



City of Hamilton
PLANNING COMMITTEE

Meeting #: 19-005
Date: April 2, 2019
Time: 9:30 a.m.
Location: Council Chambers, Hamilton City Hall
71 Main Street West

Lisa Chamberlain, Legislative Coordinator (905) 546-2424 ext. 4605

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1. CEREMONIAL ACTIVITIES	
2. APPROVAL OF AGENDA (Added Items, if applicable, will be noted with *)	
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12. NOTICES OF MOTION

13. GENERAL INFORMATION / OTHER BUSINESS

14. PRIVATE AND CONFIDENTIAL

14.1 Closed Session Minutes - March 19, 2019 (Distributed under separate cover)

Pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 18-270; and, Section 239(2), Sub-sections (e) and (f) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

15. ADJOURNMENT



PLANNING COMMITTEE

MINUTES 19-004

9:30 a.m.

Tuesday, March 19, 2019

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillors M. Pearson (Chair), M. Wilson, J. Farr (1st Vice Chair), C. Collins, J.P. Danko, B. Clark, B. Johnson (2nd Vice Chair), T. Whitehead

**Absent with
Regrets:** Councillor J. Partridge

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Hamilton Municipal Heritage Committee Report 19-001 (Item 7.1)

(Farr/Danko)

1. Heritage Permit Application HP2018-046, Under Part V of the *Ontario Heritage Act*, for the erection of a single detached dwelling at 47 Markland Street, Hamilton (PED19035) (Ward 2) (Item 9.2)

That Heritage Permit Application HP2018-046, for the erection of a new single detached dwelling on the designated property at 47 Markland Street, Hamilton (Durand-Markland Heritage Conservation District), as shown in Appendix "A" to Report PED19035, be approved subject to the following Heritage Permit conditions:

- (a) That the dimensions and surfacing materials for the new driveway and any walkways, patios or other hard-surface areas visible from the street, shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to installation;
- (b) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit; and,

- (c) That construction and site alterations, in accordance with this approval, shall be completed no later than March 31, 2021. If the construction and site alterations are not completed by March 31, 2021, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton; and
- (d) That the proposed development shall comply with all of the applicable provisions of Zoning By-law No. 6593 and Minor Variance Application HM/A-18:431, to the satisfaction of the Director of Planning and Chief Planner.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 YES – Councillor Chad Collins
 YES – Councillor John-Paul Danko
 YES – Councillor Maria Pearson
 NOT PRESENT – Councillor Judi Partridge
 NOT PRESENT – Councillor Terry Whitehead
 NOT PRESENT – Councillor Brenda Johnson
 NOT PRESENT – Councillor Brad Clark

2. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED19034) (City Wide) (Item 7.2)

(Farr/Danko)

That Report PED19034 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

CARRIED

3. Update to the Letter of Credit Policy for Site Plan Control Applications (PED19043) (City Wide) (Item 7.3)

(Danko/Wilson)

- (a) That approval be given to the updated Letter of Credit Policy attached as Appendix “C” to Report PED19043, to take effect April 1, 2019; and,
- (b) That approval be given to increase the base amounts in the lump sum payment method of the Letter of Credit Policy each year in accordance with the Consumer Price Index (CPI) for Toronto.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 YES – Councillor Chad Collins
 YES – Councillor John-Paul Danko

YES – Councillor Maria Pearson
NOT PRESENT – Councillor Judi Partridge
NOT PRESENT – Councillor Terry Whitehead
NOT PRESENT – Councillor Brenda Johnson
YES – Councillor Brad Clark

4. Imagining New Communities Public Open Houses (November 2018) (PED19055) (City Wide) (Item 7.4)

(Clark/Danko)

That Report PED19055 respecting Imagining New Communities Public Open Houses, be received.

CARRIED

5. Ontario Society for the Prevention of Cruelty to Animals (OSPCA) Court Ruling (2019) (PED19062) (City Wide) (Item 7.5)

(Collins/Whitehead)

That Report PED19062 respecting Ontario Society for the Prevention of Cruelty to Animals (OSPCA) Court Ruling (2019), be received.

CARRIED

6. Business Licensing By-law 07-170 Update (PED19064) (City Wide) (Item 7.6)

(Whitehead/Johnson)

That Report PED19064 respecting Business Licensing By-law 07-170 Update, be received.

CARRIED

7. Annual Report on Building Permit Fees (PED19069) (City Wide) (Item 7.7)

(Danko/Collins)

That Report PED19069 respecting Annual Report on Building Permit Fees, be received.

CARRIED

8. Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1557 Concession 2 Road West, Flamborough (PED19042) (Ward 12) (Item 8.1)

(Johnson/Collins)

That Zoning By-law Amendment Application ZAA-18-052, by Neil Vanderkruk Holdings (Owner), for a modification to the Agricultural (A1) Zone in order to prohibit the construction of a single detached dwelling and residential care facility as required by the conditions of consent approval as shown on Appendix "A" to Report PED19042, be APPROVED on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED19042, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law be added to Schedule “C” of Zoning By-law No. 05-200;
- (c) That the proposed modification in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Greenbelt Plan (2017), and complies with the Rural Hamilton Official Plan (RHOP); and,
- (d) ***That there were no public submissions received regarding this matter.***

Result: Motion, As Amended, CARRIED by a vote of 7 to 0, as follows:

YES – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 YES – Councillor Chad Collins
 YES – Councillor John-Paul Danko
 YES – Councillor Maria Pearson
 NOT PRESENT – Councillor Judi Partridge
 NOT PRESENT – Councillor Terry Whitehead
 YES – Councillor Brenda Johnson
 YES – Councillor Brad Clark

9. Official Plan and Zoning By-law Amendment to Add a Production Studio Use Within the Barton and Tiffany Lands (PED18210(a)) (Wards 1 and 2) (Item 8.2)

(Farr/Whitehead)

- (a) That approval be given to Official Plan Amendment (OPA) No. XX to the City of Hamilton Official Plan to amend the ‘Commercial’ designation within the West Harbour - Setting Sail Secondary Plan to create a Special Policy Area to permit Production Studio as a permitted use for lands located within Barton-Tiffany Area, on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED18210(a), be adopted by Council;
 - (ii) That the proposed Official Plan Amendment (OPA) No. XX is consistent with the Provincial Policy Statement (PPS) 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe 2017.

- (b) That approval be given to City Initiative CI-19-A to add a 'Production Studio' use to the site specific Downtown Mixed-Use Pedestrian Focus (D2) Zone in Hamilton By-law No. 05-200, to permit the development of a production studio on lands located within Barton-Tiffany Area (Hamilton), as shown on Appendix "A" to Report PED18210(a), be approved on the following basis:
 - (i) That the draft By-law, attached as Appendix "C" to Report PED18210(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe 2017, and complies with the Hamilton Official Plan and West Harbour - Setting Sail Secondary Plan subject to the proposed amendment.
- (c) That the matter respecting the Production Studio within the Barton and Tiffany Lands be identified as complete and removed from the Planning Committee Outstanding Business List; and,
- (d) That the public submissions received supported the approval of the proposed Zoning By-law Amendment.***

Result: Motion, As Amended, CARRIED by a vote of 8 to 0, as follows:

YES – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 YES – Councillor Chad Collins
 YES – Councillor John-Paul Danko
 YES – Councillor Maria Pearson
 NOT PRESENT – Councillor Judi Partridge
 YES – Councillor Terry Whitehead
 YES – Councillor Brenda Johnson
 YES – Councillor Brad Clark

10. Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (PED19029) (City Wide) (Item 10.2)

(Johnson/Danko)

That approval be given to City Initiative CI-18-J, for modifications and updates to the City of Hamilton Zoning By-law No. 05-200 on the following basis:

- (i) That the Draft By-law, ***as amended***, attached as Appendix "A" to Report PED19029 which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;

- (ii) That the proposed change in zoning is in conformity with the Urban Hamilton Official Plan (UHOP);
- (iii) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS), 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017.

Result: Motion, As Amended, CARRIED by a vote of 7 to 0, as follows:

YES – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 NOT PRESENT – Councillor Chad Collins
 YES – Councillor John-Paul Danko
 YES – Councillor Maria Pearson
 NOT PRESENT – Councillor Judi Partridge
 YES – Councillor Terry Whitehead
 YES – Councillor Brenda Johnson
 YES – Councillor Brad Clark

11. Urban Design Through Site Plan Control Authority (Item 11.1)

(Farr/Whitehead)

WHEREAS, for more than 10 years, the *Planning Act* under Section 41 has given municipalities the authority through site plan control to address “matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design, but only to the extent that it is a matter of exterior design”;

WHEREAS, careful attention to excellence in urban design and architecture in both the public and the private realm is essential to healthy, attractive and vibrant cities;

WHEREAS, the City of Hamilton Official Plan contains policies that encourages and promotes good urban design;

WHEREAS, to ensure excellence in urban design and architecture, the City has undertaken numerous initiatives including the creation of urban design guidelines, establishment of a Design Review Panel, and the hosting of a biannual Urban Design and Architecture Awards program;

WHEREAS, there is a clear and significant public interest in ensuring excellence in urban design and architecture;

WHEREAS, the Ontario Association of Architects has recently called upon the provincial government to exclude design as a matter that municipalities can address through site plan control; and,

WHEREAS, excluding matters of design from site plan control would essentially provide no means by which municipalities can ensure new development proposals adhere to principles of good urban design and architecture;

THEREFORE BE IT RESOLVED:

That the Mayor write to the Premier of Ontario, the Minister of Municipal Affairs and Housing, and the President of the Ontario Association of Architects to re-confirm the City of Hamilton's support for excellence in urban design and architecture and for retaining within the *Planning Act* a municipality's long-standing authority to address matters related to exterior design through the site plan process.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 NOT PRESENT – Councillor Chad Collins
 NOT PRESENT – Councillor John-Paul Danko
 YES – Councillor Maria Pearson
 NOT PRESENT – Councillor Judi Partridge
 YES – Councillor Terry Whitehead
 YES – Councillor Brenda Johnson
 YES – Councillor Brad Clark

- 12. Appeal to the Ontario Municipal Board (OMB) for Lack of Decision on Urban Hamilton Official Plan Application (UHOPA-16-18) and Township of Glanbrook Zoning By-law No. 464 Application (ZAC-16-051) for Lands Located at 3033, 3047, 3055, 3063 Binbrook Road (PED19031/LS19003) (Glanbrook) (Ward 11) (Item 14.2)**

(Johnson/Clark)

That the direction to staff respecting the Appeal to the Ontario Municipal Board (OMB) for Lack of Decision on Urban Hamilton Official Plan Application (UHOPA-16-18) and Township of Glanbrook Zoning By-law No. 464 Application (ZAC-16-051) for Lands Located at 3033, 3047, 3055, 3063 Binbrook Road (PED19031/LS19003) (Glanbrook) be approved and remain private and confidential until approved by Council.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 YES – Councillor Chad Collins
 YES – Councillor John-Paul Danko
 YES – Councillor Maria Pearson
 NOT PRESENT – Councillor Judi Partridge
 NOT PRESENT – Councillor Terry Whitehead

YES – Councillor Brenda Johnson
YES – Councillor Brad Clark

FOR INFORMATION:**(a) APPROVAL OF THE AGENDA (Item 2)**

The Committee Clerk advised of the following changes to the agenda:

1. COMMUNICATIONS (Item 5)

- 5.2 Sue Milling and Jennifer Jonas, FilmOntario, respecting Item 8.2, Official Plan and Zoning By-law Amendments to Add a Production Studio Use Within the Barton and Tiffany Lands

Recommendation: Be received and referred to the consideration of Item 8.2

- 5.3 Stephen Fraser, AJ Clarke and Associates Ltd., respecting Item 10.2, Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200

Recommendation: Be received and referred to the consideration of Item 10.2

2. DELEGATION REQUESTS (Item 6)

- 6.1 Steven Zakem, Aird & Berlis LLP, respecting Item 14.2, Appeal to LPAT for Lands Located at 3033, 3047, 3055 and 3063 Binbrook Road (for today's meeting)

- 6.2 Matt Johnston, UrbanSolutions, respecting Item 10.2, Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (for today's meeting)

- 6.3 Franz Kloibhofer, AJ Clarke and Associates Ltd., respecting Item 10.2, Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (for today's meeting)

- 6.4 Savan Chandaria, Tibro Group, respecting Item 10.2, Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (for today's meeting)

3. PRIVATE AND CONFIDENTIAL (Item 14)

- 14.3 Local Planning Appeal Tribunal appeals by Television City Hamilton Inc. (PL180255) – Settlement Proposal (LS19012) (Ward 2)

(Farr/Wilson)

That the agenda for the March 19, 2019 meeting be approved, as amended.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 NOT PRESENT – Councillor Chad Collins
 YES – Councillor John-Paul Danko
 YES – Councillor Maria Pearson
 NOT PRESENT – Councillor Judi Partridge
 NOT PRESENT – Councillor Terry Whitehead
 YES – Councillor Brenda Johnson
 NOT PRESENT – Councillor Brad Clark

(b) DECLARATIONS OF INTEREST (Item 3)

None declared.

(c) APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING (Item 4)

(i) February 19, 2019 (Item 4.1)

(Johnson/Danko)

That the Minutes of the February 19, 2019 meeting be approved, as presented.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 NOT PRESENT – Councillor Chad Collins
 YES – Councillor John-Paul Danko
 YES – Councillor Maria Pearson
 NOT PRESENT – Councillor Judi Partridge
 NOT PRESENT – Councillor Terry Whitehead
 YES – Councillor Brenda Johnson
 NOT PRESENT – Councillor Brad Clark

(d) COMMUNICATIONS (Item 5)

(Farr/Whitehead)

That Communication Items 5.1 and 5.3 as follows, be received and referred to the consideration of Item 10.2:

5.1 James Webb, Webb Planning Consultants, respecting 118 Hatt Street, Dundas.

5.3 Stephen Fraser, AJ Clarke and Associates Ltd.

CARRIED

(e) DELEGATION REQUESTS (Item 6)

- (i) Steven Zakem, Aird & Berlis LLP, respecting Item 14.2, Appeal to LPAT for Lands Located at 3033, 3047, 3055 and 3063 Binbrook Road (for today's meeting) (Item 6.1)**

(Farr/Collins)

That the Delegation Request from Steven Zakem, Aird & Berlis LLP, respecting Item 14.2, Appeal to LPAT for Lands Located at 3033, 3047, 3055 and 3063 Binbrook Road, be approved for today's meeting.

Result: Motion CARRIED by a vote of 5 to 1, as follows:

YES – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 YES – Councillor Chad Collins
 YES – Councillor John-Paul Danko
 YES – Councillor Maria Pearson
 NOT PRESENT – Councillor Judi Partridge
 NOT PRESENT – Councillor Terry Whitehead
 NO – Councillor Brenda Johnson
 NOT PRESENT – Councillor Brad Clark

- (ii) Delegation Requests respecting Item 10.2, Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (Added Items 6.2, 6.3 and 6.4)**

(Farr/Wilson)

That the following Delegation Requests be approved for today's meeting:

- 6.2 Matt Johnston, UrbanSolutions;
 6.3 Franz Kloibhofer, AJ Clarke and Associates Ltd.; and
 6.4 Savan Chandaria, Tibro Group.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 YES – Councillor Chad Collins
 YES – Councillor John-Paul Danko
 YES – Councillor Maria Pearson
 NOT PRESENT – Councillor Judi Partridge
 NOT PRESENT – Councillor Terry Whitehead

YES – Councillor Brenda Johnson
NOT PRESENT – Councillor Brad Clark

(f) DELEGATIONS/PUBLIC HEARING (Item 8)

(i) Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1557 Concession 2 Road West, Flamborough (PED19042) (Ward 12) (Item 8.1)

In accordance with the provisions of the *Planning Act*, Chair Pearson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law Amendment the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

(Clark/Farr)

That the public meeting be closed.

CARRIED

Ryan Ferrari, Planning Technician, addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation is available online at www.hamilton.ca.

(Johnson/Farr)

That the staff presentation be received.

CARRIED

Chris Van Berkle, agent for the applicant was in attendance and indicated that the applicant is in agreement with the staff report.

(Johnson/Collins)

That the recommendations be amended by adding the following subsection (d):

(d) *That there were no public submissions received regarding this matter.*

Result: Amendment CARRIED by a vote of 7 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
YES – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
NOT PRESENT – Councillor Judi Partridge

NOT PRESENT – Councillor Terry Whitehead
YES – Councillor Brenda Johnson
YES – Councillor Brad Clark

For disposition of this matter, refer to Item 8.

(ii) Official Plan and Zoning By-law Amendment to Add a Production Studio Use Within the Barton and Tiffany Lands (PED18210(a)) (Wards 1 and 2) (Item 8.2)

In accordance with the provisions of the *Planning Act*, Chair Pearson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Official Plan Amendment and Zoning By-law Amendment the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Edward John, Director of Housing Services, addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation is available online at www.hamilton.ca.

(Farr/Danko)

That the staff presentation be received.

CARRIED

Written Comments:

5.2 Sue Milling and Jennifer Jonas, FilmOntario, in support of the proposed Zoning By-law Amendment

(Farr/Danko)

That the written comments be received.

CARRIED

Delegations:

1. Caroline Puzinas, 20 Miles Court

Caroline Puzinas addressed the Committee in support of the proposed Zoning By-law Amendment.

(Farr/Wilson)

That the delegation be received.

CARRIED

(Farr/Collins)

That the public meeting be closed.

CARRIED

(Clark/Partridge)

That the recommendations be amended by adding the following subsection (d):

(d) That the public submissions received supported the approval of the proposed Zoning By-law Amendment.

Result: Amendment CARRIED by a vote of 8 to 0, as follows:

YES – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 YES – Councillor Chad Collins
 YES – Councillor John-Paul Danko
 YES – Councillor Maria Pearson
 NOT PRESENT – Councillor Judi Partridge
 YES – Councillor Terry Whitehead
 YES – Councillor Brenda Johnson
 YES – Councillor Brad Clark

For disposition of this matter, refer to Item 9.

(iii) Steven Zakem, Aird & Berlis LLP, respecting Item 14.2, Appeal to LPAT for Lands Located at 3033, 3047, 3055 and 3063 Binbrook Road (Added Item 8.3)

(Clark/Whitehead)

That the Delegation from Steven Zakem, Aird & Berlis LLP, respecting Item 14.2, Appeal to LPAT for Lands Located at 3033, 3047, 3055 and 3063 Binbrook Road, be received.

CARRIED

(iv) Matt Johnston, UrbanSolutions, respecting Item 10.2, Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (Added Item 8.4)

Matt Johnston, UrbanSolutions, addressed the Committee respecting Item 10.2, Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 with the aid of a PowerPoint presentation. A copy of the presentation is available online at www.hamilton.ca

(Farr/Clark)

That the Delegation from Matt Johnston, UrbanSolutions, respecting Item 10.2, Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200, be received.

CARRIED

- (v) **Franz Kloibhofer, AJ Clarke and Associates Ltd., respecting Item 10.2, Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (Added Item 8.5)**

(Farr/Whitehead)

That the Delegation from Franz Kloibhofer, AJ Clarke and Associates Ltd., respecting Item 10.2, Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200, be received.

CARRIED

- (vi) **Savan Chandaria, Tibro Group, respecting Item 10.2, Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (Added Item 8.6)**

(Wilson/Danko)

That the Delegation from Savan Chandaria, Tibro Group, respecting Item 10.2, Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200, be received.

CARRIED

(g) DISCUSSION ITEMS (Item 10)

- (i) **Durand Neighbourhood Character Study Review (PED19017) (Ward 2) (Item 10.1)**

(Farr/Whitehead)

That Report PED19017 respecting the Durand Neighbourhood Character Study Review, be deferred to the April 16, 2019 Planning Committee Meeting.

CARRIED

- (ii) **Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (PED19029) (City Wide) (Item 10.2)**

Timothy Lee, Senior Planner, provided an overview of the proposed Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200.

(Whitehead/Farr)

That the proposed changes to the C5A Zone in By-law No. 05-200 be deferred back to staff for further consultation with development industry key stakeholders.

Result: *Amendment* CARRIED by a vote of 7 to 0, as follows:

YES – Councillor Maureen Wilson

YES – Councillor Jason Farr

NOT PRESENT – Councillor Chad Collins

YES – Councillor John-Paul Danko
 YES – Councillor Maria Pearson
 NOT PRESENT – Councillor Judi Partridge
 YES – Councillor Terry Whitehead
 YES – Councillor Brenda Johnson
 YES – Councillor Brad Clark

Timothy Lee, Senior Planner, advised the Committee that a Motion from the February 19, 2019 Planning Committee meeting was approved, to add an additional land designated District Commercial within the Fruitland Winona Secondary Plan, to the C6 Zone, and to add a Special Exception to also permit offices on the ground floor.

(Whitehead/Danko)

(i) That recommendation (i) of Report PED19029, respecting Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 be amended by adding the words “as amended”, to read as follows:

(i) That the Draft By-law, **as amended**, attached as Appendix “A” to Report PED19029 which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

(ii) That Subsection 11.1.3.c)i) paragraph iii) TOC 1 Zone, in Appendix “A” to Report PED19020 be amended to delete wording, as indicated by the strikethrough text, to read as follows:

~~Notwithstanding Sub-sections i) and ii) a~~ **A** minimum 7.5 meters for lots abutting a ~~Residential Zone or Institutional Zone or lot containing a Residential Use~~ Single Detached Dwelling, Semi-Detached Dwelling, and Street Townhouse.

(iii) That Schedule “C” – Special Exception 581 affecting lands located at 51-55 Cootes Drive and 110 King Street East be amended to allow for a modification in the interior side yard setback of 1.3 metres along the southerly portion of the building facing Cootes Drive in Dundas.

Result: Amendment CARRIED by a vote of 7 to 0, as follows:

YES – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 NOT PRESENT – Councillor Chad Collins
 YES – Councillor John-Paul Danko
 YES – Councillor Maria Pearson
 NOT PRESENT – Councillor Judi Partridge
 YES – Councillor Terry Whitehead
 YES – Councillor Brenda Johnson
 YES – Councillor Brad Clark

(Pearson/Farr)

That staff be directed to amend Zoning By-law 05-200 to add lands located at 394 Winona Road to District Commercial (C6, 727) Zone, with a Special Exception, on the following basis:

727. Within the lands zoned District Commercial (C6) Zone, identified on maps 1258 and 1311 of Schedule "A" – Zoning Maps and described as 394 Winona Road, the follow special provisions shall apply:
- a) Notwithstanding Section 10.6.1.1i)2), Offices shall also be permitted on the ground floor.

