residents in this neighbourhood as “Open Space,” “Park,” “Conservation” and “Recreation.” We would like to see this use maintained. In a neighbourhood comprised primarily of high density residential buildings, and young families living in the downtown core, preserving this green space conforms with making Hamilton “the best city in Canada to raise a child” and being environmentally responsible.

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<tr>
<td>J. Tarrett</td>
<td>136 Bay St S #308</td>
<td></td>
</tr>
<tr>
<td>T. Burkman</td>
<td>136 Bay St S #102</td>
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<tr>
<td>A. Sage</td>
<td>136 Bay St S #304</td>
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<tr>
<td>T. Kugler</td>
<td>136 Bay St S #505</td>
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<td>K. Hunt</td>
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<td>E. Chu</td>
<td>136 Bay St S #102</td>
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<td>C. Wang</td>
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<td>Anthony Grant</td>
<td>136 Bay St S #102</td>
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<tr>
<td>Richard Farci</td>
<td>136 Bay St S #101</td>
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</table>
Attention: Al Fletcher MCIP RPP
Manager, Zoning By-law Reform
Strategic Services/Special Projects,
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environmentally responsible.

<table>
<thead>
<tr>
<th>Name</th>
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<tbody>
<tr>
<td>EVELYN TARACS</td>
<td>136 BAY ST S</td>
<td>(Signature)</td>
</tr>
<tr>
<td>PAT KEEFE</td>
<td>#1401</td>
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<td>YOONDA STINC</td>
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<td>PETER JAMES</td>
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<td>Kyla Sterrittle</td>
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<td>LESA GOODALL</td>
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<td>Danelle Oxin</td>
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<td>Susan Fletcher</td>
<td>136 BAY ST S</td>
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<td>PERLA TALAMAS</td>
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March 5, 2008

Al Fletcher, MCIP, RPP,
City of Hamilton
Planning and Economic Development Department
Planning Division – Development Planning – West Section
77 James Street North, Suite 400
Hamilton, ON
L8R 2K3

Dear Mr. Fletcher:

RE:  Your File No: CI-08-D
    LANDS LOCATED AT 130 BAY STREET SOUTH -
    ST. MARK'S CHURCH

Thank you for your correspondence dated February 15, 2008, concerning the St. Mark’s site, wherein you extended an invitation to the Durand Neighbourhood Association ("DNA") to make comments regarding the proposed Zoning By-law Amendment and potential sale of the property.

In January 1878, St. Mark’s Anglican Church held its first service. A corner bell tower was added later. In 1925, the Sunday School was added to the west end of the sanctuary. It is the fifth Anglican church to be erected in Hamilton, and the first to be constructed of brick. Designed in the Gothic Revival tradition, it is a typical parish church of the time. The brick corbeling and sets of triple arched windows that formerly contained stained glass distinguish it. After over 100 years of serving the community, the church was closed and disestablished in 1989.

Since that time, the DNA has been engaged in a twenty-year struggle to preserve St. Mark’s and the green space. Please review Appendix A and B attached to this letter for details.
The City of Hamilton purchased the St. Mark's site in 1994 for $425,000 with parkland funds to conserve the church and to provide open space for the Durand neighbourhood.

The DNA queries what has changed since 1994 to alter the focus of the City to sell the property?

It is the position of the DNA that there are many compelling reasons for the City to fulfil its original purpose in purchasing St. Mark's, some of which are as follows:


2. The Durand neighbourhood is the most densely populated neighbourhood in the City with a population of over 12,000 residents. The Durand residents have one public municipal park, the Durand Park, which is undeniably insufficient for the neighbourhood's needs.

3. Although perhaps trite to say, the fact remains that this property was purchased to be used as a park, and it should be used as a park. The sale of the St. Mark's site is a breach of the City's promise to the Durand community.

Alternatively, if the City is not prepared to fulfil its promise, the DNA would support the adaptive reuse of St. Mark's provided that the green space is preserved.

In the further alternative, and notwithstanding the objections of the DNA, if the property is rezoned and sold, it is our understanding that because the property was acquired for park purposes using parkland funds, upon any sale of the property, all funds must be transferred to the parkland fund. The DNA, therefore, requests the assurance of the City that any potential sale funds will be reinvested to create parkland in the Durand neighbourhood given the dearth of existing parkland.

Additionally, if this is the case, the DNA also requests the parkland funds from the Thistle site once obtained. If said funds are not collected, the DNA requests that the City purchase the Thistle site as parkland for the Durand.

In conclusion, the DNA does not support the rezoning proposal from A (Conservation, Open Space, Park and Recreation) to D3 (Downtown Mixed Use) because it will undoubtedly compromise, if not destroy, the existing structure and, most importantly, take away a park that was purchased for the Durand residents in 1994.
Thank you very much.

Please do not hesitate to contact me should you have any questions or concerns.

Respectfully yours,
DURAND NEIGHBOURHOOD ASSOCIATION

Sarah Matthews, President
c/o 332 Bay Street South
Hamilton, ON L8P 3J8
APPENDIX A

A Chronology of St Mark’s Church Site
The Durand Neighbourhood Association & the City of Hamilton
1988-2008

1988 – The Durand Neighbourhood Association supports in principle the mixed use redevelopment of the St. Mark’s Anglican Church property at Bay and Hunter provided the site plan conforms to the revised Durand Neighbourhood Plan with respect to scale, density and parking and retains as much as possible the existing open space.

1989 – City Council rejects St. Mark’s (Hamilton) Non-Profit Housing Inc.’s application to rezone the St. Mark’s church site for a high-rise residence and offices; St. Mark’s (Hamilton) Non-Profit Housing Inc. appeals to the OMB.