Result: Amendment CARRIED by a vote of 7 to 0, as follows:

YES – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 NOT PRESENT – Councillor Chad Collins
 YES – Councillor John-Paul Danko
 YES – Councillor Maria Pearson
 NOT PRESENT – Councillor Judi Partridge
 YES – Councillor Terry Whitehead
 YES – Councillor Brenda Johnson
 YES – Councillor Brad Clark

(Johnson/Clark)

That Section 5.2h)ii) to Appendix "D" of Report 19029 be amended to add the words "square metres" under the "Proposed Revised Zone Regulation" column, to read:

Each landscaped Area and Landscaped Parking Island shall have a minimum are of 10.0 **square metres**.

Result: Amendment CARRIED by a vote of 7 to 0, as follows:

YES – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 NOT PRESENT – Councillor Chad Collins
 YES – Councillor John-Paul Danko
 YES – Councillor Maria Pearson
 NOT PRESENT – Councillor Judi Partridge
 YES – Councillor Terry Whitehead
 YES – Councillor Brenda Johnson
 YES – Councillor Brad Clark

(Johnson/Wilson)

That Section 14 of By-law No. 05-200 be deleted in its entirety and the remainder numbered accordingly.

Result: *Amendment* CARRIED by a vote of 7 to 0, as follows:

YES – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 NOT PRESENT – Councillor Chad Collins
 YES – Councillor John-Paul Danko
 YES – Councillor Maria Pearson
 NOT PRESENT – Councillor Judi Partridge
 YES – Councillor Terry Whitehead
 YES – Councillor Brenda Johnson
 YES – Councillor Brad Clark

(Farr/Whitehead)

That the request from James Webb, Webb Consulting (Item 5.1) to withdraw the property at 118 Hatt Street, Dundas from the housekeeping amendment and that the proposed zoning remain in abeyance until such time as site development is complete, be approved.

Result: *Amendment* CARRIED by a vote of 7 to 0, as follows:

YES – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 NOT PRESENT – Councillor Chad Collins
 YES – Councillor John-Paul Danko
 YES – Councillor Maria Pearson
 NOT PRESENT – Councillor Judi Partridge
 YES – Councillor Terry Whitehead
 YES – Councillor Brenda Johnson
 YES – Councillor Brad Clark

(Farr/Whitehead)

That the request from Stephen Fraser, AJ Clarke and Associates Ltd., to amend Special Exception 310 of Zoning By-law 05-200 for the property at 906 Main Street West, to remove the minimum interior side yard setback requirement adjacent to an existing residential use that is within the TOC 1 Zone, be approved.

Result: *Amendment* CARRIED by a vote of 7 to 0, as follows:

YES – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 NOT PRESENT – Councillor Chad Collins
 YES – Councillor John-Paul Danko
 YES – Councillor Maria Pearson
 NOT PRESENT – Councillor Judi Partridge
 YES – Councillor Terry Whitehead
 YES – Councillor Brenda Johnson
 YES – Councillor Brad Clark

(Farr/Clark)

That the request from Matt Johnston, UrbanSolutions, to amend the Special Exceptions applicable to the properties located at 43-51 King Street East and 60 King William Street, Hamilton be approved, as follows:

Special Exception 626

- (a) The drive aisle width for the 90 degree parking aisle width shall be a minimum of 5.5 metres;
- (b) The barrier free parking spaces shall be a minimum of 4.4 metres in width and 5.5 metres in length; and,
- (c) The minimum number of bicycle parking space units shall be at a rate of 0.35 spaces per unit.
- (d) 10% of the total number of bicycle parking spaces shall be for short term bicycle parking.

Result: *Amendment* CARRIED by a vote of 7 to 0, as follows:

YES – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 NOT PRESENT – Councillor Chad Collins
 YES – Councillor John-Paul Danko
 YES – Councillor Maria Pearson
 NOT PRESENT – Councillor Judi Partridge
 YES – Councillor Terry Whitehead
 YES – Councillor Brenda Johnson
 YES – Councillor Brad Clark

(Clark/Farr)

That Section 45 (1.3) of the *Planning Act* shall not apply to City of Hamilton By-law No. 18-011, and that the applicant can apply for a minor variance.

Result: *Amendment* CARRIED by a vote of 7 to 0, as follows:

YES – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 NOT PRESENT – Councillor Chad Collins
 YES – Councillor John-Paul Danko
 YES – Councillor Maria Pearson
 NOT PRESENT – Councillor Judi Partridge
 YES – Councillor Terry Whitehead
 YES – Councillor Brenda Johnson
 YES – Councillor Brad Clark

For further disposition of this matter, refer to Item 10.

(h) GENERAL INFORMATION / OTHER BUSINESS (Item 13)

(i) Outstanding Business List (Item 13.1)

(Whitehead/Johnson)

That the following items be removed from the Outstanding Business List:

Item EE – Add a Production Studio Use Within the Barton Tiffany Lands
(Addressed as Item 8.2 on this agenda)

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 NOT PRESENT – Councillor Chad Collins
 NOT PRESENT – Councillor John-Paul Danko
 YES – Councillor Maria Pearson
 NOT PRESENT – Councillor Judi Partridge
 YES – Councillor Terry Whitehead
 YES – Councillor Brenda Johnson
 YES – Councillor Brad Clark

(i) PRIVATE AND CONFIDENTIAL (Item 14)

(i) Closed Session Minutes – February 19, 2019 (Item 14.1)

(Johnson/Clark)

- (a) That the Closed Session Minutes of the February 19, 2019 Planning Committee meeting be approved, as presented; and,
- (b) That the Closed Session Minutes of the February 19, 2019 Planning Committee meeting, remain confidential.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 NOT PRESENT – Councillor Chad Collins
 NOT PRESENT – Councillor John-Paul Danko
 YES – Councillor Maria Pearson
 NOT PRESENT – Councillor Judi Partridge
 YES – Councillor Terry Whitehead
 YES – Councillor Brenda Johnson
 YES – Councillor Brad Clark

(Farr/Wilson)

That the Committee move into Closed Session respecting Item 14.2 and 14.3, pursuant to Section 8.1, Sub-section (e) and (f) of the City's Procedural By-law 18-270, and Section 239(2), Sub-sections (e) and (f) of the *Ontario Municipal Act*,

2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

- (ii) **Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-16-18) and Township of Glanbrook Zoning By-law No. 464 Amendment Application (ZAC-16-051) for Lands Located at 3033, 3047, 3055, 3063 Binbrook Road (Glanbrook) (Ward 11) (LS19003/PED19031) (Ward 11) (Item 14.2)**

Staff were provided with direction in Closed Session.

For disposition of the matter refer to Item 12.

- (iii) **Local Planning Appeal Tribunal appeals by Television City Hamilton Inc. (PL180255) – Settlement Proposal (LS19012) (Ward 2) (Added Item 14.3)**

(Farr/Collins)

- (a) That the direction provided to staff in Closed Session, be approved;
- (b) That Report LS19012 respecting Local Planning Appeal Tribunal appeals by Television City Hamilton Inc. (PL18022) – Settlement Proposal and its recommendations remain confidential.

Due to the time-sensitivity of the matter, the item was referred to the March 20, 2019 Special Council meeting for approval.

- (j) **ADJOURNMENT (Item 15)**

(Farr/Danko)

That, there being no further business, the Planning Committee be adjourned at 4:02 p.m.

CARRIED

Respectfully submitted,

Councillor M. Pearson
Chair, Planning Committee



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	April 2, 2019
SUBJECT/REPORT NO:	Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 80 and 92 Barton Street East and 245 Catharine Street North, Hamilton (PED19060) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Shannon McKie (905) 546-2424 Ext. 1288
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Amended Official Plan Amendment Application UHOPA-17-041 by John Barton Investments, Owner**, for a change in designation on Schedule “M-2” of the West Harbour (Setting Sail) Secondary Plan in the former City of Hamilton Official Plan from “Low Density Residential” to “Prime Retail”, a change in Building Height permissions on Schedule “M-4” Building Heights, and to add a Site Specific Policy Area to permit the development of a five storey professional office building (including medical clinic) and 45 dwelling units, in the form of Multiple Dwelling and Stacked Townhouse Dwelling units, for lands located at 80 and 92 Barton Street East and 245 Catharine Street North, as shown on Appendix “A” to Report PED19060, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED19060, be adopted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017).
- (b) That **Amended Zoning By-law Amendment Application ZAC-17-090 by John Barton Investments, Owner**, for a change in zoning from the “H/S-1058”

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 80 and 92 Barton Street East and 245 Catharine Street North, Hamilton (PED19060) (Ward 2) - Page 2 of 28

(Community Shopping and Commercial Etc.) District, Modified, “H” (Community Shopping and Commercial Etc.) District, “L-mr-2” (Planned Development) District, and the “L-mr-2/S-1058 (Planned Development) District, Modified to the Mixed Use Medium Density - Pedestrian Focus (C5a, 723, H73) Zone, to permit a 4,552 sq m office building (including medical clinic), with 117 parking spaces and 45 dwelling units, in the form of Multiple Dwelling and Stacked Townhouse Dwelling units, with 55 associated parking spaces, for lands located at 80 and 92 Barton Street East and 245 Catharine Street North as shown on Appendix “A” to Report PED19060, be **APPROVED**, subject to the following:

- (i) That the draft By-law, attached as Appendix “C” to Report PED19060, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and complies with the City of Hamilton Official Plan upon approval of Official Plan Amendment No. ____.
- (iii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by introducing the holding symbol “H73” to the proposed Mixed Use Medium Density – Pedestrian Focus (C5a, 723) Zone.

The Holding Provision “H73” is to be removed to allow the development of the proposed medical office building and 45 dwelling units upon:

- (1) That the owner submits and receives approval of a Documentation and Salvage Report in accordance with the City of Hamilton Documentation and Salvage Report guidelines to the satisfaction of the Director of Planning and Chief Planner;
- (2) That the owner submits and receives approval of a revised fire flow calculation based on the more advanced building design plans to demonstrate that the existing watermains can provide for sufficient flow for firefighting for the future development on the site all to the satisfaction of the Manager of Engineering Approvals;
- (3) The owner submits a signed Record of Site Condition to the City of Hamilton and the Ministry of the Environment Conservation and Parks (MOECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of

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the RSC by the MOECP, and submission of the City of Hamilton's current RSC administration fee.

EXECUTIVE SUMMARY

The subject property is municipally known as 80 and 92 Barton Street East and 245 Catharine Street North, Hamilton. The owner, John Barton Investments, has applied for amendments to the City of Hamilton Official Plan and Zoning By-law No. 6593 to permit a five storey professional office building (including medical clinic) and 45 dwelling units in the form of Multiple Dwelling units (12 units) and, Stacked Townhouse Dwelling units (33 units). One hundred and seventeen parking spaces are proposed for the professional office building with 110 parking spaces located below grade and seven parking spaces at grade. Fifty-five at grade parking spaces will be devoted to the residential units, nine of which will be located within attached garages.

To accommodate the proposed development staff have amended the application to remove the subject lands from Zoning By-law No. 6593 and add them to Zoning By-law No. 05-200 as Mixed Use Medium Density – Pedestrian Focus (C5a, 723, H73) Zone.

A Holding Provision has been included in the amending Zoning By-law, to prohibit development on the subject lands until such time as a Documentation and Salvage Report, Record of Site Condition (RSC) and a Required Fire Flow calculation have been submitted and approved to the satisfaction of the Director of Planning and Chief Planner, Ministry of Environment, Conservation and Parks (MOECP), and Manager of Development Approvals respectively.

The applications have merit and can be supported as they are consistent with the Provincial Policy Statement (2014) (PPS), conform to the Growth Plan for the Greater Golden Horseshoe (2017) (Growth Plan), and comply with the general intent of the City of Hamilton Official Plan and West Harbour (Setting Sail) Secondary Plan. The proposal is considered to be compatible with and complementary to the existing and planned development in the immediate area, represents good planning by providing a compact and efficient urban form, provides an alternative housing form for the neighbourhood, and provides services that support developing a complete community.

Alternatives for Consideration – See Page 27

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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Legal: As required by the *Planning Act*, Council shall hold at least one public meeting to consider an application for an amendment to the Official Plan and Zoning By-law.

HISTORICAL BACKGROUND

Proposal

The subject property is located on the south side of Barton Street East between John Street North and Catharine Street North. The property is irregularly shaped, has a lot area of approximately 0.75 ha (7,505 sq m) and is municipally known as 80 and 92 Barton Street East and 245 Catharine Street North.

The majority of the subject lands are vacant however, a three storey building occupies the north east corner of the property. The applicant is proposing to demolish the existing building to develop a five storey office building at the corner of Barton Street East and Catharine Street North and 45 dwelling units at the rear of the site. The applications have been supported by three submissions, summarized below.

First Submission – November, 2017 (attached as Appendix “E” to Report PED19060)

The original applications requested an Official Plan Amendment to redesignate the lands from “Prime Retail” and “Low Density Residential” to “Medium Density Residential 1” and a Zoning By-law Amendment for a change in Zoning from the from the “H/S-1058” (Community Shopping and Commercial Etc.) District, Modified, “H” (Community Shopping and Commercial Etc.) District, “L-mr-2” (Planned Development) District, and the “L-mr-2/S-1058 (Planned Development) District, Modified, to a site specific “E” (Multiple Dwellings, Lodges, Clubs, Etc.) District, to permit a five storey office building fronting onto Barton Street East with associated underground (105 spaces) and at grade (seven spaces) parking. Thirty-six residential units were proposed for the remaining portion of the subject lands broken up into the following blocks:

- Block A: Eight stacked townhouse units and one standard townhouse end unit;
- Block B: Eight maisonette units and one standard townhouse end unit;
- Block C: 14 stacked townhouse units and one standard townhouse end unit; and,
- Block D: One duplex dwelling unit and one triplex dwelling unit.

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The applicant proposed parking spaces associated with the residential units be provided below grade, at grade and within attached garages. The office building would have access from Barton Street East and from an internal condominium road. The proposed townhouse dwelling units would have access via a condominium road.

Second Submission – December 4, 2018 (attached as Appendix “F” to Report PED19060)

The applicant addressed Design Review Panel (DRP) comments with modifications to the concept plan to reconfigure the site layout:

- Block B: Aligned to have frontage on the internal condominium road thereby enhancing pedestrian access through the site; and,
- Block D: Two multiple dwellings created aligning with the westerly side yard to make better use of the site, and to create more accessible communal amenity area.

Parking for Block B was relocated to the below grade parking structure thereby adding landscaped open space along the internal condominium road.

No changes were proposed to the office building as a result of the second submission.

Third Submission – January 14, 2019 (attached as Appendix “G” to Report PED19060)

The final submission includes provisions for amenity area, a more cohesive site layout, and additional setbacks to abutting existing single detached dwellings. The third submission has relocated all residential parking spaces to be at grade and contained within attached garages. All below grade parking will be devoted to the professional office building. No additional changes have been proposed for the professional office building.

The Official Plan Amendment application was amended to maintain the “Prime Retail” designation along Barton Street East and redesignate the rear portion of lands from “Low Density Residential” to “Prime Retail”. Additionally, amendments to Schedule “M-4” Building Heights and a Site Specific Policy Area have been added by staff to permit the five storey office building and the Stacked Townhouse Dwellings and Multiple Dwelling units. The applicant agreed to the amendments to preserve the prime retail planned function of Barton Street East and to create one cohesive designation for the entire property.

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With the implementation of the Commercial and Mixed Use Zones staff recommended that the Zoning By-law Amendment application be amended to incorporate the subject lands into Zoning By-law 05-200 in a site specific Mixed Use Medium Density – Pedestrian Focus (C5a) Zone. The applicant agreed that the Commercial and Mixed Use Zones were appropriate and maintained the intent of the original application.

The final concept plan is broken into the following blocks:

- Block A: Nine stacked townhouse dwelling units.
- Block B: Nine stacked townhouse dwelling units.
- Block C: 15 stacked townhouse dwelling units.
- Block D1: Six unit multiple dwelling.
- Block D2: Six unit multiple dwelling.
- Office Building: 4,552 sq m office building (including medical clinic).
- Amenity Area: Balconies – 147 m²
Decks – 73 m²
Communal Area – 170 m²
Total amenity area 390 m²
Amenity Area per unit – 8.6 m²
- Parking: Office building:
- 110 parking spaces below grade.
- Seven parking spaces at grade.
- Total 117 parking spaces.
- Residential Parking:
- 55 parking spaces at grade (1.22 spaces per unit).

Chronology:

- November 27, 2017: Submission of Official Plan Amendment and Zoning By-law Amendment Applications OPA-17-041 and ZAC-17-090.
- December 14, 2017: Applications OPA-17-041 and ZAC-17-090 deemed complete.

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<u>December 21, 2017:</u>	Notice of Complete Applications and Preliminary Circulation was sent to 583 property owners within 120 m of the subject property.
<u>January 11, 2018:</u>	Public Notice Sign installed.
<u>May 10, 2018:</u>	Design Review Panel meeting.
<u>October 20, 2018:</u>	Public meeting held by the applicant.
<u>November 21, 2018:</u>	Public meeting held by the applicant.
<u>December 10, 2018:</u>	Second submission from applicant.
<u>January 14, 2019:</u>	Third submission from applicant.
<u>March 6, 2019:</u>	Public notice sign updated with Public Meeting date.
<u>March 15, 2019:</u>	Circulation of the Notice of Public Meeting to 583 property owners within 120 m of subject property.

Details of Submitted Applications:

Owner:	John Barton Investments c/o Vince Fulgenzi	
Applicant:	IBI Group c/o Scott Arbuckle	
Location:	80 and 92 Barton Street East 245 Catharine Street North	
Property Description:	<u>Lot Frontage:</u>	48.02 m (Barton Street East) 40.49 m (John Street North) 101.33 m (Catharine Street North)
	<u>Lot Depth:</u>	approximately 192.6 m
	<u>Lot Area:</u>	7,505 m ²
	<u>Servicing:</u>	Existing full municipal services

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Existing Land Use and Zoning:

<u>Subject Property</u>	<u>Existing Land Uses</u>	<u>Existing Zoning</u>
	Three storey commercial building	“H” (Community Shopping and Commercial, Etc.) District; “H/S-1058” (Commercial Shopping and Commercial, Etc) District, Modified; “L-mr-2” (Planned Development) District; and, “L-mr-2/S-1058” (Planned Development) District, Modified

Surrounding Land Uses:

North	Two storey commercial building Single detached dwellings	“D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District
East	Two storey commercial building Retirement home	J/S-378 (Light and Limited Heavy Industry, Etc.) District, Modified; “D/S-378” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Modified; and, Community Institutional (I2) Zone
South	Single detached dwellings	“D/S-378” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Modified; and, “D/S-1722” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Modified
West	Three storey multiple dwelling	“E-1/S-988” (Multiple Dwellings, Lodges, Clubs, Etc.) District, Modified

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POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014) (PPS)

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the PPS. The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The following policies, amongst others, apply to the proposed development.

Settlement Areas

With respect to Settlement Areas, the PPS provides the following:

“1.1.3.1 *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

1.1.3.2 Land use patterns within *settlement areas* shall be based on:

- a) densities and a mix of land uses which:
 1. efficiently use land and resources;
 2. are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and / or uneconomical expansion;
 4. *support active transportation*;
 5. are *transit-supportive*, where transit is planned, exists or may be developed;
- b) a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.”

The subject property is located within a settlement area as defined by the PPS. The proposed five storey office building and 45 dwelling units would contribute to the mix of land uses in the area, would efficiently use land and existing infrastructure, and represents a form of intensification. The proposal is transit-supportive by providing intensification in close proximity to the West Harbour GO Station, along an established HSR public transit route and by providing 24 bicycle parking spaces.

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Cultural Heritage and Archaeology

With respect to Cultural Heritage and Archaeology, the PPS provides the following:

- “2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.
- 2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or area of archaeological potential unless significant archaeological resources have been conserved.
- 2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.”

The subject property meets two of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

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

Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the PPS apply to the lands. An acknowledgement note of the archaeological requirements applicable to the site would be required at the Site Plan Control stage.

ASI Archaeological & Cultural Heritage Services completed a Cultural Heritage Impact Assessment (CHIA) dated September, 2017. The Report assessed the impact of the redevelopment of the subject lands. Staff have reviewed the CHIA and forwarded it to the Policy and Design Working Group (the Working Group) of the Hamilton Municipal Heritage Committee for comment. At their meeting on January 15, 2018 the Working Group expressed concern with the findings of the CHIA and determined that the property has cultural heritage value under the following of the City’s Framework for Cultural Heritage Evaluation:

- Integrity
 - Location Integrity
 - Built Integrity
- Environmental Context
 - Landmark

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- Character of the area
- Setting

At a second meeting held on February 12, 2018, the working group considered the deterioration of the building and ultimately did not recommend designation of the property.

Staff have reviewed the CHIA and agree with the majority of the conclusions, however disagree with the conclusions that the property does not have contextual value. While the property may not be an ideal candidate for designation, staff had discussions with the owner about the adaptive reuse of the building. The applicant has indicated that the adaptive reuse of the building is not possible as the existing building contains designated substances, under the *Environmental Protection Act*, to a degree that abatement and removal would not be possible. While the adaptive reuse is not possible staff have added a Holding Provision to the amending Zoning By-law (attached as Appendix “C” to Report PED19060) requiring that the owner submit and receive approval of a Documentation and Salvage Report prior to any development on the subject lands.

Noise

Regarding noise, the PPS provides the following:

“1.2.6.1 Major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and / or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities.”

The applicant submitted a Noise Feasibility Study prepared by HGC Engineering dated November 15, 2017 for the subject proposal. HGC Engineering determined that any additional local traffic created as a result of the development will not be substantial enough to significantly affect noise levels. However, the Noise Feasibility Study did determine that future road traffic levels will exceed the MOECP noise guidelines at some of the commercial building and townhouse facades. A revised Noise Feasibility Report will be required demonstrating that the development can meet Ministry of the Environment, Conservation and Parks (MECP) noise guidelines. Any required noise mitigation measures and warning clauses would be implemented at the Site Plan Control stage and as future conditions in a Plan of Condominium.

Given the foregoing, staff are of the opinion that the applications are consistent with the PPS.

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Growth Plan for the Greater Golden Horseshoe (2017)

The Growth Plan directs the majority of growth to settlement areas that have access to municipal water and wastewater systems and can support the achievement of complete communities. The following policies, amongst others, apply to the proposal:

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

- a) the vast majority of growth will be directed to *settlement areas* that:
 - i. have a *delineated built boundary*;
 - ii. have existing or planned *municipal water and wastewater systems*; and
 - iii. can support the achievement of *complete communities*;

2.2.1.2 c) within *settlement areas*, growth will be focused in:

- i. delineated built-up areas;
- ii. strategic growth areas;
- iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and,
- iv. areas with existing or planned public service facilities;

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

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

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The subject lands are located within the Hamilton urban boundary and are fully serviced by municipal water and wastewater infrastructure. The proposal contributes to a complete community by adding commercial services along Barton Street East and expanding housing options within the neighbourhood (Policy 2.2.1.4 a) and c)). The proposed five storey office building and 45 townhouse dwelling units would have access to a range of transportation options, including the West Harbour GO train station (Policy 2.2.1.2 c)).

Also, according to Policy 2.2.2.1 of the Growth Plan, by the year 2031, and each year thereafter, a minimum of 60% of all residential development occurring within a municipality must be within the delineated built up area. This proposal represents a form of residential intensification within the built up area, consistent with the growth management policies of the Growth Plan.

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

Urban Hamilton Official Plan

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

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

Hamilton-Wentworth Official Plan

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

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Urban Area

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

- Compact urban form, including mixed use areas.

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

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

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

The proposal complies with the above policy direction to encourage redevelopment of the subject lands for compact development within the Urban Area. The proposed five storey office building and 45 dwelling units would provide for efficient use of existing services. As such, the proposal complies with the policies of the Hamilton-Wentworth Official Plan.

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City of Hamilton Official Plan

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

“Subsection B.2.1 – Water Distribution

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

Subsection B.2.2 – Sewage Disposal

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

Subsection B.2.3 – Storm Drainage

B.2.3.1 Council will require that all new development and / or redevelopment be connected to, and serviced by, a STORM DRAINAGE System or other appropriate system such as ditches, ‘zero run-off’, and any other technique acceptable to Council and the Conservation Authorities. Council will ensure that the extension of the STORM sewer System is at sufficient capacity to support future anticipated growth in the City. In this regard, Council will co-operate with the appropriate Conservation Authorities in any flood management studies or engineering works that may be undertaken from time to time to improve or maintain the DRAINAGE capacity of natural watercourses flowing through the City.”

There are existing services adjacent to the subject property including sanitary, storm and watermain sewers. The existing 1350mm sewer along John Street North is a storm relief sewer not a combined sewer. A revised Functional Servicing Report is

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required at the Site Plan Control stage to address the following issues, among others: water demand, required fire flow, and stormwater management.

“Subsection 2.4.5- Solid Waste Disposal

B.2.4.5 All uses in the City will be served by a regularly-scheduled SOLID WASTE collection through the municipal DISPOSAL service, or in the case of certain uses, through individually-contracted collection service.”

The proposed development is eligible for municipal waste collection by City Services subject to the requirements of the City’s Solid Waste Management By-law 09-067. Waste collection will be examined in greater detail at the Site Plan Control stage.

“Subsection C.7 – Residential Environmental and Housing Policy

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

- iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and / or physical infrastructure that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;
- v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;
- ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents;

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- xii) Encourage development at densities conducive to efficient operation of Public Transit and which utilizes design or construction techniques that are energy efficient;”

The proposed mixed use development complies with Policy C.7.3 as it efficiently utilizes the existing infrastructure, positively contributes to the streetscape and makes use of an underutilized lot. The residential development will contribute to the variation of housing stock available in the neighbourhood at a scale that is in keeping with the character of both John Street North and Catharine Street North. The proposed Blocks have been distributed to have higher density units internal to the site, with stacked townhouses along the street edge. The development is appropriately distributed to reduce impacts on the surrounding neighbourhood, with sufficient buffers / setbacks to protect for privacy and overlook. The proposed office building will maintain the commercial character and will contribute to the vibrancy of Barton Street East.

Based on the above policy review, the proposal complies with the City of Hamilton Official Plan with respect to the applicable policy direction from Sections B and C.

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

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

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

The subject property is identified as “Stable Areas” and “Corridor of Gradual Change” on Schedule M-1 – Planning Area and Sub-Areas and is designated “Prime Retail” and “Low Density Residential” on Schedule M-2 – General Land Use. The applicant has proposed to re-designate a portion of the property from “Prime Retail” and “Low Density Residential” to “Medium Density Residential 1” on Schedule M-2. Staff has amended the application to re-designate the rear portion of the subject lands from “Low Density Residential” to “Prime Retail”. The staff recommended amendment does not change the intent of the application, however the change provides for cleaner implementation of the proposed development.

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The lands are located within the “Zone of Noise Influence” on Schedule M-3 – Zone of Noise Influence. The subject property is restricted to a height limitation of 2-4 storeys on Schedule M-4 – Building Heights. The following policies, amongst others, apply to the proposal:

“Planning Principles

A.6.3.2.2 Strengthen existing neighbourhoods;

- i) ensure new development respects and enhances the character of the neighbourhood;
- iii) encourage compatible development on abandoned, vacant and under-utilized land;

A.6.3.3.1.18 James Street and Barton Street are the prime retail streets in West Harbour. In Prime Retail areas:

- ii) most of the street-facing portion of the ground floor of buildings shall be reserved for street-related commercial and/or community uses, including retail stores, restaurants, take-out restaurants, business and personal services, and/or professional offices;
- iii) the ground floors of all building shall have windows and doors opening onto the street to provide “eyes on the street” and an interesting pedestrian experience;
- iv) The range of uses permitted on upper floors shall include residential, live/work and office. Two-storey retail stores are permitted, and personal services are permitted on the second floor of buildings;
- vi) the density and height of development shall be governed by the maximum heights identified on Schedule “M-4”;
- v) buildings generally shall be built close to or at the front property line to maintain a consistent street wall subject to the development satisfying sightline requirements entering the public road allowance;
- ix) ground-floor uses shall have their main entrances on the street, with barrier free access at grade;

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- x) parking areas shall be provided at the rear of sites, with access from public streets or laneways;
- xi) the design and massing of buildings shall minimize shadow and wind impacts on the public realm; and,
- xii) the design of new developments shall have respect for the light, views and privacy enjoyed by residents in adjacent buildings and areas.

A.6.3.3.4 Urban Design

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

- i) Create a comfortable and interesting pedestrian environment;
- ii) Respect the design, scale, massing, setbacks, height and use of neighbouring buildings, existing and anticipated by this plan;
- iii) Generally located surface parking at the rear or side of buildings;
- iv) Provide main entrances and windows on the street-facing walls of buildings, with entrances at grade level; and,”

The applicant has requested a change in designation from “Prime Retail” and “Low Density Residential” to “Medium Density Residential 1” to accommodate the development of 45 dwelling units at the rear of the subject lands as shown on the concept plan (attached as Appendix “G” to Report PED19060).

Staff have amended the application to redesignate the rear portion of land from “Low Density Residential” to “Prime Retail”, creating one designation, being “Prime Retail”, on the entire property. Staff has proposed these amendments to preserve the prime retail function of Barton Street East while allowing for residential intensification at the rear of the subject lands. The amendment includes permitting Multiple Dwellings and Stacked Townhouse Dwelling units to be developed on a property where the majority of the Barton Street East street line is occupied by a commercial use (i.e professional office building). The amended application provides clearer implementation direction and prioritizes the Barton Street East retail / commercial function while allowing for appropriate residential intensification along the John Street North and Catharine Street North lot lines.

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Access to the residential blocks is provided from John Street North and Catharine Street North via a common element condominium road and parking is provided internal to the site blocked from view from the public realm (Policy A.6.3.3.1.13 vii) and viii).

Blocks A and C on the concept plan (attached as Appendix “G” to Report PED19060) propose townhouse dwelling units with frontage on John Street North and Catharine Street North respectively with a consistent setback with the single detached dwellings located to the south (Policy A.6.3.3.1.13 v), A.6.3.3.4.1 ii)). While the townhouse dwellings are four storeys in height, the proposed elevations (attached as Appendix “G” to Report PED19060) demonstrate that they will have the appearance of three storeys from the public street, maintaining the character and reducing the impact on the public realm (Policy A.6.3.3.1.13 iii), xii) and xiii).

Blocks B (maisonettes dwelling units), D1 and D2 (multiple dwelling units) are located internal to the site (see Appendix “G” to Report PED19060) and will have frontage on the common element condominium road. Block B is proposed to be three storeys in height and is adjacent to the proposed common amenity area. Blocks D1 and D2 are proposed to be four storeys in height. Blocks D1 and D2 abut the rear lot lines of existing single detached dwellings to the west. Concerns regarding privacy and overlook have been addressed with a minimum side yard setback of 3.0 m, additionally no balconies are proposed on the westerly facades of Blocks D1 and D2. Staff are of the opinion that the 3.0 m setback in combination with the size of the abutting rear yards provides sufficient buffering to protect the privacy of the existing single detached dwelling (Policy A.6.3.3.1.13 xiii)).

The concept plan (attached as Appendix “G” to Report PED19060) includes the provisions for both private (terraces and balconies) and common amenity area at a rate of approximately 8.6 m² per unit (with the exception of the westerly facades of Blocks D1 and D2 where balconies are not permitted). The subject property is within 1 km of ten municipal parks / open spaces. The private and communal amenity areas provided on site will complement the residents access to parks / open spaces (Policy A.6.3.3.1.13 x), xi)).

The northern portion of the subject lands, with frontage on Barton Street East, is proposed to be developed as a five storey office building, built up to the street line with direct access to the commercial building from the public side walk (Policy A.6.3.3.1.18 i), ii) iii) iv) vii), and A.6.3.3.4.1). The proposed office building use will activate the streetscape which will contribute to and enhance the pedestrian experience along Barton Street East.

The associated parking for both the proposed office building and townhouse dwelling units has been planned to be internal to the site, are screened from view from the public

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realm by the residential blocks or are located within a below grade parking structure (Policy A.6.3.3.4.1 iii)). The location of the parking areas allows the development to create a comfortable pedestrian environment and a consistent street wall (Policy A.6.3.3.4.1 i)).

The “Prime Retail” designation (Policy A.6.3.3.1.18 vi) and Schedule “M-4” Building Heights in the Secondary Plan restricts the building height to 2-4 storeys. The majority of the proposed development is four storeys in height with the exception of the mechanical penthouse, which projects beyond the permitted four storeys of the office building. Typically, a mechanical penthouse would not be considered in the calculation of building height however, a small portion will be used for the purposes of an office and therefore would not be for the exclusive purpose of housing mechanical equipment. An amendment is required to allow the proposed office building to be a maximum of five storeys. The amendment to height will not significantly impact the public realm, or the privacy of adjacent residential buildings or amenity areas (Policy A.6.3.3.1.18 xi) and xii) and A.6.3.3.4.1 ii)).

“A.6.3.3.3 Heritage

A.6.3.3.3.4 A Heritage Impact Assessment, in accordance with the Official Plan for the City of Hamilton, and to the satisfaction of the City, may be required for any private development or public initiative the proposes to erect, demolish or alter buildings or structures on or adjacent to properties that are:

- ii) listed on the City’s Inventory of Buildings of Architectural and/or Historical Interest;

A.6.3.3.3.5 The Heritage Impact Assessments, where required, shall be submitted with development or building permit applications and shall be reviewed by the City’s Municipal Heritage Committee.

A.6.3.3.3.7 New development adjacent to heritage buildings or in areas containing heritage buildings shall:

- i) reflect the setbacks, heights and cornice lines of adjacent heritage buildings;
- ii) support the creation of a continuous street wall;
- iii) maintain a consistent street orientation and building line;

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- iv) be encouraged to reflect the character, massing and materials of surrounding buildings.”

As discussed in the PPS Section of this Report, Staff are satisfied that, upon submission of a Documentation and Salvage Report as required through Holding Provision 73 (attached as Appendix “C” to Report PED19060), the heritage features of the existing three storey heritage building will be appropriately catalogued. The proposed development is in line with and is consistent with the existing built form along Barton Street East, Catharine Street North and John Street North, and is reflective of the surrounding character (Policy A.6.3.3.7).

“A.6.3.6 Corridors of Gradual Change

A.6.3.6.1.1 The policies of this section shall apply to those properties with a lot line fronting the portions of York Boulevard, Cannon Street, Barton Street and James Street identified as Corridors of Gradual Change on Schedule “M-1”. They shall also apply to the public road allowance within these corridors. Where land assembled for redevelopment includes a lot with frontage on a street within a Corridor of Gradual Change, the policies of this section shall apply to all of the land assembled to a maximum depth generally 50 m.

A.6.3.6.1.4 Redevelopment within Corridors of Gradual Change shall respect the scale and character of existing development in adjacent Stable Areas, providing an appropriate transition in the height and massing of buildings; screening any surface parking, loading and service areas; and minimizing traffic impacts on local streets.

A.6.3.6.3.4 Barton Street

A.6.3.6.3.4.1 Redevelopment and improvements in the Barton Street Corridor shall seek to reinforce its role as a retail street; better connect the residential areas to the north and south; create a safe and inviting pedestrian environment; and enhance the mixed-use character of the street.

Stable Areas:

A.6.3.7 Stable Areas

The Stable Areas are identified on Schedule “M-1”. They comprise the generally low density neighbourhoods that define the residential character of West Harbour. Significant physical change is not anticipated in Stable

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Areas. The intent of the policies in this section is to maintain and reinforce the character of existing neighbourhoods and to encourage the replacement of inappropriate industrial and commercial uses with sensitively-designed residential development.

A.6.3.7.1 Land Use

A.6.3.7.1.1 The predominant land use in Stable Areas shall be Low Density Residential, with detached, semi-detached and street townhouses being the predominant types of housing.”

The proposed office building will reinforce the planned function of Barton Street East as a retail street. The proposed office building is an active use that will draw pedestrians to and from the site and will provide additional ‘eyes on the street’, establishing a safe pedestrian environment (Policy A.6.3.6.3.4.1). The proposed townhouse dwelling units will be restricted in the implementing Zoning By-law (attached as Appendix “C” to Report PED19060) to maintain and be consistent with the form and character of the adjacent residential areas (Policy A.6.3.7) and maintain the intent of the Stable Area Policies.

Based on the foregoing, the proposed amendments to permit a five storey office building and 45 dwelling units meet the intent of the Planning Principles (A.6.3.2.2) and the “Prime Retail” designation of the Setting Sail Secondary Plan and can be supported.

RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections to the applications:

- Strategic Planning Section, Public Works Department;
- Health Protection, Public Health Services Department;
- Recreation Planning; and,
- LRT Office.

The following Departments and Agencies have provided comments on the applications:

Forestry and Horticulture, Public Works Department acknowledge that there are potential conflicts with publicly owned trees. Where existing municipal trees are impacted by development work, are within proximity of the development work or access/egress to the development work a Tree Management Plan is required. A landscape plan is required depicting the street tree planting scheme for the proposed

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development. All plans and fees must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician at the Site Plan Control stage.

Landscape Architectural Services, Public Works Department commends that there is dedicated 'park space' and its inclusion will contribute to creating a liveable neighbourhood as per the UHOP. Note that the open space will not contribute to parkland dedication. Additional consideration should be given to street tree planting along John Street North and Catharine Street North at the Site Plan Control stage.

Transportation Planning, Planning and Economic Development Department staff advise that the Transportation Demand Management initiatives in the proposed applications meet the objectives of the City, as outlined in the TDM for development document. A future day light triangle dedication of 4.57 m by 4.57 m has been incorporated in the concept plan (attached as Appendix "G" to Report PED19060) as per the approved Right of Way Impact Assessment and will be required to be dedicated at the Site Plan Control stage.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 583 property owners within 120 m of the subject property on December 22, 2017. A Public Notice sign was posted on the property on January 11, 2018, and updated on March 6, 2019 with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act*.

The applicant held two Public Open Houses on October 20th, 2018 and November 21st, 2018. Seventeen people in total attended the two meetings.

To date, staff have not received any letters from the public regarding the applications.

Design Review Panel (DRP)

The Official Plan Amendment and Zoning By-law Amendment applications were presented to the DRP review as the subject lands are located on a Corridor of Gradual Change within the Setting Sail Secondary Plan. The applications were presented to DRP on May 10th, 2018 to address the following questions:

1. Does the proposal provide an adequate amount of private outdoor amenity area for the occupants of the townhouse dwellings?

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 80 and 92 Barton Street East and 245 Catharine Street North, Hamilton (PED19060) (Ward 2) - Page 25 of 28

2. Do the proposed townhouse dwellings provide an adequate balance of variation and symmetry amongst them with respect to exterior cladding?
3. Does the proposed development respect the cultural heritage features of the existing environment by re-using, adapting, and incorporating existing characteristics?

The DRP found that the initial development concept submitted lacked a cohesive, unifying idea. The development proposal would benefit from establishing a different configuration, centred on the pedestrian realm and grounded by a common architectural vocabulary, sympathetic to the historic character of the contextual area. The residential density or its distribution should be reconsidered to minimize surface roadway and parking areas and to maximize the availability of and accessibility to a central open space or amenity area. A more urban appearance and functionality was recommended overall for the residential component, to address contextual compatibility. The panel recommended retaining the existing corner building or its façade elements, given its heritage value and character.

The applicant submitted second and third revisions (see Appendix “E” and “F” to Report PED19060) to the proposed development to address the overall site layout, amenity area and the facades of the proposed residential units. Staff are satisfied that the revisions demonstrated on the concept plan (attached as Appendix “G” to Report PED19060) provide for a cohesive site layout with adequate pedestrian connectivity, and private and communal amenity area. Additional consideration to the DRP comments will be incorporated at the Site Plan Control stage.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The Official Plan Amendment and Zoning By-law Amendment have merit and can be supported for the following reasons:
 - (i) The application is consistent with the PPS and conforms to the Growth Plan for the Greater Golden Horseshoe (2017), in terms of intensification and the development of complete communities;
 - (ii) The application complies with the policies of the Hamilton-Wentworth Official Plan, the City of Hamilton Official Plan, and the Setting Sail Secondary Plan upon approval of the amendments; and,
 - (iii) The proposed development is compatible with existing land uses in the immediate area and represents good planning by, among other things, providing for the development of a complete community, enhancing the

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streetscape along Barton Street East, and making efficient use of existing infrastructure within the urban boundary.

2. The subject property is located on the south side of Barton Street East between John Street North and Catharine Street North in Hamilton. The property currently contains a three storey building, which will be demolished to accommodate the proposed five storey office building and 45 townhouse dwelling units.
3. The following site specific modifications to the City of Hamilton's Zoning By-law No. 05-200 are required to implement the proposal (see Appendix "D" to Report PED19060):

Modifications requested by the applicant include:

- Consolidated lot regulation;
- Establish Barton Street East as the front lot line;
- Reduced parking rate for commercial uses;
- Reduced parking stall size;
- Reduction in minimum rear yard setback; and,
- Reduction in minimum side yard abutting a residential zone.

Additional modifications have been added by Staff to provide additional restrictions to ensure the proposed development meets the intent of the Official Plan and Zoning By-law. These amendments are more restrictive than the applicant had requested or are technical in nature as a result of bringing the subject lands into Zoning By-law 05-200:

- Permitted uses, definitions, and regulations for Multiple Dwelling and Stacked Townhouse Dwelling units;
- Minimum Amenity Area requirements; and,
- Commercial loading space.

Additional modifications are required to address the appealed portions of the Mixed Use Medium Density – Pedestrian Focus (C5a) Zone. These modifications carry forward the Council approved zoning regulations that have not yet come into force and effect to ensure that any development on the subject lands will be subject to the provisions. The regulations include:

- Built form for new development regulations; and,
- Parking standards.

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The proposed modifications meet the intent of the “Prime Retail” designation in the Setting Sail Secondary Plan and create regulations that will ensure that development will be in a form that is consistent and complementary to the surrounding neighbourhood. These modifications are identified and discussed in detail in Appendix “D” to Report PED19060.

4. A Holding Provision is recommended for a Record of Site Condition, Documentation and Salvage Report and Fire Flow Calculations.
5. The proposal is subject to Site Plan Control, which will allow for a detailed review of the development including matters such as conformity with the proposed zoning, grading, drainage, storm water management, landscaping, access, parking, fencing and building design.
6. Development Engineering has reviewed the applications, and the associated Functional Servicing Report (FSR) prepared by IBI Group, dated November 20, 2017, which was submitted as part of the subject applications. Development Engineering are satisfied with the proposal and requested minor revisions to the FSR with respect to water demand, and requested fire flow. In addition to the revised FSR, the owner / applicant will be required to submit a detailed grading plan, water hydraulic analysis, wastewater generation report, site servicing plan, and storm water management quantity and quality control as a condition of a future Site Plan Control application.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Official Plan Amendment and Zoning By-law Amendment applications be denied, the applicant could develop the lands in accordance with the “H” (Community Shopping and Commercial, Etc.) District, “H/S-1058” (Commercial Shopping and Commercial, Etc.) District, Modified, “L-mr-2” (Planned Development Multiple Residential Uses) District, and “L-mr-2/S-1058” (Planned Development Multiple Residential Uses) District, Modified.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

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Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

- Appendix "A" – Location Map
- Appendix "B" – Official Plan Amendment
- Appendix "C" – Zoning By-law Amendment
- Appendix "D" – Zoning Modification Table
- Appendix "E" – Original Submission Concept Plan
- Appendix "F" – Second Submission Concept Plan
- Appendix "G" – Final Submission Concept Plan

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Schedule “1”

Amendment No. XXX

to the Official Plan of the City of Hamilton

The following text, together with:

Appendix “A”	Schedule M-2: General Land Use
Appendix “B”	Schedule M-4: Building Heights

attached hereto, constitutes Official Plan Amendment No. XXX to the City of Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to amend the Setting Sail Secondary Plan by increasing the building height of the subject lands, and by changing the designation and establishing a Site Specific Policy Area on a portion of the subject lands to permit the development of Multiple Dwellings, Maisonette, Stacked Townhouse, and Block Townhouse Dwelling Units.

2.0 Location:

The lands affected by this Amendment are located at 80-92 Barton Street East and 245 Catharine Street North, in the City of Hamilton.

3.0 Basis:

The basis for permitting this Amendment is as follows:

- The proposed development efficiently utilizes the existing infrastructure, positively contributes to the streetscape, and makes use of an underutilized lot;
- The proposed development implements the vision of the West Harbour (Setting Sail) Secondary Plan in that it maintains Barton Street East as a primary retail street, while providing intensification at a form and scale that is in keeping with the surrounding neighbourhood; and,
- The Amendment is consistent with the Provincial Policy Statement, 2014 and the Growth Plan for the Greater Golden Horseshoe, 2017.