1989 – The Parks and Recreation Committee recommends that the City’s Coordinating Committee endorse the use of 5% Parks Dedication Fund for purchase of St. Mark’s Anglican Church site if needed for a cultural or recreation facility.

1990 – The OMB overrules the City’s refusal to allow a housing development on the former St. Mark’s Church site.

1991 – Site plans are received by the City for redevelopment; no start date for construction of the proposed high-rise office and residential building.

1994 – Council approves a proposal to designate the former St Mark’s Anglican Church as a site of architectural and historical significance under the Ontario Heritage Act.

1994 - The City of Hamilton purchases the St. Mark’s Church site as open space for $425,000 from the Diocese of Niagara eliminating the immediate prospect of a high-rise development; the Durand Neighbourhood Association and City seek ideas for appropriate use of the building and grounds.

1995 - St Mark’s is designated as a heritage site.

1996- Public Meeting to discuss possible uses for the St Mark’s Church site.

1997- City is reluctant to make an additional investment in the building; the search continues for private funding or partnership with a community group to rehabilitate the Church combined with a suitable use.

1998 – Damage to the roof of the Church; the Durand Neighbourhood Association recommends the site become a “Secret Garden” incorporating the
architectural features of the former church in a natural setting; it later agrees to another attempt to find a suitable use for the building and grounds; Council approves the repairs to the roof and authorizes the Planning and Culture and Recreation Departments to begin a search for public/private use of the site.

1999 – The City renews its efforts to find a suitable owner or renter, who will adapt it for cultural, institutional or religious purposes compatible with the surrounding neighbourhood.

1999 – Several proposals were received.

2000 – The Planning Committee votes to deny the sale of City-owned St. Mark’s Church site to the Charismatic Episcopal Church. However, Council overrules the Planning Committee’s decision and confirms the sale to the Charismatic Episcopal Church for $350,000. Council passes a By-law rezoning the St. Mark’s property from E3 (high-density, multiple dwelling) to A (conservation, open space park and recreation); the only permitted uses will be for building to be a place of worship and to house outreach programs and for the grounds to be public open space.

2001 – Charismatic Episcopal Church decides not to purchase the St. Mark’s Church site because of the length of time for the Rezoning from E3 to A (OMB Appeal) and further deterioration to the building(s).

2002 – City to begin work on developing a Master Plan for sale of heritage properties

2004 - Corporate Management Team requests that the Planning and Development Departments prepare an analysis for the property in order to facilitate the sale, since internal circulation had failed to identify a viable use. Options explored including development of the property for a local area park; retention of the existing building or redeveloping the entire site through demolition of the existing heritage building.

2005 – Structural Report Prepared by S.P. Design Inc. Including costs at the request of the Planning and Development Department. Appendix B shows costs of $175,000 for the Parish Hall and $325,000 for the Sanctuary and Chapel.

2006 – Heritage Permit Application to permit demolition of the Sunday school requested by LACAC subcommittee. Status of permit unknown.

2007 – Durand Neighbourhood Association position is supportive of adaptive reuse of the building and preservation of green space.
2008 - Planning and Development Department and Real Estate Division of the said department proposes a rezoning of St. Mark's Church site from "A" to "D3" (Modified Downtown Mixed Use.) The intent is to dispose of the property with a limited number of uses considered appropriate, while maintain the existing heritage building. The Parish Hall would be demolished, 6 storeys would be allowed and onsite parking would take up the open green space.
APPENDIX B

Park/Open Space in the Durand Neighbourhood
Background Information

1985 - The Regional Municipality of Hamilton Wentworth, Planning and Development Department issues a Durand Neighbourhood Background Information Report.

Findings:
- 1 public open space (Durand Park, 1.72 acres)
- Parks & Recreation (1981 deem the Durand neighbourhood is deficient in park space)
* The Durand Park was made possible by the acquisition and demolition of several homes. For another open space to be created would require a very similar scenario.

1987 Durand Neighbourhood Plan Update (Revised)

Objective: Enhancement of Parks and Open Space: In view of the significance of parks, recreational and open space facilities to an inner-city neighbourhood with a high concentration of residents, the importance of maintaining, enhancing and increasing parks and open space should be recognised.

Policies: Additional public park and recreation facilities will be provided in the neighbourhood, using property that is readily available where possible.

Actions: City Council will request the Parks Sub-Committee and appropriate departments to recommend suitable locations and arrangement for additional park facilities and recreational opportunities.

Decisions & Comments of Council, City planners & Parks & Recreation Department

- 1989 – The Parks and Recreation committee recommends that the City’s Co-ordinating Committee endorse use of the 5% Parks Dedication Fund for purchase of St. Mark’s Anglican Church site, if needed for a cultural or recreation facility.

- 1989 - Planner Paul Mallard told council that the St. Mark’s (Hamilton) Non-Profit Housing Inc. application to rezone the former church site for a high-rise residence and offices conflicts with the Official Plan, the Revised Durand Neighbourhood Plan and the Central Area Plan.

- 1990 – City Council rejects the St. Mark’s (Hamilton) Non-Profit Housing Inc. application to rezone the former church site for a high-rise residence and offices; saying the project would be an overly intense use of the land,
incompatible with the surrounding area. The St. Mark's (Hamilton) Non-Profit Housing Inc. appeals to the OMB and is successful.

- **1994** – Alderman Bill McCullough asks the Parks & recreation Committee to purchase the former St. Mark's Church site and this would be a unique opportunity to provide green space in a neighbourhood with highest density population. (Still the case today in 2008) The City purchases for $425,000 from monies of the Parkland Dedication Fund.

- **1995** - St Mark's is designated as a heritage site.