4.0 Changes:

4.1 Map/Schedule Changes:

4.1.1 That Schedule "M-2": General Land Use of the West Harbour (Setting Sail) Secondary Plan is amended by:

- a) redesignating the southerly portion of the subject lands from "Low Density Residential" to "Prime Retail"; and,
- b) identifying the southerly portion of the subject lands as Site Specific Policy Area "X",

as shown on Appendix "A" to this Amendment.

4.1.2 That Schedule "M-4": Building Heights be amended by changing the building height from:

- a) "2-4 storeys" to "3-5 storeys" for the northerly portion; and,
- b) "Height is governed by the Secondary Plan policies" to "2-4 storeys" for the southerly portion,

as shown on Appendix "B" to this Amendment.

4.2 Text Changes:

4.2.1 That a new Policy be added to the City of Hamilton Official Plan as Policy No. A.6.3.3.1.18.X:

"A.6.3.3.1.18.X The following shall apply to the lands known municipally as 245 Catharine Street North, designated "Prime Retail" and identified as Site Specific Policy Area "X" on Schedule "M-2": General Land Use Map of West Harbour Secondary Plan:

- i) That in addition to the uses permitted by Policy A.6.3.3.1.18 i) and iv), multiple dwellings, maisonettes, stacked townhouse and block townhouse dwelling units are also permitted."

5.0 Implementation:

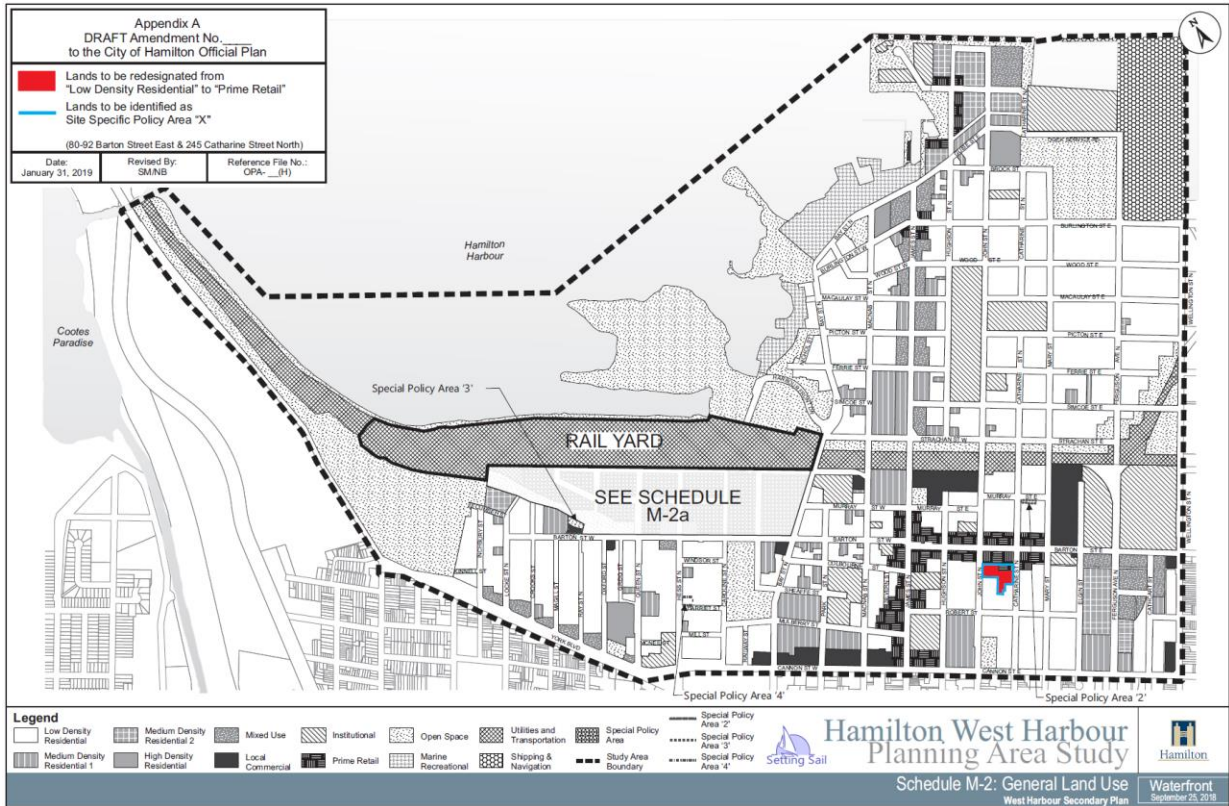
An implementing Zoning By-law Amendment will give effect to this Amendment.

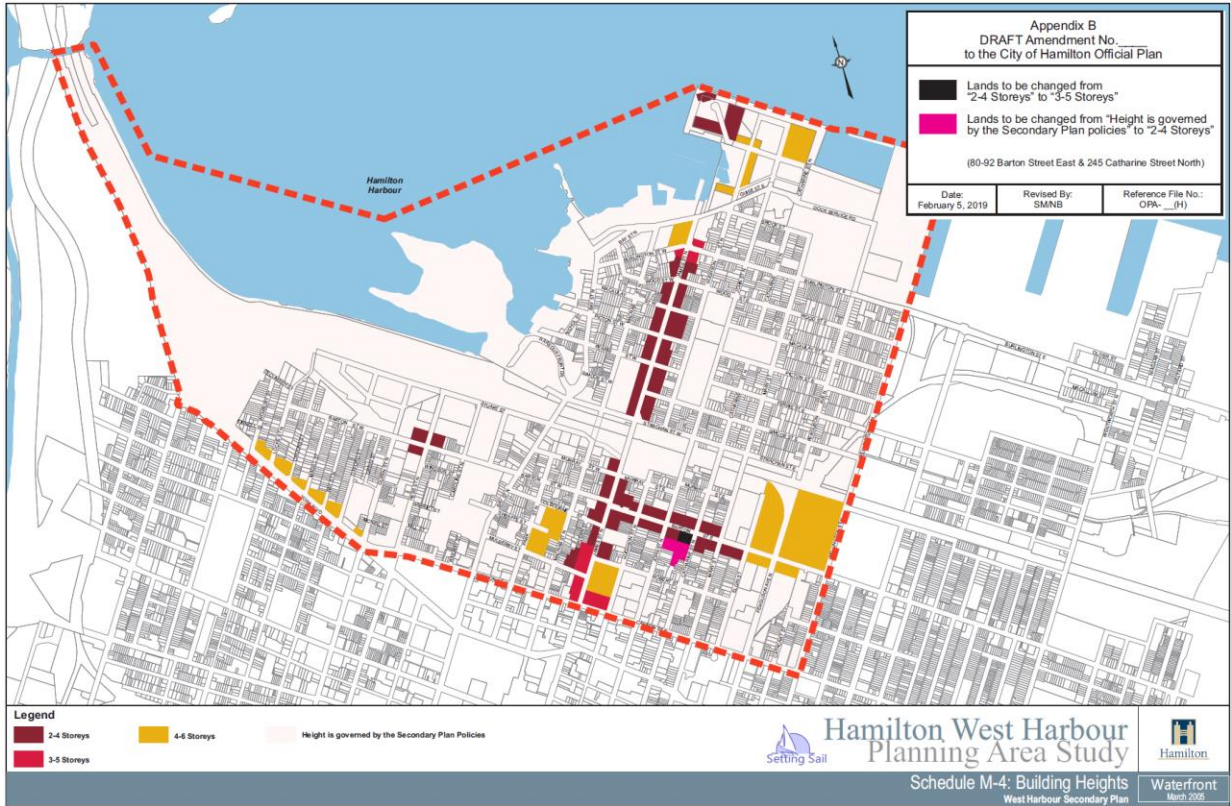
This is Schedule "1" to By-law No. 19-XXX passed on the XX day of April, 2019.

**The
City of Hamilton**

Fred Eisenberger
MAYOR

J. Pilon
ACTING CITY CLERK





Appendix “C” to Report PED19060

Page 1 of 8

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 80 and 92 Barton Street East and 245 Catharine
Street North (Hamilton)**

Authority: Item ,
Report (PED19060)
CM:
Ward: 2

Bill No.

CITY OF HAMILTON

BY-LAW NO.

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 80 and 92 Barton Street East, 245 Catharine Street
North, Hamilton**

WHEREAS Council approved Item _____ of Report PED19 _____ of the Planning Committee at its meeting held on the XX day of April, _____ 2019;

AND WHEREAS this By-law conforms with the City of Hamilton Official Plan upon adoption of Official Plan Amendment No. _____ .

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

1. That Map No. 911 of Schedule “A” – Zoning Maps of Zoning By-law No. 05-200, is amended by adding lands as Mixed Use Medium Density – Pedestrian Focus (C5a, 723, H73) Zone for the applicable lands, the extent and boundaries of which are shown as in Schedule “A” annexed as hereto and forming of this By-law.

2. That Schedule “C”: Special Exceptions of Zoning By-law No. 05-200, is hereby amended by adding an additional special exception as follows:

“723. Within the lands zoned Mixed Use Medium Density – Pedestrian Focus (C5a) Zone, identified on Map No. 911 of Schedule “A” – Zoning Maps and described as 80 and 92 Barton Street East and 245 Catharine Street North, the following special provisions shall apply:

a) The lands zoned Mixed Use Medium – Pedestrian Focus (C5a, 723) Zone shall be deemed to be one lot for the purposes of applying the provisions of the By-law. Zoning provisions shall apply only to the external lot lines of the overall lands, not to internal lot lines resulting from any future severance.

**Appendix “C” to Report PED19060
Page 2 of 8**

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 80 and 92 Barton Street East and 245 Catharine
Street North (Hamilton)**

- b) In addition to Section 3: Definitions of Zoning By-law No. 05-200, the following definition shall also apply:

Stacked Townhouse Dwelling	Shall mean a building divided vertically and horizontally into a minimum of three and a maximum of 16 Dwelling Units, by common walls which prevent internal access between units, with each Dwelling Unit having one or more private entrances at grade.
----------------------------	---

- c) Notwithstanding Section 3: Definitions as it relates to the definition of front lot line, Barton Street East shall be deemed to be the front lot line.
- d) Notwithstanding Section 5.2 b) i), and in addition Section 5.6 c), 10.5a.1 and 10.5a.1.1, the following uses shall only be permitted on a lot where a commercial use occupies more than 75% of the Barton Street East street line:

Multiple Dwelling
Stacked Townhouse Dwelling

in accordance with the following provisions:

- | | |
|--|--|
| i) Maximum Building Setback from a Street Line | 3.0 metres. |
| ii) Minimum Rear Yard | 1.5 metres. |
| iii) Minimum Side Yard | i) 3.0 metres for a Multiple Dwelling, and;

ii) 0.9 for a Stacked Townhouse Dwelling. |
| iv) Maximum Building Height | 14.0 metres. |
| v) Built Form for New Development | In the case of new buildings constructed after the effective date of this by-law the following |

**Appendix "C" to Report PED19060
Page 4 of 8**

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 80 and 92 Barton Street East and 245 Catharine
Street North (Hamilton)**

- | | | |
|---|--------------------------------------|--|
| viii) | Minimum Bicycle Parking Requirements | 0.2 Short Term Bicycle Parking Spaces shall be provided per dwelling unit. |
| e) Notwithstanding Sections 5.2 b) i), 10.5a.3 b), c), d) i) and ii), h) and i), and in addition to Section 5.6 c) the following special provisions shall apply for all other uses: | | |
| i) | Minimum Rear Yard | 1.0 metre. |
| ii) | Minimum Side Yard | 1.4 metres. |
| iii) | Building Height | <p>A) Maximum 15.3 metres.</p> <p>B) Notwithstanding A) above, any building height above 15.3 metres may be equivalently increased as the step back is increased, to a maximum of 21.0 metres.</p> |
| iv) | Built Form for New Development | <p>In the case of new buildings constructed after the effective date of this by-law the following shall apply:</p> <p>A) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street.</p> <p>B) For a corner lot the minimum combined width of the ground floor façade facing the front lot line and flankage lot line shall be greater than or equal to 50% of the measurement of all lot lines abutting a street.</p> |

**Appendix “C” to Report PED19060
Page 5 of 8**

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 80 and 92 Barton Street East and 245 Catharine
Street North (Hamilton)**

- C) In addition to B) above, the minimum ground floor façade facing the front lot line shall exclude access driveways and required yard along a lot line abutting a street.
 - D) No parking, stacking lands, or aisles shall be located between the required building façade and the front lot line and flankage lot line.
 - E) A minimum of one principal entrance shall be provided:
 - 1. within the Barton Street East ground floor façade; and,
 - 2. shall be accessible from the building façade with direct access from the public sidewalk.
 - F) A minimum of 60% of the area of the ground floor façade facing the street shall be composed of doors and windows.
 - G) The first storey shall have a minimum height of 3.6 metres and a maximum height of 4.5 metres.
- v) Parking
- A) In accordance with the requirements of Section 5 of this By-law.

Appendix "C" to Report PED19060

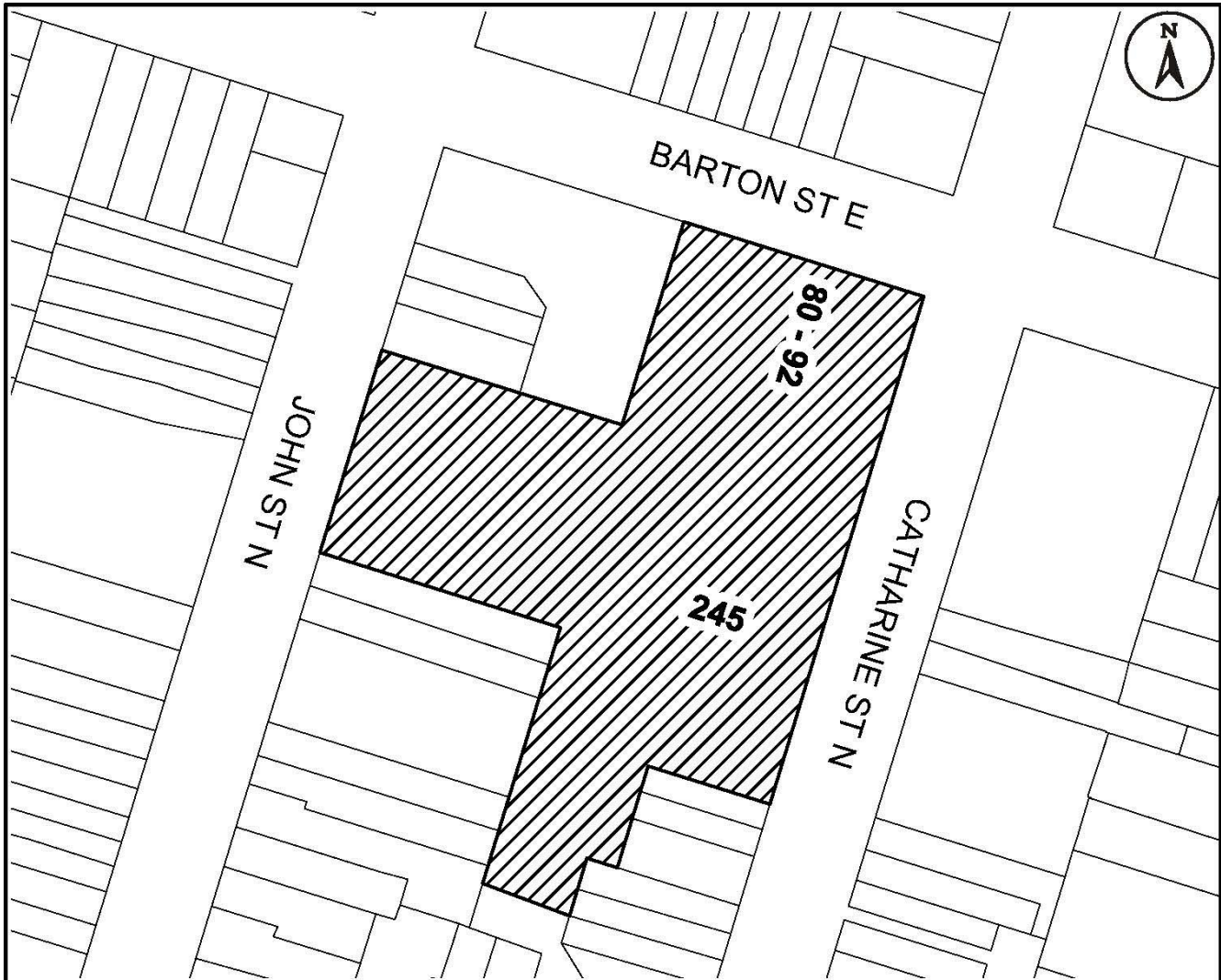
**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 80 and 92 Barton Street East and 245 Catharine
Street North (Hamilton)**

- ii) That the owner submits and receives approval of a revised fire flow calculation based on the more advanced building design plans to demonstrate that the existing watermains can provide for sufficient flow for firefighting for the future development on the site all to the satisfaction of the Manager of Engineering Approvals; and,
 - iii) The owner submits a signed Record of Site Condition to the City of Hamilton and the Ministry of the Environment Conservation and Parks (MOECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton's current RSC administration fee.
5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.
6. That this By-law No. _____ shall come into force and be deemed to have 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 provided by the said Subsection.

PASSED this _____ , _____

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk



This is Schedule "A" to By-law No. 19-
Passed the day of, 2019

Mayor

Clerk

Schedule "A"

Map Forming Part of
By-law No. 19-_____

to Amend By-law No. 05-200
Map 911

Subject Property

80 - 92 Barton Street East & 245 Catharine Street North



Lands to be added to Zoning By-law 05-200 as
Mixed Use Medium Density - Pedestrian Focus
(C5a, 723, H73) Zone

Scale:
N.T.S.

File Name/Number:
ZAC-17-090/OPA-17-041

Date:
January 31, 2019

Planner/Technician:
SM/NB



Hamilton

Zoning By-law Site Specific Modifications – Mixed Use Medium Density – Pedestrian Focus (C5a, 723, H73) Zone

Provision	Required	Requested Amendment	Analysis
Section 2: Interpretation			
2.5 f) Lot Consolidation <i>**Applicant requested modification</i>	Where a lot is divided into more than one zone, each such portion of the lot shall be used in accordance with the provisions of this By-law for each of the applicable zones.	That the lands be deemed to be one lot for the purposes of applying the provisions of the By-law. Zoning provisions shall only apply to the external lot lines of the overall lands, not to internal lot lines resulting from any future severance.	<p>The proposed development has been reviewed comprehensively and the regulations and modifications address the development as a whole. The applicant has indicated that future severances are likely which would complicate the application of the zoning regulations as a result of eliminating the internal lot lines from zoning review.</p> <p>The proposed modification will result in simple and clear implementation and interpretation of the applicable regulations and can be supported.</p>
Section 3: Definitions			
Stacked Townhouse Dwelling <i>**Staff recommended modification</i>	Undefined in Zoning By-law 05-200	Shall mean a building divided vertically and horizontally into a minimum of three and a maximum of 16 Dwelling Units, by common walls which prevent internal access between units, with each Dwelling Unit having one or more private entrances at grade.	<p>A modification is required to the Definitions section to define block townhouse dwelling, maisonette dwelling and stacked townhouse dwelling, whereas Zoning By-law No. 05-200 does not contain definitions for these uses. While it is proposed to add/modify the definitions in By-law 05-200, at the time of preparation of this report these changes have not been considered by Planning Committee, as such, and in the absence of definitions for the above uses, block townhouse, maisonette and stacked townhouse dwellings have traditionally met the definition of a Multiple Dwelling. The proposed units are not typical and do not meet the definition of either a street townhouse dwelling or a multiple dwelling. Staff consider it appropriate to provide definitions for these uses to provide clarity and ensure unit type variety.</p> <p>Given the above, this modification has merit and can be supported.</p>

<p>Front lot line definition</p> <p>**Applicant requested modification</p>	<p>With reference to a corner lot, shall mean the shorter of the lot lines abutting a street, except where both lot lines are of equal length, at the option of the owner, either of the lot lines abutting a public street may be considered as the front lot line”</p>	<p>Barton Street East to be considered the front lot line.</p>	<p>The subject property is a corner lot and contains frontage on three streets, being Barton Street East, John Street North and Catharine Street North. Given the definition, the John Street North frontage (40.49 metres) would be defined as the front lot line. For the purposes of this development and the implementation of the zoning regulations, the Barton Street East frontage (48.02 metres) functions as the front line.</p> <p>The modification is technical in nature and can be supported.</p>
<p>Section 10.5a Mixed Use Medium Density – Pedestrian Focus (C5a) Zone</p>			
<p>Permitted Uses</p> <p>**Applicant requested modification</p>	<p>N/A</p>	<p>To add Block Townhouse Dwelling, Maisonette Dwelling, Multiple Dwelling and Stacked Dwelling</p>	<p>The added residential uses are only permitted if 75% of the Barton Street East street line is occupied by a commercial use. The intent of the C5a Zone is to create an animated, active streetscape along pedestrian oriented streets. The proposed restriction ensures that the Barton Street East street line is developed with a commercial use and allows the rear portion to develop as low density residential.</p>
<p>Restricted Uses</p> <p>**Staff recommended modification</p>	<p>N/A</p>	<p>Block Townhouse Dwelling, Maisonette Dwelling, Multiple Dwelling and Stacked Dwellings shall only be permitted on a lot where a commercial use occupies more than 75% of the Barton Street East street line.</p>	<p>The proposed uses are in keeping with the surrounding area and allow for the development of an alternative housing form at a scale and character that is appropriate.</p> <p>As a restricted use, staff can support the additional residential uses in the C5a Zone where the prime retail street frontage is developed as a retail use.</p> <p>Therefore, the proposed modification can be supported.</p>

Regulations for Block Townhouse Dwellings, Maisonette Dwellings, Multiple Dwellings and Stacked Townhouse Dwellings			
Maximum Building Setback from a Street Line <i>**Staff recommended modification</i>	N/A	3.0 metres	<p>The C5a Zone establishes a maximum 3.0 metre setback from a street line for all permitted uses. The modification is required because of adding new uses not already considered by the C5a Zone.</p> <p>Therefore, the proposed modification is consistent with the requirements of the C5a Zone and can be supported.</p>
Maximum Rear Yard Setback <i>**Staff recommended modification</i>	N/A	0.9 metres	<p>The C5a Zone establishes a minimum 7.5 metre rear yard setback for permitted uses. The intent of the regulation is to provide a buffer from the commercial land uses to abutting residential areas. Given the irregular lot configuration there are three rear lot lines each functioning as a side yard condition. The proposed minimum 1.5 metre setback will allow for access and maintenance. With regard to privacy and overlook no windows are proposed and no overlook will occur into the amenity areas of the adjacent single detached dwellings.</p> <p>As such, staff are satisfied that the proposed minimum 1.5 metre rear yard setback will provide sufficient area for access and maintenance and will not have any negative impact on the privacy of adjacent residential dwellings.</p> <p>Therefore, the proposed modification can be supported.</p>
Minimum Side Yard <i>**Staff recommended modification</i>	N/A	3.0 metres	<p>The C5a Zone establishes a minimum 7.5 metre side yard setback when abutting a Residential or Institutional Zone or residential use. The modification is required to establish a minimum setback for the proposed residential uses.</p> <p>The intent of this provision is to minimize the physical impact of structures on the adjacent properties, while allowing for adequate area for drainage and for maintenance purposes. A 3.0 metre side yard setback is required along the westerly</p>

			<p>side line abutting Blocks D1 and D2 (see Appendix “G” to Report PED19060). Concerns regarding privacy and overlook have been addressed with a minimum side yard setback of 3.0 metres, additionally no balconies are proposed on the westerly facades of Blocks D1 and D2. The 3.0 metre side yard allows for additional buffer area, increased landscaping opportunities and provides sufficient area for access and maintenance.</p> <p>A 0.9 metres side yard is required for Stacked Townhouse Dwellings (Blocks A and C on Appendix “G” to Report PED19060) and will provide adequate area for access and maintenance.</p> <p>Staff are of the opinion that the proposed side yard setback will not pose any adverse impacts on the adjacent property to the west. As a result, this modification has merit and can be supported.</p>
<p>Built Form for New Development</p> <p><i>**Staff recommended modification</i></p>	N/A	<p>For a corner lot the minimum combined width of the ground floor façade facing the front lot line and flankage lot line shall be greater than or equal to 50% of the measurement of all lot lines.</p> <p>No parking, stacking lanes, or aisles shall be located between the required building façade and the front lot line and flankage lot line.</p>	<p>These regulations apply to all permitted uses in the C5a Zone. Staff has recommended these regulations be carried forward to apply to the residential portion of this property.</p> <p>The modification is technical in nature, has merit and can be supported.</p>

<p>Minimum Amenity Area</p> <p><i>**Staff recommended modification</i></p>	<p>N/A</p>	<p>8.6 square metres per unit.</p>	<p>The C5a Zone does not include a provision for Amenity Area as independent residential uses are not permitted. Staff has added a modification to require Amenity Area to be provided at a rate of 8.6 square metres per unit to address the type of dwelling units being proposed and to ensure that adequate amenity area is provided to the residents of the proposed development. The applicant has revised the concept plan (attached as Appendix “G” to Report PED19060) to include the provision of both private and communal amenity area at a rate of 8.6 square metres per unit. The increase reflects the different dwelling unit types and the need for additional amenity area.</p> <p>The modification meets the policy of the Setting Sail Secondary Plan in that it provides a mixture of both private and communal amenity area and can be supported.</p>
<p>Parking</p> <p><i>**Staff recommended modification</i></p>	<p>1 per unit, except where a dwelling unit is 50 square metres in gross floor area or less, in which case, parking shall be provided at a rate of 0.3 per unit.</p>	<p>1 per unit plus 0.22 per unit for visitor parking</p>	<p>The proposed parking standard is an increase to the provisions of Section 5 of Zoning By-law 05-200. Additional consideration was given to the need to provide visitor parking on site given the residential development at the rear of the property. On street parking in the area is moderately to heavily parked. Providing on-site visitor parking will reduce the demand of on-street parking in the surrounding area.</p> <p>Therefore staff are of the opinion that the additional provision for visitor parking is appropriate and can be supported.</p>
<p>Parking Space Size</p> <p><i>**Applicant Requested modification</i></p>	<p>Council Approved **</p> <p>Minimum 3.0 m in width and 5.8 m in length</p> <p>2.8 m in width and 5.8 m in length in parking structure</p>	<p>2.6 m in width and 5.5 m in length</p>	<p>While the original application sought a rezoning in Zoning By-law No. 6593, the applicant proposed parking stall sizes in accordance with the standards of Zoning By-law No. 05-200. A formal consultation application was submitted in May of 2017, at which time the parking standard was 2.6 metres by 5.5 metres. Given that the application maintained the parking space sizes discussed throughout the process a modification can be supported that implements the regulations that were in</p>

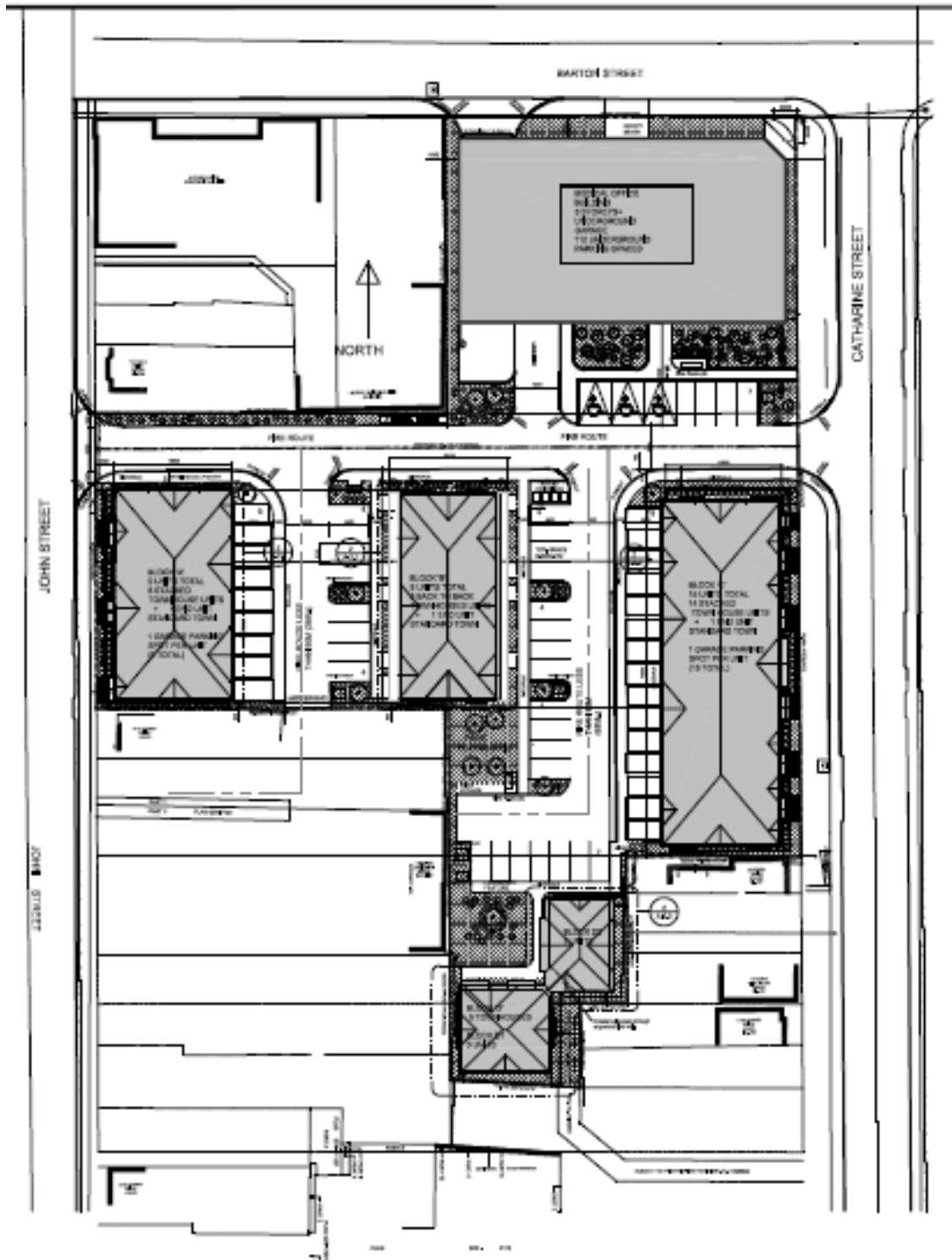
	Within a parking structure an unobstructed parking space width shall be increased by 0.3		effect at the time of the Formal Consultation application. Therefore, the modification is appropriate and can be supported by staff.
Maximum Building Height <i>**Applicant Requested modification</i>	N/A	14.0 metres	Staff has amended the application to implement a 14.0 metre maximum building height to ensure that residential development is compatible with the surrounding residential area. The proposed maximum building height complies with the Secondary Plan and is in keeping with the height permissions of the surrounding "D" District zoning. Staff are of the opinion that the added height restrictions provides assurances to the surrounding residential properties that the proposed development will be in keeping with the surrounding neighbourhood and support the modification.
Minimum Bicycle Parking Requirements <i>**Staff recommended modification</i>	N/A	10 short term bicycle parking spaces	Staff has amended the application to include the provision for short term bicycle parking on-site. The additional provision for short term bicycle parking provides active transportation options and is appropriate given the residential development.
Modifications to Section 10.5a.3			
Minimum Side Yard <i>**Applicant requested modification</i>	7.5 metres abutting a Residential or Institutional Zone or a lot containing a residential use.	1.4 metres	The intent of this provision is to minimize the physical impact of structures on the adjacent properties, while allowing for adequate area for drainage and for maintenance purposes. The adjacent property to the west contains a three storey multiple dwelling that is approximately 16.5 metres from the common property line. Further a surface parking lot is located between the multiple dwelling and the dwelling. Staff are of

			<p>the opinion that the proposed building will not pose any adverse impacts on the adjacent property to the west.</p> <p>With respect to drainage and maintenance, staff are of the opinion that sufficient area exists to accommodate maintenance on the five storey building and drainage from the building.</p> <p>As a result, this modification has merit and can be supported.</p>
<p>Maximum Building Height</p> <p><i>**Applicant requested modification</i></p>	22.0 metres	<p>15.3 metres</p> <p>Any building height above 15.3 metres may be equivalently increased as the step back is increased, to a maximum of 21.0 metres.</p>	<p>The intent of this provision is to minimize the impact of buildings on adjacent properties / areas with respect to sun shadowing, overlook and ensure that an appropriate scale for the area is achieved.</p> <p>Staff note that the proposed office building is five storeys in height, and 15.25 metres to the top of the roof. The additional relief required is located within the building's fifth floor, being the mechanical penthouse which is inset relative to the buildings mass (see Appendix "H" to Report PED19060). Staff are of the opinion that the building will not pose any adverse impacts on adjacent properties from a sun shadow or overlook perspective.</p> <p>With respect to the neighboring area, the adjacent property to the west contains a three storey multiple dwelling, however, the property is located in the "E-1" (Multiple Dwellings, Lodges, Clubs, Etc.) District, which permits a maximum height of twelve storeys or 39.0 metres. As such, staff are of the opinion that the proposed height is appropriate for the area.</p> <p>Given the above, this modification has merit and can be supported.</p>
Built Form for New Development			<p>These regulations are currently under appeal with the Commercial and Mixed Use Zones. To ensure that the</p>

<i>**CMU modification</i>			<p>development meets the intent of the C5a Zone and the Prime Retail designation staff have amended the application to carry the Built Form for New Development regulations forward to apply to all permitted uses in the C5a Zone.</p> <p>This modification is technical in nature, has merit and can be supported.</p>
<p>Parking</p> <p><i>**Applicant requested modification</i></p>	<p>1 per 16 square metres of GFA (medical clinic)</p> <p>1 per 30 square metres of GFA (office)</p>	117 spaces	<p>117 parking spaces have been provided for the office building use. 110 of the proposed parking spaces are located below grade and seven parking spaces at grade. Barton Street East is a prime retail street, which is served by regular HSR service, and the site is walking distance (300 m) of municipal parking structures. The proposed office building is approximately 4,552 square metres in total GFA and the proposed parking represents approximately 38 parking spaces per square metre. It is not known how the building will be occupied in the future, and it is the intent of this modification to address a variety of uses contemplated by the C5a Zone. Given the proximity to the A-line, and the regular HSR service available, and the walkability of the surrounding neighbourhood, the proposed parking rate will adequately serve the commercial use.</p> <p>Given the above, this modification has merit and can be supported.</p>
<p>Loading Space</p> <p><i>**Applicant requested modification</i></p>	N/A	1 loading space shall be provided	<p>One loading spaces has been required for the medical clinic building where Zoning By-law 05-200 requires none. The provision for a loading space will allow for better access and use of the building.</p> <p>This modification is appropriate for the future development of the property and can be supported.</p>
<p>Minimum Bicycle Parking</p>	N/A	5 short term bicycle parking spaces	<p>Staff has amended the application to include the provision for short term bicycle parking on-site. The additional provision</p>

Requirements <i>**Staff recommended modification</i>			for short term bicycle parking provides active transportation options and is appropriate and can be supported given the residential development and can be supported.
Landscaped Area <i>**Staff recommended modification</i>	N/A	15% of the total lot area	There is currently no requirement for landscaped area in the C5a Zone. Staff has recommended that the provision of landscaped area be included in the development providing additional provisions for open accessible landscaped areas, additional buffering between the residential blocks and buffering the at grade parking areas to the public realm. This modification is appropriate and is supported by staff.

Appendix "E" to Report PED19060
Page 1 of 1



INFORMATION FOR THIS SITEPLAN: TAKEN FROM SURVEY OF LOTS 8, 22, 23, 26, 27, 28, 29, 30 AND PART OF LOTS 24 AND 25
 Prepared by NATHANIEL HUGHSON'S SURVEY (UNREGD@182822)

THE BLOCK BOUNDED BY BARTON STREET, ROBERT STREET, JOHN STREET AND CATHARINE STREET AS SHOWN ON A PLAN OF HAMILTON BY JOHN H. BIRD, 1850.

NOTICE ABOVE
 IS PLANNED AND CONTROLLED AND REFERRED TO CITY OF HAMILTON, VERTICAL CONTROL BOARD (V.C.B.) AND HORIZONTAL CONTROL BOARD (H.C.B.) OF EVERY SURVEYOR'S OBLIGATION TO THE REGULATOR.

Appendix "F" to Report PED19060
Page 1 of 1



Site Statistics
 Townhomes Parking
 57 Parking Spaces
 39 above grade + 9 garage spaces in Block A
 Block B will utilize 9 underground Parking Spaces
 Parking to Unit Ratio 1.27

Site Statistics
 Office Parking
 7 Above Grade Parking Including 3 Barrier Free
 110 Below Grade Parking (Less 9 for Townhomes) = 96
 Total Office Parking 103 spots

SITE PLAN
82 - 92 BARTON STREET
 November 26th, 2018



Appendix "G" to Report PED19060
Page 1 of 5

Appendix "G" to Report PED19XXX
Page 1 of 5



Amenity Space Statistics
Townhomes

Balconies:	147 m ²
Decks:	73 m ²
Central Amenity Space:	170 m ²
TOTAL Amenity Space:	390.4 m ²
Number of Units:	45 Units
Amenity Space Per Unit	8.68 m ²

SITE PLAN
82 - 92 BARTON STREET
December 21st, 2018




Appendix "G" to Report PED19060
Page 3 of 5

Appendix "G" to Report PED19060
Page 3 of 5

NOTES:
 1. Contractor to check with utility of developments on site and property to verify the work.
 2. Do not alter the drainage.
 3. The drainage system shall be installed in accordance with the approved plans and specifications.
 4. The drainage system shall be installed in accordance with the approved plans and specifications.
 5. The drainage system shall be installed in accordance with the approved plans and specifications.
 6. The drainage system shall be installed in accordance with the approved plans and specifications.

No.	Description	Date
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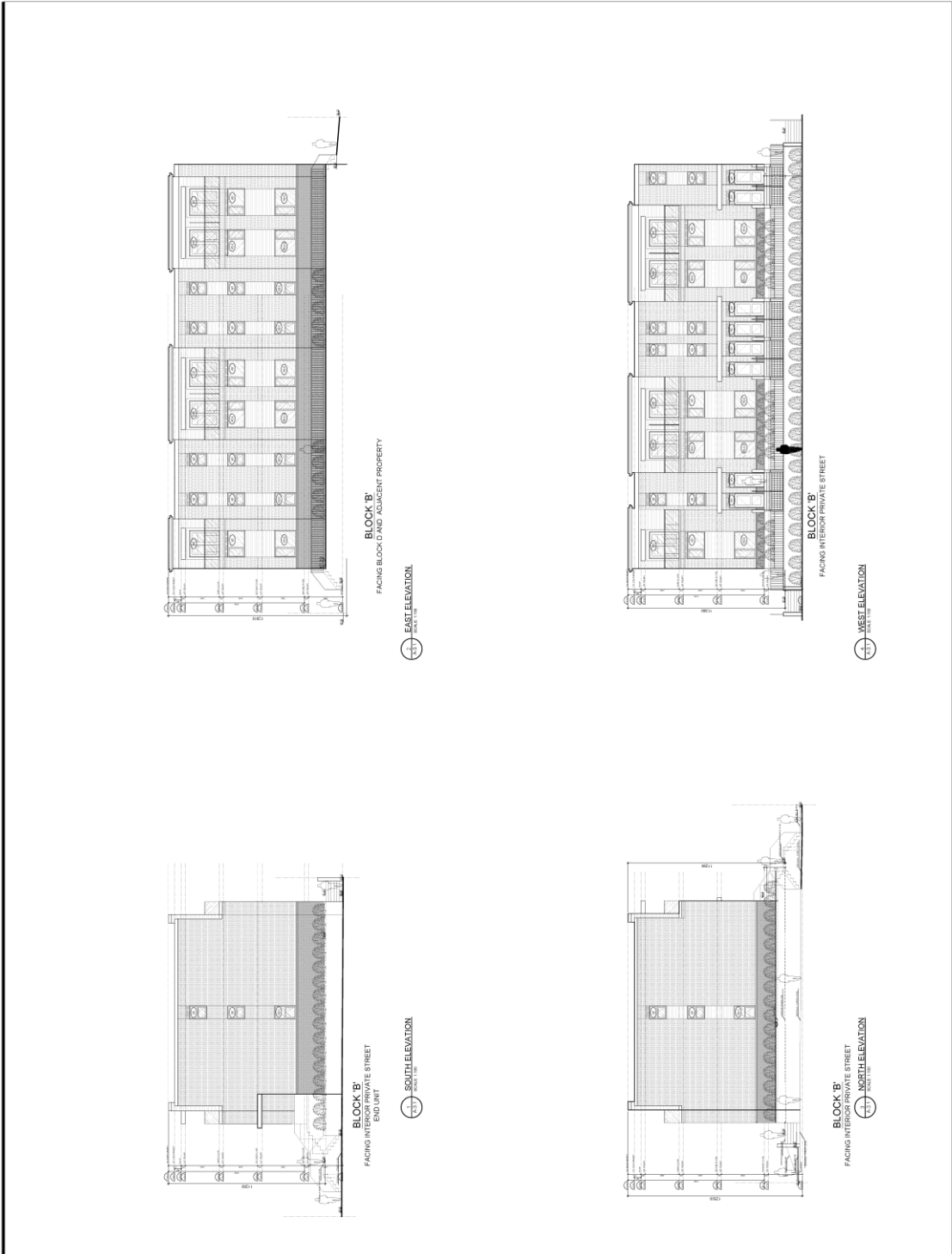
1	DESIGNED BY	DATE
2	DRAWN BY	DATE
3	CHECKED BY	DATE
4	APPROVED BY	DATE
5	REVISIONS	DATE
6	REVISIONS	DATE

BLOCK "B" ELEVATIONS

BARTON TOWNHOMES
 6700 INTERIOR PRIVATE ST. N.

O.C.A. Architects Inc.
 1015 HALLAM AVENUE, SUITE 200
 TORONTO, ONTARIO M6H 3K9
 TEL: (416) 763-1881
 FAX: (416) 763-1882
 WWW.OCA-ARCHITECTS.COM

No.	Description	Date
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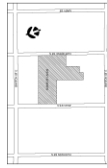


Appendix "G" to Report PED19060
Page 4 of 5

Appendix "G" to Report PED19060
Page 4 of 5

NOTES:
 1. Contractor to check with utility of developments on site and property to verify the work. (See attached page 6)
 2. Do not alter the structure.
 3. The drawings are for information only and are not to be used for construction without the approval of the architect.
 4. The drawings are for information only and are not to be used for construction without the approval of the architect.
 5. The drawings are for information only and are not to be used for construction without the approval of the architect.
 6. The drawings are for information only and are not to be used for construction without the approval of the architect.

No.	REVISION	DATE
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No.	REVISION	DATE
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Architect's signature: _____
 Date: _____

PROJECT: _____
 SHEET: _____

DESIGNED BY: _____
 DRAWN BY: _____
 CHECKED BY: _____
 DATE: _____

BLOCK "C" ELEVATIONS

BARTON TOWNHOMES
 800 W. PINE STREET, SUITE 100
 DENVER, CO 80202

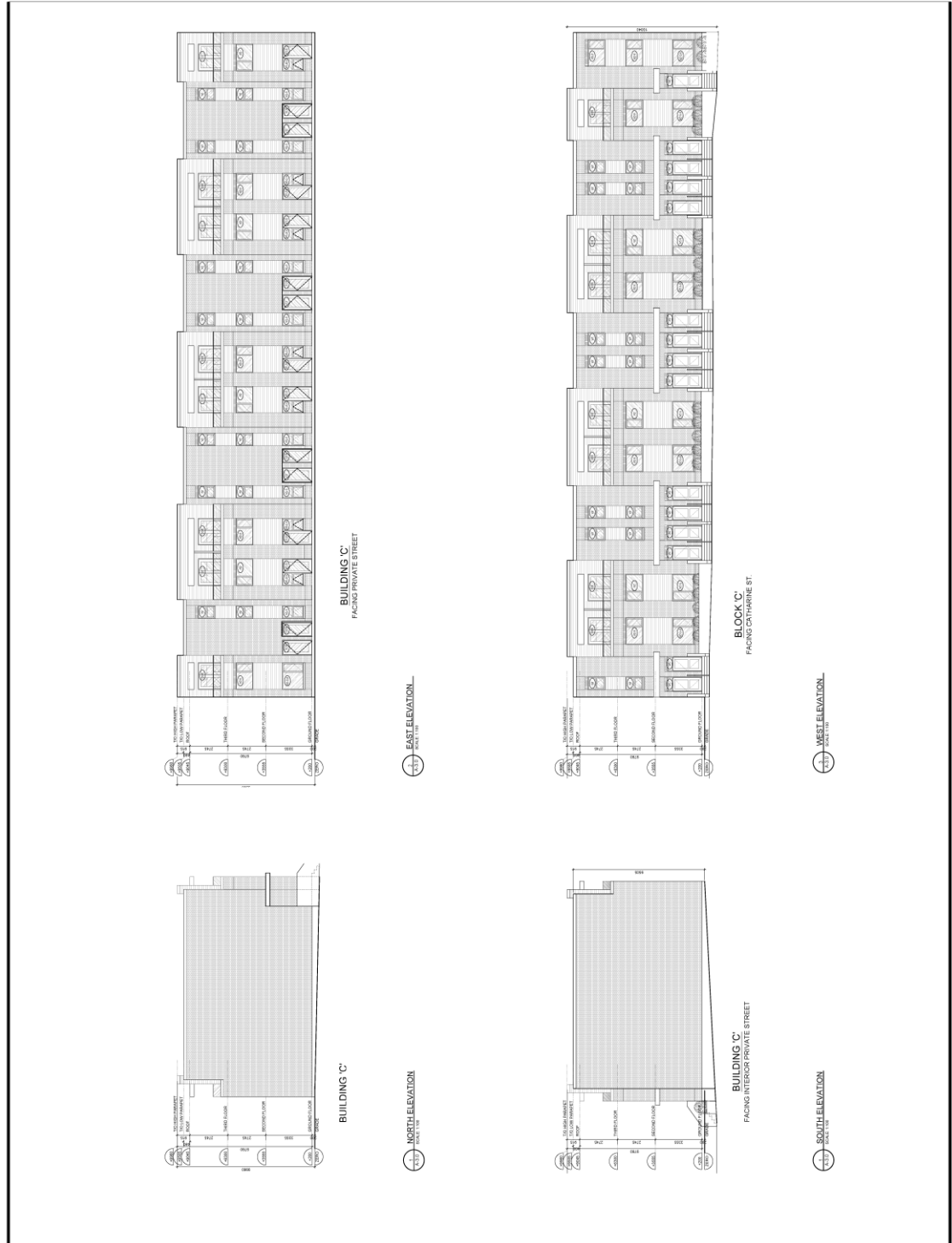
O.C.A. Architects Inc.
 1401 EAST 17TH AVENUE, SUITE 100
 DENVER, CO 80202
 TEL: 303.733.1111
 FAX: 303.733.1112
 WWW.OCAARCHITECTS.COM

NO.	REVISION	DATE
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Scale: 1/8" = 1'-0" (unless otherwise noted)

Sheet No. **A-3.2**

Project No. _____
 Drawing No. _____
 Date Issued: _____
 Date: _____



Appendix "G" to Report PED19060
Page 5 of 5

Appendix "G" to Report PED19060
Page 5 of 5

NOT:
Contractor to check each unit of development on site and
report any deviations to the Architect immediately upon
discovery, with the work. The Architect shall be
responsible for the design.
Do not make any changes.
The Architect shall be responsible for the design and shall
not be responsible for the construction of the work. The
Contractor shall be responsible for the construction of the
work. The Architect shall be responsible for the design and
shall not be responsible for the construction of the work.
The Contractor shall be responsible for the construction of
the work. The Architect shall be responsible for the design
and shall not be responsible for the construction of the
work.

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No.	Revisions	Date
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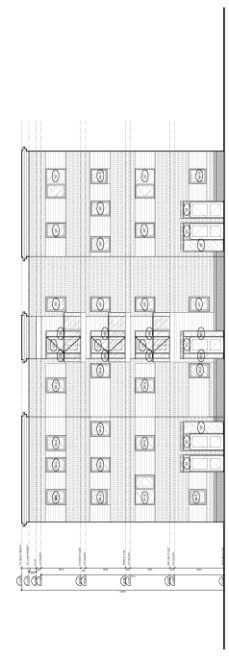
**BLOCK "D"
ELEVATIONS**

BARTON TOWNHOMES
600 W. WALTON AVENUE, SUITE 200
DALLAS, TEXAS 75201

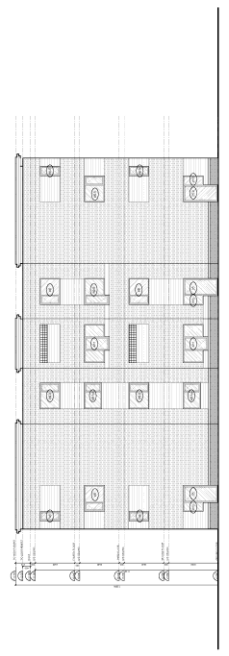
O.C.A. Architects Inc.
1411 GILBERT AVENUE, SUITE 200
DALLAS, TEXAS 75203
TEL: 972.382.1111
WWW.OCA-ARCHITECTS.COM

NO.	REVISIONS	DATE
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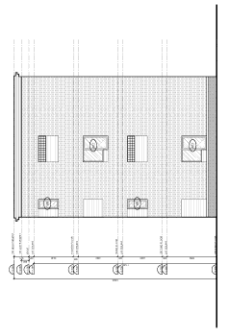
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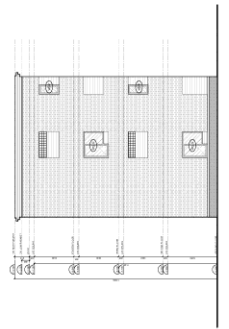
BLOCK D1 AND D2
FACING IRVING PRIVATE STREET



BLOCK D1 & D2
FACING ADJACENT PROPERTY



BLOCK D1 & D2
FACING ADJACENT PROPERTY



BLOCK D1 & D2
FACING ADJACENT PROPERTY



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	April 2, 2019
SUBJECT/REPORT NO:	Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 282 MacNab Street North, Hamilton (PED19071) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Mark Kehler (905) 546-2424 Ext. 4148
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Official Plan Amendment Application UHOPA-18-015 by St. Jean Properties Inc. and Durand Development Corporation, Owner**, to establish a Special Policy Area on Schedule “M-2” of the West Harbour (Setting Sail) Secondary Plan in the former City of Hamilton Official Plan to permit the development of a 13 storey, 110 unit multiple dwelling with a residential density of 847 units per gross hectare, for lands located at 282 MacNab Street North, as shown on Appendix “A” to Report PED19071, be **DENIED** on the following basis:
- (i) That the proposed amendment to the West Harbour (Setting Sail) Secondary Plan does not comply with the City of Hamilton Official Plan and the West Harbour (Setting Sail) Secondary Plan, with regards to matters including but not limited to, building height, massing, built form and compatibility with the existing character of the surrounding neighbourhood.
- (b) That **Zoning By-law Amendment Application ZAC-18-037 by St. Jean Properties Inc. and Durand Development Corporation, Owner**, for a change in zoning from the “J” (Light and Limited Heavy Industry, Etc.) District to a site specific “E” (Multiple Dwellings, Lodges, Clubs, Etc.) District to permit a 13 storey (43.5 m), 110 unit multiple dwelling with 51 parking spaces for lands

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 282 MacNab Street North, Hamilton (PED19071) (Ward 2) – Page 2 of 26

located at 282 MacNab Street North, Hamilton, as shown on Appendix “A” to Report PED19071, be **DENIED** on the following basis:

- (i) That the proposed change in zoning does not comply with the City of Hamilton Official Plan and West Harbour (Setting Sail) Secondary Plan, with regards to matters including but not limited to, building height, massing, built form and compatibility with the existing character of the surrounding neighbourhood.

EXECUTIVE SUMMARY

The owner, St. Jean Properties Inc. and Durand Development Corporation, has applied for an Official Plan Amendment and Zoning By-law Amendment to permit an 13 storey (43.5 m), 110 unit multiple dwelling with 51 parking spaces on lands located at 282 MacNab Street North, Hamilton.

The subject property is located within the West Harbour (Setting Sail) Secondary Plan approved by the Ontario Municipal Board in August, 2013. The purpose of the Official Plan Amendment is to establish a Special Policy Area on Schedule “M-2” of the West Harbour (Setting Sail) Secondary Plan to permit a 13 storey, 110 unit multiple dwelling with a residential density of 847 units per gross hectare.

The purpose of the Zoning By-law Amendment is to rezone the subject lands from the “J” (Light and Limited Heavy Industry, Etc.) District to a site specific “E” (Multiple Dwellings, Lodges, Clubs, Etc.) District. Modifications to the “E” District have been requested to permit increased building height and floor area ratio and reduced front, side and rear setbacks, landscaped area, parking stall size, number of parking spaces, loading space dimensions and number of loading spaces.

The proposal does not comply with the West Harbour (Setting Sail) Secondary Plan with respect to building height and compatibility with the character of the surrounding low density residential neighbourhood. The proposed 13 storey (43.5 m) mixed use building does not comply with the policies applicable to Stable Areas and the Medium Density Residential 1 designation within the Secondary Plan.

Staff recommend the applications be denied.

Alternatives for Consideration – See Page 25

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 282 MacNab Street North, Hamilton (PED19071) (Ward 2) – Page 3 of 26

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an Application for an amendment to the Official Plan and Zoning By-law.

HISTORICAL BACKGROUND

Proposal

The subject property is located at the southeast corner of Stuart Street and MacNab Street North, two blocks north and one block west of the intersection of Barton Street West and James Street North. The property is rectangular in shape, has a lot area of approximately 0.13 ha (1,294 m²) and is municipally known as 282 MacNab Street North.

The property is currently vacant and was formerly occupied by a two storey building, three sheet metal garages, two shipping containers and a covered storage area. In the 1940s, the property was developed as a gas station and automobile service garage that operated until the early 1990s. The property was most recently used for office space and storage.

The applicant is proposing to construct a 13 storey, 43.5 m high multiple dwelling with 110 dwelling units and 51 vehicle parking spaces for residents provided on the ground level and within two levels of underground parking. No visitor parking is proposed. A bicycle storage facility is proposed at grade with capacity for 47 bicycles. The proposed building includes a one storey podium with an outdoor amenity area on the roof of the podium.

The applicant has applied to amend the West Harbour (Setting Sail) Secondary Plan to permit a maximum building height of 13 storeys and a maximum residential density of 847 units per gross hectare. The existing Medium Density Residential 1 designation applicable to the subject lands permits a maximum building height of 5 storeys and a maximum residential density of 150 units per gross hectare.

The applicant has applied for a change in zoning from the “J” (Light and Limited Heavy Industry, Etc.) District to a site specific “E” (Multiple Dwellings, Lodges, Clubs, Etc.) District. Modifications to the “E” District have been requested to permit increased building height and floor area ratio and reduced front, side and rear setbacks, landscaped area, parking stall size, number of parking spaces, loading space dimensions and number of loading spaces.

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 282 MacNab Street North, Hamilton (PED19071) (Ward 2) – Page 4 of 26

Chronology:

<u>July 3, 2018:</u>	Submission of Official Plan Amendment and Zoning By-law Amendment Applications UHOPA-18-015 and ZAC-18-037.
<u>July 25, 2018:</u>	Applications UHOPA-18-015 and ZAC-18-037 deemed incomplete.
<u>September 25, 2018:</u>	Applications UHOPA-18-015 and ZAC-18-037 deemed complete.
<u>October 9, 2018:</u>	Notice of Complete Application and Preliminary Circulation was sent to 184 property owners within 120 m of the subject lands.
<u>October 9, 2018:</u>	Public Notice Sign installed on the subject lands.
<u>November 21, 2018:</u>	Public Open House held by the applicant and agent.
<u>March 15, 2019:</u>	Public Notice published in the Hamilton Spectator.
<u>March 15, 2019:</u>	Circulation of the Notice of Public Meeting to 184 property owners within 120 m of the subject property.

Details of Submitted Applications:

Owner:	St. Jean Properties Inc. and Durand Development Corporation								
Applicant:	St. Jean Properties Inc. and Durand Development Corporation								
Agent:	GSP Group Inc. (c/o Brenda Khes)								
Location:	282 MacNab Street North (see Appendix “A” to Report PED19071)								
Property Description:	<table> <tr> <td><u>Lot Frontage:</u></td> <td>35.27 m (MacNab Street North)</td> </tr> <tr> <td><u>Lot Depth:</u></td> <td>36.69 m</td> </tr> <tr> <td><u>Lot Area:</u></td> <td>1,294 sq m (0.129 ha)</td> </tr> <tr> <td><u>Servicing:</u></td> <td>Existing Full Municipal Services</td> </tr> </table>	<u>Lot Frontage:</u>	35.27 m (MacNab Street North)	<u>Lot Depth:</u>	36.69 m	<u>Lot Area:</u>	1,294 sq m (0.129 ha)	<u>Servicing:</u>	Existing Full Municipal Services
<u>Lot Frontage:</u>	35.27 m (MacNab Street North)								
<u>Lot Depth:</u>	36.69 m								
<u>Lot Area:</u>	1,294 sq m (0.129 ha)								
<u>Servicing:</u>	Existing Full Municipal Services								

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 282 MacNab Street North, Hamilton (PED19071) (Ward 2) – Page 5 of 26

Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Property:</u>	Vacant	“J” (Light and Limited Heavy Industry, Etc.) District

Surrounding Land Uses:

North	West Harbour Go Station	“G-3”-‘H’ (Public Parking Lots) District - Holding
East	West Harbour Go Station and a place of worship (Romanian Orthodox Church)	“G-3”-‘H’ (Public Parking Lots) District - Holding and Neighbourhood Institutional (I1) Zone
South	Place of worship (Romanian Orthodox Church)	Neighbourhood Institutional (I1) Zone
West	Single detached dwellings and a one storey commercial building	“D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District and “J” (Light and Limited Heavy Industry, Etc.) District

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (2014) (PPS). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The following policies, amongst others, apply to the proposed development.

Settlement Areas

With respect to Settlement Areas, the PPS provides the following:

“1.1.3.1 *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 282 MacNab Street North, Hamilton (PED19071) (Ward 2) – Page 6 of 26

1.1.3.2 Land use patterns within *settlement areas* shall be based on:

- a) densities and a mix of land uses which:
 - 1. efficiently use land and resources;
 - 2. are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and / or uneconomical expansion;
 - 4. *support active transportation*;
 - 5. are *transit-supportive*, where transit is planned, exists or may be developed;
- b) a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.”

The subject property is located within a settlement area as defined by the PPS. The proposed 110 unit multiple dwelling would contribute to the mix of land uses in the area, would efficiently use land and existing infrastructure, and represents a form of intensification. The proposal is transit-supportive by providing intensification in close proximity to the West Harbour GO Station, seeking a reduced parking requirement and providing 47 bicycle parking spaces.

Cultural Heritage and Archaeology

With respect to Cultural Heritage and Archaeology, the PPS provides the following:

- “2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.
- 2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or area of archaeological potential unless significant archaeological resources have been conserved.
- 2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.”

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 282 MacNab Street North, Hamilton (PED19071) (Ward 2) – Page 7 of 26

The subject property meets three of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the PPS apply to the lands. Should the applications be approved, an acknowledgement note of the archaeological requirements applicable to the site would be required at the Site Plan Control stage.

A Cultural Heritage Impact Assessment (CHIA) was submitted as part of the Urban Design Brief dated June 2018 completed by McCallum Sather. Staff have reviewed the CHIA and forwarded it to the Policy and Design Working Group of the Hamilton Municipal Heritage Committee for comment. The Working Group expressed concern that the proposed building height is not in keeping with the character of the neighbourhood, including the Romanian Orthodox Church to the south. The church is included in the City's Inventory of Buildings of Architectural and / or Historical Interest. Staff have requested the applicant respond to the concerns raised by the Working Group. As of the writing of this report, staff have not received a response.

Noise

Regarding noise, the PPS provides the following:

“1.2.6.1 Major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and / or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities.”

The applicant submitted a Noise Impact Assessment prepared by WSP dated June 28, 2018 for the subject proposal. Due to the site's location adjacent to the West Harbour GO Station, the assessment was forwarded to Metrolinx for review. Metrolinx staff have expressed concerns that the assessment does not reflect current track design speed, does not comment on the effect of typical GO Transit operations and that vibration measurements were not conducted on the subject site. In addition, City staff are concerned that the proposed amenity area on the roof of the podium has not been assessed against the Ministry of the Environment, Conservation and Parks (MECP) guidelines for an Outdoor Living Area.

Should the applications be approved, staff recommend a revised Noise Impact Assessment be required through a Holding Provision demonstrating that the development can meet MECP noise guidelines. Any required noise mitigation measures and warning clauses would be implemented at the Site Plan Control stage.

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 282 MacNab Street North, Hamilton (PED19071) (Ward 2) – Page 8 of 26

Human-Made Hazards

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

The subject property is recognized as a potentially contaminated site due to the past use of the property for industrial / commercial purposes. As a result, the property is subject to environmental review to allow for the proposed multiple dwelling use. The applicant has undergone a Phase I and II Environmental Site Assessment (ESA). The Phase I ESA identified a number of potential environmental concerns including abandoned underground storage tanks, fuel lines and an out of service fuel pump, previous use as a vehicle repair garage, and the presence of poor quality fill. Further concerns were identified due to the potential migration of contaminants from off-site sources including a former CN Rail yard to the north, former street car maintenance activities to the east and potential historical fuel oil use to the south. The Phase II ESA identified contaminated surface soil fill throughout the site and gasoline / fuel contamination near the former fuel lines and pump. The Owner will be responsible for ensuring a Record of Site Condition (RSC) has been filed appropriately satisfying the MECP. Should the applications be approved, staff would request a Holding Provision requiring the provision of a Notice of Acknowledgment letter from the MECP for the RSC.

Based on the foregoing, the proposal is consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe (2017)

As of July 1, 2017, the provisions of the Growth Plan for the Greater Golden Horseshoe, 2017 (the Growth Plan) apply to any planning decision.

Policy 2.2.1.2(a) of the Growth Plan directs the majority of growth to settlement areas that have access to municipal water and wastewater systems and can support the achievement of complete communities. Policy 2.2.1.2(c) establishes that locations with existing or planned transit will be focus areas for growth within settlement areas and Policy 2.2.1.4 supports the achievement of complete communities through the following measures, amongst others:

- “a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;

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- c) provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes.”

The subject lands are located within the Hamilton urban boundary and are fully serviced by municipal water and wastewater infrastructure. The proposal would contribute to achieving a complete community by expanding housing options within the neighbourhood. The proposed multiple dwelling would have access to a range of transportation options, including the West Harbour GO Station and future planned A-Line Rapid Transit corridor.

Also, according to Policy 2.2.2.1 of the Growth Plan, by the year 2031, and each year thereafter, a minimum of 60% of all residential development occurring within a municipality must be within the delineated built up area. This proposal represents a form of residential intensification within the built up area, consistent with the growth management policies of the Growth Plan.

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

Urban Hamilton Official Plan

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

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

Hamilton-Wentworth Official Plan

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

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Urban Area

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

- Compact urban form, including mixed use areas.

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

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

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

Redevelopment of the subject lands for residential uses would comply with the above policy direction to encourage redevelopment of the subject lands for compact development within the Urban Area. The proposed multiple dwelling would provide for efficient use of services. As such, the proposal complies with the policies of the Hamilton-Wentworth Official Plan.

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City of Hamilton Official Plan

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

“Subsection B.2.1 – Water Distribution

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

Subsection B.2.2 – Sewage Disposal

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

Subsection B.2.3 – Storm Drainage

B.2.3.1 Council will require that all new development and / or redevelopment be connected to, and serviced by, a STORM DRAINAGE System or other appropriate system such as ditches, ‘zero run-off’, and any other technique acceptable to Council and the Conservation Authorities. Council will ensure that the extension of the STORM sewer System is at sufficient capacity to support future anticipated growth in the City. In this regard, Council will co-operate with the appropriate Conservation Authorities in any flood management studies or engineering works that may be undertaken from time to time to improve or maintain the DRAINAGE capacity of natural watercourses flowing through the City.”

There are existing services adjacent to the subject property including sanitary, storm and watermain sewers. Should the applications be approved, stormwater management, geotechnical and hydrogeological studies would be required at the Site Plan Control stage.

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“Subsection 2.4.5- Solid Waste Disposal

- B.2.4.5 All uses in the City will be served by a regularly-scheduled SOLID WASTE collection through the municipal DISPOSAL service, or in the case of certain uses, through individually-contracted collection service.”

The proposed mixed use development is eligible for curbside waste collection by City Services subject to the requirements of the City’s Solid Waste Management By-law. Should the applications be approved, waste collection would be examined in greater detail at the Site Plan Control stage.

“Subsection C.7 – Residential Environmental and Housing Policy

- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

- C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

- iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and / or physical infrastructure that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;
- v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;
- ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents;
- xii) Encourage development at densities conducive to efficient operation of Public Transit and which utilizes design or construction techniques that are energy efficient;”

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The proposed multiple dwelling complies with Policies C.7.3 ix) and xii) by increasing the availability of residential units in the neighbourhood and increasing residential densities adjacent to the West Harbour GO Station.

Staff are concerned that the proposed 13 storey (43.5 m) building height fails to address the intent of Policies C.7.2 and C.7.3 iii) and v). These policies reinforce the need for new development to recognize and enhance the scale and character of the existing residential area. For reasons to be discussed later in the Secondary Plan and Analysis and Rationale for Recommendation sections of this Report, it is the opinion of staff that the proposed 13 storey (43.5 m) building height is not appropriate given the character of the existing residential area and the policy direction provided in the Official Plan.

Based on the above policy review, the proposal does not meet the intent of the City of Hamilton Official Plan with respect to matters including but not limited to building height, scale, massing, built form and recognizing and enhancing the character of the existing residential area.

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

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

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

The subject property is identified as “Stable Areas” on Schedule M-1 – Planning Area and Sub-Areas and is designated “Medium Density Residential 1” on Schedule M-2 – General Land Use. The lands are located within the “Zone of Noise Influence” on Schedule M-3 – Zone of Noise Influence. The following policies, amongst others, apply to the proposal.

Planning Principles

“A.6.3.2.2 Strengthen existing neighbourhoods;

- i) ensure new development respects and enhances the character of the neighbourhood;

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- ii) relocate heavy industrial uses and clean-up contaminated sites;
- iii) encourage compatible development on abandoned, vacant and under-utilized land;

Stable Areas:

A.6.3.7 Stable Areas

The Stable Areas are identified on Schedule “M-1”. They comprise the generally low density neighbourhoods that define the residential character of West Harbour. Significant physical change is not anticipated in Stable Areas. The intent of the policies in this section is to maintain and reinforce the character of existing neighbourhoods and to encourage the replacement of inappropriate industrial and commercial uses with sensitively-designed residential development.

A.6.3.7.1 Land Use

- A.6.3.7.1.1 The predominant land use in Stable Areas shall be Low Density Residential, with detached, semi-detached and street townhouses being the predominant types of housing.”

The West Harbour (Setting Sail) Secondary plan identifies three areas planned for significant land use change – the Waterfront, Barton-Tiffany and the Ferguson-Wellington Corridor. The plan further identifies Corridors of Gradual Change along portions of York Boulevard, Cannon Street, Barton Street and James Street. The remainder of the secondary plan area is identified as Stable Areas, which are generally low density residential character areas in which significant physical change is not anticipated. Policy A.6.3.7.1.1 establishes that housing within Stable Areas is envisioned to consist predominantly of detached, semi-detached and street townhouse dwellings.

Consistent with Policies A.6.3.2.2 (ii) and A.6.3.7, the proposed development represents an opportunity to redevelop a contaminated commercial site. Staff are concerned however, that the proposal is not sensitively-designed residential development as described in Policy A.6.3.7.

Policy A.6.3.2.2 iii) further clarifies that the development of underutilized land should be “compatible.” Policies A.6.3.2.2 (i) and A.6.3.7 require that new development respect and enhance the character of existing neighbourhoods and encourage the replacement of inappropriate industrial and commercial uses with sensitively-designed residential development. The subject site is located at the northern edge of a stable residential

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area bounded by the CN / GO railway tracks to the north, James Street North to the east, Bay Street North to the west and Cannon Street West to the south. This area is characterized primarily by single detached, semi-detached and street townhouse dwellings together with some low rise multiple dwellings and neighbourhood institutional uses. Primarily low rise mixed use corridors exist along James Street North and Cannon Street West and there are light industrial and commercial uses near Bay Street North and Mulberry Street and across from the CN rail tracks along Stuart Street.

The immediate context includes a one storey commercial building and single detached dwellings to the west, the one storey West Harbour GO Station to the north and east, and a place of worship to the south and east. Further to the west is a six storey multiple dwelling at 50 Murray Street (also known as the “Witton Lofts”).

In the opinion of staff, the height, scale and massing of the proposed 13 storey (43.5 m) multiple dwelling does not maintain and reinforce the existing and planned low rise residential character of the area nor is it a sensitively-designed residential development given the immediate context. The proposal is taller than any surrounding buildings and its massing includes full lot coverage and limited building step backs above the first storey to reduce the visual impact of the development on the adjacent place of worship and low rise residential uses to the west, east and south. In comparison, the nearby Witton Lofts development features a lower building height and large side and rear setbacks from the primary building to adjacent properties. Overall, the scale of the proposed development is incompatible with the predominant low rise built form of the neighbourhood that forms a key component of its character.

Based on the forgoing, the proposal does not comply with Policies A.6.3.2.2 (i), A.6.3.7 and A.6.3.2.2 iii). Therefore, the proposal does not align with the “Strengthening existing neighbourhoods” planning principle and the intent of the Stable Areas component of the land use plan that new development respect and enhance the character of existing neighbourhoods.

Medium Density Residential 1

“A.6.3.3.1.13 In Medium Density Residential 1 areas:

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

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- v) front yard setbacks shall be generally consistent with the setbacks of adjacent buildings;
- vii) parking areas generally shall be provided at the rear of sites or underground, with access from public streets or laneways;
- ix) the main entrances to buildings shall face public streets;
- x) private amenity space shall be provided on balconies and terraces, at the front or rear of individual ground-floor units, and/or within internal courtyards outdoors and indoors;
- xi) common amenity space shall be consolidated on the site to create useable spaces;
- xii) the design and massing of buildings shall minimize shadow and wind impacts on the public realm; and
- xiii) the design of new developments shall have respect for the light, views and privacy enjoyed by residents in adjacent buildings and areas.”

As per Policy A.6.3.3.1.13 i), the proposed multiple dwelling use is permitted in the Medium Density Residential 1 designation. The proposed parking within the ground floor and underground levels accessible from MacNab Street North complies with Policy A.6.3.3.1.13 vii). As required by Policies A.6.3.3.1.13 x) and xi), private amenity space is proposed within individual balconies and indoor and outdoor common amenity space is proposed at the second storey. The proposed primary building entrance faces MacNab Street North and complies with Policy A.6.3.3.1.13 ix).

In response to Policy A.6.3.3.1.13 xii), the applicant submitted a Sun Shadow Analysis prepared by McCallum Sather, dated June 2018 and a Pedestrian Wind Assessment prepared by Novus Environmental dated June 27, 2018. The Sun Shadow Analysis demonstrates that most of the shadowing cast by the proposed development is to the northeast, north and northwest, including over industrial lands, the CN Rail Corridor and the West Harbour GO Station. Shadows cast on the public realm would occur on portions of MacNab Street North on December 21st, March 21st, June 21st, and September 21st from 10:00 am to 12:00 pm. Longer shadows would occur on December 21st resulting in shadows on portions of Stuart Street to the northwest at 10:00 am and portions of Strachan Street East, James Street North and Simcoe Street East to the northeast at 4:00 pm.

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Staff are satisfied that the shadow impact of the development would be minimal as they would occur at low usage times during the day, for limited duration, primarily over industrial / railway lands. Limited shadow impacts are expected in the summer months. The Pedestrian Wind Assessment determined that wind conditions on MacNab Street North and Stuart Street adjacent to the development would be suitable for standing or leisurely walking year round. In the opinion of staff, the development complies with Policy A.6.3.3.1.13 xii).

In response to Policy A.6.3.3.1.13 xiii), the applicant submitted an Urban Design Brief and Visual Impact Assessment prepared by McCallum Sather, dated June 2018. Staff are concerned that the applicant's analysis has not adequately addressed issues of privacy and overlook on neighbouring properties to the south and east. Due to the difference in scale between the proposed 13 storey building and the surrounding low profile residential neighbourhood, staff are not satisfied that Policy A.6.3.3.1.13 xiii) has been addressed.

The Medium Density Residential 1 designation permits a maximum building height of five storeys and a maximum density of 150 units per gross hectare. The proposed 13 storey (43.5 m) multiple dwelling with a density of 847 units per gross hectare does not comply with A.6.3.3.1.13 ii) and iii). In addition, the proposal does not comply with Policy A.6.3.3.1.13 v) as the proposed 0 m front yard setback does not align with the existing place of worship to the south. The intent of the Medium Density Residential 1 designation applicable to the subject lands is to permit multiple dwelling forms that maintain and reinforce the character of the surrounding low density residential neighbourhood. In the opinion of staff, the proposed 13 storey multiple dwelling with no building setbacks at the first storey does not recognize and enhance the scale and character of the existing residential area.

Urban Design:

The following Urban Design policies, amongst others, apply to the proposal.

- “A.6.3.3.4.1 New development, redevelopment and alterations to existing buildings in West Harbour shall respect, complement and enhance the best attributes of West Harbour and shall adhere to the following urban design principles:
- i) Create a comfortable and interesting pedestrian environment;
 - ii) Respect the design, scale, massing, setbacks, height and use of neighbouring buildings, existing and anticipated by this plan;

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- iii) Generally locate surface parking at the rear or side of buildings;
- iv) Provide main entrances and windows on the street-facing walls of buildings, with entrances at grade level;”

The proposal complies with Policies A.6.3.3.4.1 iv) by providing a street oriented building with ground floor glazing and a building entrance facing the street. Parking is provided within the ground floor and below grade, out of view from the public realm, and therefore meets the intent of Policy A.6.3.3.4.1 iii).

Staff are of the opinion that the proposed 13 storey (43.5 m) building does not respect the scale, height and massing anticipated by the Secondary Plan as required by Policy A.6.3.3.4.1 ii). In the opinion of staff, the height of the podium should be increased to match the height of adjacent buildings and the front yard setback should be increased to allow for a wider pedestrian realm. Staff are not satisfied that the proposal creates a comfortable and interesting pedestrian environment as required by Policy A.6.3.3.4.1 i). This direction is particularly relevant to the site as it is adjacent to the West Harbour GO station.

James Street North Mobility Hub Study

On September 24, 2014, Hamilton City Council adopted the James Street North Mobility Hub Study. The Study was commissioned by the City of Hamilton to guide future planning and development in the area surrounding the intersection of the now constructed West Harbour GO train station and the planned City of Hamilton A-Line rapid transit corridor. This location is identified as a Gateway Hub by Metrolinx in The Big Move transportation plan for the GTHA and as a key intersection in the regional transportation network intended to support transit access and high density development. As of the writing of this report, the recommendations of the James Street North Mobility Hub Study have not been incorporated comprehensively into the Official Plan and Zoning By-law. As a Council adopted document, Staff consider the Study to be informative when considering the development potential of the subject lands.

The following Guiding Principles of the James Street North Mobility Hub Study, amongst others apply:

- “3. Walkable & Inviting Streets & Open Spaces – Streets within the Mobility Hub will be pedestrian-oriented, and accessible for people of all ages and abilities. They will be framed by animated building edges with wide sidewalks, weather protection, lighting and way-finding.

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4. Protect Existing Neighbourhoods – Stable residential neighbourhoods will be protected from undesirable development and intensification. Taller buildings will be designed and located to minimize shadowing, overlook and other adverse impacts.
5. Develop an Appropriate Scale, Form & Density – Intensification will be encouraged where appropriate through low-impact density and within close proximity to transit. Development will repair gaps in the built environment and be sensitive to community context and character, such as the existing James Street North streetwall.
7. Mix of Uses Within the Primary & Secondary Zones – Development within the Mobility Hub aims to create a vibrant mixed use community that supports existing and new transit infrastructure.”

The subject lands are located within the Primary Zone of the Mobility Hub and within Focus Area C – Station Area. The Primary Zone is the area with the greatest potential for change through redevelopment and includes the lands directly associated with the West Harbour GO Station (Focus Area C).

As per Guiding Principle 7, the proposal would add to the mix of uses within the Primary Zone of the Mobility Hub that would help support existing and new transit infrastructure.

The proposed 0 m front yard setback would limit opportunities to enhance the pedestrian realm adjacent to the development as recommended through Guiding Principle 3. In addition, staff are of the opinion that the height of the proposed podium should better reflect the width of the right-of-way and adjacent buildings to more appropriately frame the building edge.

The Study describes the Station Area as being defined by its historic architecture and proximity to adjacent stable residential neighbourhoods. It recommends the design and massing of new development respect this character while integrating opportunities for greater density where appropriate.

Staff recognize that the recommendations of the Council adopted James Street North Mobility Hub Study support increased density in the Station Area, including where appropriate, density beyond what is provided for in the West Harbour (Setting Sail) Secondary Plan. Staff are concerned however, that the proposed 13 storey (43.5 m) building height and massing that includes no building setbacks and limited step backs above the first storey does not respect the character of the adjacent stable residential neighbourhood. The Study’s recommendations were developed to balance the protection of stable residential neighbourhoods with the goal of appropriate intensification within close proximity to transit (Guiding Principles 4 and 5).

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City of Hamilton Zoning By-law No. 6593

The subject property is currently zoned “J” (Light and Limited Heavy Industry, Etc.) District. In order to implement the proposed development, the applicant has applied to change the zoning to a site specific “E” (Multiple Dwellings, Lodges, Clubs, Etc.) District. The applicant has requested the following site specific modifications to the “E” District zoning:

- Increased maximum building height;
- Reduced setbacks from all street and lot lines;
- Eliminated landscaped area requirement;
- Eliminated floor area ratio requirement;
- Reduced parking space size;
- Reduced parking rate; and,
- Reduced loading space dimensions and number of loading spaces.

RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections to the applications:

- Recycling & Waste Disposal, Operations Division, Public Works Department;
- Transit Division, Public Works Department; and,
- Alectra Utilities (formerly Horizon Utilities Corporation).

The following Departments and Agencies have provided comments on the applications:

CN Rail advised that they have concerns regarding developing / densifying residential uses abutting their railway right of way. The applicant is advised to refer to CN’s guidelines for the development of sensitive uses in proximity to railways. CN intends to review the applicant’s noise study. As of the writing of this report, the results of this review have not been received by staff.

Metrolinx requested that the applicant demonstrate that the proposed building separation distances and setbacks would not adversely impact the development potential of the adjacent West Harbour GO lands. Metrolinx staff advised that the submitted Noise Impact Assessment does not reflect current track design speed, does not comment on typical GO transit operations and does not include vibration measurements for the subject site. Should the applications be approved, a drainage report would be required to the satisfaction of Metrolinx, construction and access would need to be coordinated to ensure access to the GO Station is maintained and fencing would need to be provided meeting GO Transit standards.

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Healthy Environments Division, Public Health Services staff have indicated that a Pest Control Plan will be required. Should the applications be approved, this matter would be a condition at the Site Plan Control stage.

Forestry and Horticulture Section, Public Works Department, noted that there are no municipal tree assets on the subject property. Should the applications be approved, a Landscape Plan for street trees would be required at the Site Plan Control stage.

Design Review Panel (DRP)

The development proposal was presented to the City's Design Review Panel (DRP) on December 13, 2018 after submission of the Official Plan Amendment and Zoning By-law Amendment applications. The mandate of the DRP is to provide design advice to staff and the proponent.

The DRP provided a number of design recommendations to staff and the applicant, including the summarized comments below, amongst others:

- The panel acknowledged that the site is a good candidate for some density due to the proximity to the GO station, but the current proposal is too high and too dense for the neighbourhood.
- The building's footprint is too large and its mass is too bulky; it does not adequately transition to the existing neighbourhood.
- The panel acknowledged that the site has some constraints due to the size of the land parcel and its surroundings; however, the panel agreed that the current proposal is too tight, squeezing too many elements into a small area.
- The front façade of the building should align with the row of existing buildings on MacNab Street North to define the street edge and achieve a consistent setback.
- The podium should have a height of two or three storeys before stepping back, for a more prominent street wall that reflects the heights of other buildings in the neighbourhood.

Applicant's Response to DRP Advice:

As of the writing of this report, the applicant has not responded to the DRP's recommendations in the form of a revised submission. The unaddressed comments provided by DRP generally align with staff's concerns regarding height and massing, setbacks and podium height.

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 282 MacNab Street North, Hamilton (PED19071) (Ward 2) – Page 22 of 26

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 184 property owners within 120 m of the subject property on October 9, 2018. A Public Notice sign was posted on the property on October 9, 2018. Finally, Notice of the Public Meeting was posted in the Hamilton Spectator in accordance with the requirements of the *Planning Act*.

To date, five letters, a petition with 205 signatures and an online petition have been submitted expressing concerns with the proposed development (refer to Appendix “C” of Report PED19071). These concerns are summarized in the Analysis and Rationale for Recommendation section of this report.

Public Consultation Strategy

In accordance with their submitted Public Consultation Strategy, the applicant held a public open house on November 21st, 2018. Invitations to the open house were mailed to residents within 120 m of the subject lands. As of the writing of this Report, the applicant has not provided documentation on the number of residents who attended the open house, the comments received and any changes to the proposal as a result of public consultation efforts. Two City staff members and the Ward Councillor attended the open house.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Official Plan and Zoning By-law amendments cannot be supported for the following reason:
 - (i) The proposal does not comply with the policies of the City of Hamilton Official Plan and West Harbour (Setting Sail) Secondary Plan, with regards to matters including, but not limited to, building height, massing, built form and compatibility with the existing character of the surrounding neighbourhood.

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 282 MacNab Street North, Hamilton (PED19071) (Ward 2) – Page 23 of 26

2. As discussed in the Official Plan analysis section of this report, staff are not in support of the proposal for the following reasons:

Building Height and Massing

The West Harbour (Setting Sail) Secondary Plan permits a maximum building height of five storeys for the subject lands. The proposed 13 storey (43.5 m) building height does not meet the intent of the West Harbour (Setting Sail) Secondary Plan that envisions building heights that recognize and enhance the scale and character of the existing residential area. The building height would exceed that of buildings existing in the surrounding area and the massing would include full lot coverage and limited building step backs to reduce visual impact on properties to the south, east and west. The proposed 0 m front yard setback does not align with adjacent properties and does not allow for an expanded pedestrian realm adjacent to the West Harbour GO Station, and the one storey podium height does not complement the building height of adjacent buildings.

Compatibility with the Character of the Surrounding Neighbourhood

The subject lands are located at the northern edge of a stable residential area consisting primarily of single detached, semi-detached and townhouse dwellings. The area context includes a six storey multiple dwelling to west that incorporates a lower overall building height and larger setbacks to adjacent residential uses. A one storey commercial building and detached dwellings exist to the west, the one storey West Harbour GO Station to the north and east and a place of worship to the south and east. The proposed 13 storey (43.5 m) building is not in keeping with the prevailing scale, massing and building heights adjacent to the subject lands and in the overall neighbourhood. In staff's opinion, the proposal does not recognize and enhance the scale and character of the existing residential area.

Therefore, staff recommend that the applications be denied.

3. Engineering

Existing servicing for the site includes a 450 mm combined storm and sanitary sewer, 750 mm storm sewer, 200 mm watermain and 1650 mm sanitary sewer on MacNab Street North.

Development Engineering staff have reviewed the Functional Servicing Report provided by the applicant and have no concerns with the Rezoning proceeding from a servicing perspective. During the Site Plan Control process, the applicant will be required to demonstrate that appropriate sewer servicing, water servicing

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 282 MacNab Street North, Hamilton (PED19071) (Ward 2) – Page 24 of 26

stormwater management, grading, and erosion and sediment control measures are undertaken to the satisfaction of City staff.

4. In response to the circulation of the applications, correspondence has been received from four area residents and the adjacent Workers Arts and Heritage Centre. A petition in opposition to the proposal has been received from the Romanian Orthodox Church located at 278 MacNab Street North (205 signatures). An online petition has also been received. The following is a summary of the concerns expressed.

Parking – there are concerns that the proposed parking is insufficient to meet the needs of the development and will result in overflow parking onto adjacent residential streets.

Building Height – there are concerns that the development will result in increased vehicle traffic on surrounding streets.

Infrastructure – there are concerns that existing infrastructure is insufficient to meet the needs of the development.

Building Height – there are concerns that the proposed building is too high and will have adverse impacts on adjacent buildings.

Views – there are concerns that the proposed building would inhibit views and disrupt the skyline.

Compatibility with Adjacent Neighbourhood – there are concerns that the proposal is not compatible with the prevailing low density residential character of the neighbourhood.

Precedent – there is concern that approval of the proposed 13 storey multiple dwelling would set a precedent leading to the overdevelopment of the West Harbour area.

Structural Damage Due to Construction – there is concern from the adjacent Romanian Orthodox Church that vibration resulting from the construction of the proposed multiple dwelling would cause damage to their existing church building.

Shadow – there is a concern that the proposal would result in shadow impacts on nearby dwellings and on the Workers Arts and Heritage Centre.

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 282 MacNab Street North, Hamilton (PED19071) (Ward 2) – Page 25 of 26

ALTERNATIVES FOR CONSIDERATION

- 1) Should the applications be approved, staff be directed to prepare the Official Plan Amendment and amending Zoning By-law consistent with the concept plans proposed with the inclusion of a Holding Provision to address matters, including but not limited to: RSC, noise and any other necessary agreements to implement Council's direction.
- 2) Council could direct staff to negotiate revisions to the proposal with the applicant in response to the issues and concerns identified in this Report and report back to Council on the results of the discussion.
- 3) Should the applications be denied, the lands could be developed in accordance with the "J" (Light and Limited Heavy Industry, Etc.) District.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

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**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law
Amendment for Lands Located at 282 MacNab Street North, Hamilton
(PED19071) (Ward 2) – Page 26 of 26**

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Location Map

Appendix “B” – Concept Plan

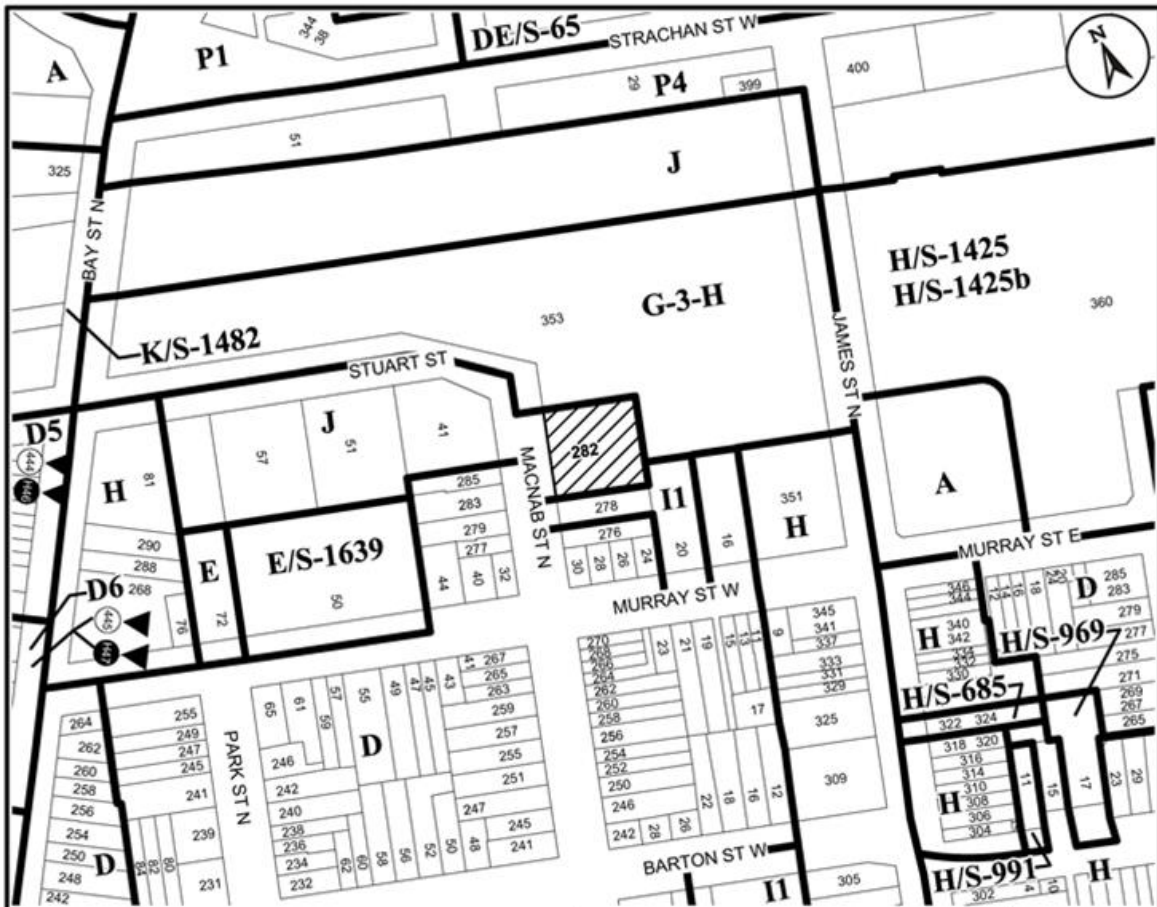
Appendix “C” – Public Submissions

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Appendix "A" to Report PED19071




Location Map


PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT


Hamilton

File Name/Number: ZAC-18-037 & UHOPA-18-015	Date: February 12, 2019
Appendix "A"	Scale: N.T.S.
Planner/Technician: MK/AL	

Subject Property
282 MacNab Street North

 "J"(Light and Limited Heavy Industry, Etc.)
District to a site specific "E" (Multiple Dwellings,
Lodges, Clubs, Etc.) District

N.T.S. 

Appendix "B" to Report PED19071 Page 1 of 2



Site Statistics

Item	Proposed	Comments
Area	11,100 sqm	
Volume	145,000 m³	
Height	13.0m	
Population	350	
Energy	1,500,000 kWh/yr	
Water	1,500,000 L/yr	
Waste	1,500,000 kg/yr	

Site Statistics

Item	Proposed	Comments
Area	11,100 sqm	
Volume	145,000 m³	
Height	13.0m	
Population	350	
Energy	1,500,000 kWh/yr	
Water	1,500,000 L/yr	
Waste	1,500,000 kg/yr	

NOTES

1. The site is located at the intersection of MacNab Street North and Stuart Street, West Harbour GO Station.

2. The proposed building is a 13-storey mixed residential tower with a total height of 40.8m.

3. The existing brick building is a 1.5-storey house located at #285 MacNab Street North.

4. The proposed mechanical penthouse is located on the roof of the proposed building.

5. The proposed condo entry is located on the west side of the proposed building.

6. The existing transformer is located on the east side of the proposed building.

7. The existing brick building is a Holy Resurrection Romanian Orthodox Church.

8. The proposed building is designed to meet all applicable codes and standards.

9. The proposed building is designed to provide a high quality residential environment.

10. The proposed building is designed to be energy efficient and sustainable.

SITE PLAN

DATE: 16/11/17
SCALE: 1:1000
PROJECT NO: AA001

Appendix "B" to Report PED19071
Page 2 of 2



Appendix "C" to Report PED19071
Page 1 of 24**Kehler, Mark**

From: Lynda Dykstra [REDACTED]
Sent: December-07-18 10:34 AM
To: Kehler, Mark
Cc: bkhes@gspgroup.ca
Subject: 282 MacNab St N

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Mark,

We met briefly at the community open house for the site development of 282 MacNab St N two weeks ago, and you suggested I email you with my comments. I was the woman with the newborn who didn't have the opportunity to write my thoughts down on the comment sheets provided at that time.

Here are a few of my comments for your consideration:

- This will be the first building people arriving off of the Go train will see, giving them their first impressions of Hamilton. This makes the aesthetics of this building particularly important. I would think that something that incorporates the style of the neighbourhood would be appropriate: i.e. red brick, stone. There are some excellent examples of this in developments on James St N. Some setback from the road with room for trees and shrubs also would improve aesthetics.

- As you heard during the open house, parking is a major (!) issue in our neighbourhood. Incorporating visitor parking in the building is critical. Even if not every person in the building is expected to own a car, many of their visitors will and this will further complicate parking for local residents.

- Also stated at the open house, 13 storeys is exceptionally high for our neighbourhood. While I am pro density around transportation hubs, something more like the Witton lofts on Murray St with its 6 storeys and setback from the road would be much more appropriate.

Also, just for your information, it would be very helpful if developers communicated with the neighbours of their properties when work is being done on the site. During the demolition we received no communication, and the noise, dust, and vibrations had a major impact on us.

Please do let me know if you have any questions concerning my comments. Thank you for taking them into consideration, and for your work making Hamilton a wonderful place to live.

Lynda Dykstra
[REDACTED]

Appendix "C" to Report PED19071
Page 2 of 24**Kehler, Mark**

From: Joy Parrott [REDACTED]
Sent: October-12-18 12:03 AM
To: Kehler, Mark
Cc: Dave Watson
Subject: 282 MacNab Street Development

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr. Kehler
Thank you for sending the notification for the re-zoning at 282 MacNab Street.

I am writing to express my concerns with the intended development. My partner David and I reside at 28 Murray Street West, around the corner from the proposed condo project. It states in the communication that the application for permit is to build a 13 storey building with 110 units and 51 parking spaces. From what we have been told, there is also another condo development proposed across the street from that address. I am extremely concerned about the amount of parking proposed for these buildings. The parking situation in this neighbourhood is already tight without having multi-level units without a corresponding number of parking spaces. Many houses on the streets around here have multiple cars. We are a one car family and often find it a challenge to get parking. Fifty one spaces is not nearly enough for 110 units, not to mention what is planned for the other building.

Re-examining the plans for this development is imperative in order to maintain manageable parking for the existing residents of the neighbourhood. I would be interested to attend any meeting that you hold in order to voice my concerns in person.

Sincerely,
Joy Parrott

Appendix "C" to Report PED19071
Page 3 of 24

Kehler, Mark

From: Simon Baruk [REDACTED]
Sent: November-04-18 9:58 PM
To: Kehler, Mark
Subject: UHOPA-18-15 and ZAC-18-037

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Mark,

In regards to File No. ZAC-18-037, I would like to comment that I am for the rezoning of the subject lands at 282 MacNab Street North from "J" to "E", however I do not agree with the proposed amendment of the Official Plan (File UHOPA-18-15) to permit the construction of a 13 storey building with a residential density over 800. A development of this size will greatly increase traffic in the area, will disrupt the skyline and undoubtedly stand out as an eyesore. There are areas with room for developments of this size in the City of Hamilton, but West Harbour is not one of them. I believe the height and density limitations set out in the Setting Sail Secondary Plan should be adhered to for this and any future developments in the West Harbour area.

Best regards,

Simon Baruk
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

**Appendix “C” to Report PED19071
Page 4 of 24**

PETITION

Re: Application for *Official Plan Amendment* and *Zoning By-Law Amendment* for Lands Located at 282 MacNab Street North, Hamilton (Ward 2)

To: Mark Kehler
Planning and Economic Development Department
Development Planning, Heritage and Design -Urban Team
71 Main St, West, 5th Floor, L8P 4Y5

From:
The Romanian Orthodox Church of the Holy Resurrection
278 Mac Nab Street North, Hamilton, On, L8L 1K4

The issue:

We received notification about an application made by GSP Group Inc to the City of Hamilton for an **Official Plan Amendment (File No. UHOPA-18-15)** and a **Zoning By-Law Amendment (File No. ZAC -18 -037)** for Lands located at 282 MacNab Street North, Hamilton to:

- permit a 13 storey building with 110 multiple dwelling units with a residential density of 847 units per gross hectare
- Rezone the subject lands from “J” District to a site specific “ES -XXXX” (Multiple Dwellings, Lodges, Clubs, etc) District Modified to permit construction of a 13 storey, 110-unit multiple dwellings with 51 parking spaces.

The concerns:

We, the congregation of The Romanian Orthodox Church of the Holy Resurrection are presenting the City of Hamilton Planning and Economic Department with the following concerns:

- The proposed Official Plan Amendment fails to follow the land use designation general policies for stable areas as listed by the West Harbour (Setting Sail) Secondary Plan recently adopted by the Hamilton City Council.
- The proposed building height (13 storey) and residential density of 847 units per gross hectare is a gross deviation from the West Harbour (Setting Sail) Secondary Plan core planning principles as emerged from extensive public consultation undertaken by the City during the conception of this plan.
- The proposed Zoning By-Law Amendment is not clear with regards to the subject lands zoning designation under the “site specific” definition opening the possibility of land use designations incompatible with our religious activity.

Appendix "C" to Report PED19071

Page 5 of 24

We, the congregation of The Romanian Orthodox Church of the Holy Resurrection, petition the City of Hamilton to deny the request for Official Plan Amendment (File No. UHOPA-18-15) and Zoning By-Law Amendment (File No. ZAC -18-037) as the proposed development will negatively impact us.

#	Name	Signature	#	Name	Signature
1	Anna Nedelcu	[Signature]	40	ALEXANDRA PREDESCU	[Signature]
2	G. Nedelcu	[Signature]	41	ANAMARIA BARBULESCU	[Signature]
3	AURE BOICAN	[Signature]	42	ANA PREDESCU	[Signature]
4	NEBUTA BOICAN	[Signature]	43	TIPRE PREDESCU	[Signature]
5	DANIELA FOSTER	[Signature]	44	DRAGOS PREDESCU	[Signature]
6	DALLAS FOSTER	[Signature]	45	VIORICA POPACHEVICU	[Signature]
7	CORNELIA HADZA	[Signature]	46	VIORICA PETCU	[Signature]
8	CRACION IONEL LUTAN	[Signature]	47	Ioana Puscariu	[Signature]
9	CRACION FLORICA	[Signature]	48	Smarenda Gilda	[Signature]
10	KATERINA NEDEICU	[Signature]	49	Andrei Puscariu	[Signature]
11	MONICA PROTOPOPESCU	[Signature]	50	Catalina Balbocianu	[Signature]
12	NICK PROTOPOPESCU	[Signature]	51	Liriu Balbocianu	[Signature]
13	ELENA STOISOR	[Signature]	52	George Andree	[Signature]
14	ANDA PROTOPOPESCU	[Signature]	53	ROBERTA FODOR	[Signature]
15	PHILIP PAPADOPOULOS	[Signature]	54	Silvia Uiban	[Signature]
16	BOGDAN STOLBOR	[Signature]	55	Viorel Uiban	[Signature]
17	VASIU MARIA	[Signature]	56	Elena Bucic	[Signature]
18	VASIU VASILE	[Signature]	57	Adrian Bucic	[Signature]
19	IOAN P. STOICOR	[Signature]	58	Adriana Bucic	[Signature]
20	MONICA P.	[Signature]	59	Fatruu Anca	[Signature]
21	ADINA LUPEA	[Signature]	60	Fatruu Andrei	[Signature]
22	ALEXANDRU DOLGHU	[Signature]	61	Bentia Filianu	[Signature]
23	ANA DOLGHU	[Signature]	62	Aurel Coliga	[Signature]
24	DANIELA CONSTANTINESCU	[Signature]	63	CRISTIAN COLIGA	[Signature]
25	MIHAIL BUJOR	[Signature]	64	IAN MANDULESCU	[Signature]
26	EMILY BUJOR	[Signature]	65	CRISTIAN TRAMBATE	[Signature]
27	Dragoslava Voica	[Signature]	66	MARIANA BOLZA	[Signature]
28	Cristina Voica	[Signature]	67	ANCA PENUSCARA	[Signature]
29	Cristofor Voica	[Signature]	68	GEORGE FLUTUR	[Signature]
30	Julia Voica	[Signature]	69	Georgescu Mircea	[Signature]
31	Robert Voica	[Signature]	70	Georgescu SANDA	[Signature]
32	Sabrina Sarceanu	[Signature]	71	Mihelu Flutur	[Signature]
33	Diana Sarceanu	[Signature]	72	Adrian Zolhan	[Signature]
34	Balcan Nelu	[Signature]	73	VIORIC BUCICU	[Signature]
35	Foster	[Signature]	74	Cristina Stoica	[Signature]
36	Foster	[Signature]	75	G. Constantin	[Signature]
37	Stancu	[Signature]	76	ALICE TOMESCU	[Signature]
38	Sau	[Signature]	77	ION STOICA	[Signature]
39	Mirela Bratu	[Signature]	78	ORINA GHERGHEL	[Signature]

Appendix "C" to Report PED19071

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We, the congregation of The Romanian Orthodox Church of the Holy Resurrection, petition the City of Hamilton to deny the request for Official Plan Amendment (File No. UHOPA-18-15) and Zoning By-Law Amendment (File No. ZAC -18-037) as the proposed development will negatively impact us.

#	Name	Signature	#	Name	Signature
79	GHILOGEL AY	[Signature]	117	Raluca Balasa	[Signature]
80	Rodica Protop	[Signature]	118	Marelea Avuta	[Signature]
81	DRAGOS IVAN	[Signature]	119	mitch B. Holbura	[Signature]
82	CARMEN CIOCEA	[Signature]	120	VALERIU CERCEL	[Signature]
83	Lucian Balan	[Signature]	121	Manuel Popa	[Signature]
84	B. H. HOSIUC	[Signature]	122	Mariana Popa	[Signature]
85	[Signature]	[Signature]	123	Monica Solo	[Signature]
86	GEORGESCU GEORGE	[Signature]	124	Anca Bulai	[Signature]
87	CRISTINA PEDGESCU	[Signature]	125	Raluca Bulai	[Signature]
88	Giulia Dolbec	[Signature]	126	GEORGE BIRSAI	[Signature]
89	Maria Bobik	[Signature]	127	Monica Petrescu	[Signature]
90	Diana Popa	[Signature]	128	Oana Stanila	[Signature]
91	ELFONORA ENACHE	[Signature]	129	Silvia Oprea	[Signature]
92	SIMONA ROIS	[Signature]	130	Anca & Georgeta	[Signature]
93	IVAN RUS	[Signature]	131	CLARA BAINBRIDGE	[Signature]
94	Antonia Sinca	[Signature]	132	VIKTOR ARDEJAN	[Signature]
95	Lukas Sipod	[Signature]	133	ROXANA MARICA	[Signature]
96	LUCIAN SIVCA	[Signature]	134	CRISTI MARICA	[Signature]
97	Blanka sinca	[Signature]	135	MARIANA CAIMAC	[Signature]
98	BURELIA POPELON	[Signature]	136	Darina c. c. m. c.	[Signature]
99	RUXANDRA BIRSAI	[Signature]	137	Darius Caimac	[Signature]
100	NOLEACOV ELENA	[Signature]	138	MIRCEA DUMITRESCU	[Signature]
101	NOLEACOV CRISTINA	[Signature]	139	Carmen Dumitrescu	[Signature]
102	Eugenio Anghel	[Signature]	140	Jessica Arbour	[Signature]
103	MARCELA DUMITRESCU	[Signature]	141	Sebastian Dumitrescu	[Signature]
104	IONEL DRAGOMIR	[Signature]	142	Veronica Gligoras	[Signature]
105	DANIELA SUCIU	[Signature]	143	Mircea Gligoras	[Signature]
106	George Bertha	[Signature]	144	Leana Pasca	[Signature]
107	ANA PREDESCU	[Signature]	145	Marian C. C. m. c.	[Signature]
108	PETRU SCURTU	[Signature]	146	capucino d. d. i. c.	[Signature]
109	GEORGE FATU	[Signature]	147	CILEI GEORGETA	[Signature]
110	MARIA PETRISORAI	[Signature]	148	CILEI PETRU	[Signature]
111	Valeriu Cercel	[Signature]	149	NECULIU BUNU	[Signature]
112	Carolina Adamescu	[Signature]	150	Andrei Bunu	[Signature]
113	Lucia Anghel	[Signature]	151	DAN SAURILIU	[Signature]
114	Lucia Anghel	[Signature]	152	Jany Anghel	[Signature]
115	Angelo Tanas	[Signature]	153	DAN PARVU	[Signature]
116	Zoltan Tanas	[Signature]	154	[Signature]	[Signature]

**Appendix "C" to Report PED19071
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We, the congregation of The Romanian Orthodox Church of the Holy Resurrection, petition the City of Hamilton to deny the request for Official Plan Amendment (File No. UHOPA-18-15) and Zoning By-Law Amendment (File No. ZAC -18-037) as the proposed development will negatively impact us.

#	Name	Signature	#	Name	Signature
155	SORIN CRISTIAN SAVACIU	[Signature]	193		
156	MIRELA SAVA	[Signature]	194		
157	RARES SAVA	[Signature]	195		
158	Corina R	[Signature]	196		
159	RADU MINGA	[Signature]	197		
160	Cristofor Vas	[Signature]	198		
161	SUTA ALEXA	[Signature]	199		
162	NECULAI ATANASOAI	[Signature]	200		
163	CORINA JUI	[Signature]	201		
164	Harley Teafel	[Signature]	202		
165	JOHN COBRIA	[Signature]	203		
166	Hera + Alex Latcu	[Signature]	204		
167	ALEX LATCU	[Signature]	205		
168	LUKAS COBRIA	[Signature]	206		
169	Cristian Ciomara	[Signature]	207		
170	Vasile Namoseoi	[Signature]	208		
171	Matt Dorison	[Signature]	209		
172	Adriana Ateha	[Signature]	210		
173	MIHAEL IGARI	[Signature]	211		
174	George Nemeno	[Signature]	212		
175	Cristian Ciomara	[Signature]	213		
176	MARG HURTHANSON	[Signature]	214		
177	SORIN RACOTA	[Signature]	215		
178	LUCIAN PUSCARIU	[Signature]	216		
179			217		
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192			230		

**Appendix "C" to Report PED19071
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We, the congregation of The Romanian Orthodox Church of the Holy Resurrection, petition the City of Hamilton to deny the request for Official Plan Amendment (File No. UHOPA-18-15) and Zoning By-Law Amendment (File No. ZAC -18-037) as the proposed development will negatively impact us.

#	Name	Signature	#	Name	Signature
231	Lucian Blaga	[Signature]	269		
232	Gaius Blaga	[Signature]	270		
233	PERSA NICOLITA	[Signature]	271		
234			272		
235			273		
236			274		
237			275		
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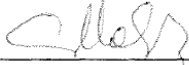
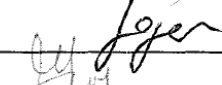



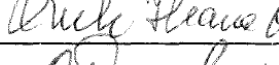

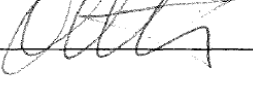
**Appendix "C" to Report PED19071
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We, the congregation of The Romanian Orthodox Church of the Holy Resurrection, petition the City of Hamilton to deny the request for Official Plan Amendment (File No. UHOPA-18-15) and Zoning By-Law Amendment (File No. ZAC -18-037) as the proposed development will negatively impact us.

#	NAME	SIGNATURE
	Bogdan Bobin	B. Bobin
	Florian Bobin	F. Bobin
	Monica Adam	M. Adam
	Gabriel Adam	G. Adam
	Cristina Piece	C. Piece
	AUREL TRAMBITAS	A. Trambitas
	IOANA TRAMBITAS	I. Trambitas
	CATHY IUGA	C. Iuga
	MARIN NIKOLICH	M. Nikolich
	TRAIAN NIKOLICH	T. Nikolich

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We, the congregation of The Romanian Orthodox Church of the Holy Resurrection, petition the City of Hamilton to deny the request for Official Plan Amendment (File No. UHOPA-18-15) and Zoning By-Law Amendment (File No. ZAC -18-037) as the proposed development will negatively impact us.

#	NAME	SIGNATURE
	Mihaela Oltean	
	Adina Manly	
	Liliana Lozer	
	RALUCA SOROIU	
	ROXANA GIRIF	
	DIANA CHIRU	
	ONETE ILEANA OLGA	
	OCTAVIAN ONETE	
	IRENE ONETE	

**Appendix "C" to Report PED19071
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RECEIVED
OCT 31 2018



PETITION

Re: Application for *Official Plan Amendment* and *Zoning By-Law Amendment* for Lands Located at 282 MacNab Street North, Hamilton (Ward 2)

To: Mark Kehler
Planning and Economic Development Department
Development Planning, Heritage and Design -Urban Team
71 Main St, West, 5th Floor, L8P 4Y5

From:
The Romanian Orthodox Church of the Holy Resurrection
278 Mac Nab Street North, Hamilton, On, L8L 1K4

The issue:

We received notification about an application made by GSP Group Inc to the City of Hamilton for an **Official Plan Amendment (File No. UHOPA-18-15) and a Zoning By-Law Amendment (File No. ZAC -18 -037)** for Lands located at 282 MacNab Street North, Hamilton to:

- permit a 13 storey building with 110 multiple dwelling units with a residential density of 847 units per gross hectare
- Rezone the subject lands from "J" District to a site specific "ES -XXXX" (Multiple Dwellings, Lodges, Clubs, etc) District Modified to permit construction of a 13 storey, 110-unit multiple dwellings with 51 parking spaces.

The concerns:

We, the congregation of The Romanian Orthodox Church of the Holy Resurrection are presenting the City of Hamilton Planning and Economic Department with the following concerns:

- The proposed Official Plan Amendment fails to follow the land use designation general policies for stable areas as listed by the West Harbour (Setting Sail) Secondary Plan recently adopted by the Hamilton City Council.
- The proposed building height (13 storey) and residential density of 847 units per gross hectare is a gross deviation from the West Harbour (Setting Sail) Secondary Plan core planning principles as emerged from extensive public consultation undertaken by the City during the conception of this plan.
- The proposed Zoning By-Law Amendment is not clear with regards to the subject lands zoning designation under the "site specific" definition opening the possibility of land use designations incompatible with our religious activity.

**Appendix "C" to Report PED19071
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- The proposed development is adjacent to our Church and we are deeply concerned that our building will sustain structural damages caused by vibration during the excavations for the underground parking levels.
- The proposed development fails to provide the appropriate number of parking spaces in accordance with the current zoning By-Law. This will negatively impact our congregation by reducing the number of available on-street parking spaces in the area and prevent our members to attend religious services and events (i.e. baptism, weddings or funeral ceremonies) as our existing parking lot is very small (only 8 parking spaces) and there are no other off-street parking facilities available nearby.

We, the Parish Council of The Romanian Orthodox Church of The Holy Resurrection, are asking the City of Hamilton Planning and Economic Development Department to deny the request for Official Plan Amendment (File No. UHOPA -18-15) and Zoning By-Law Amendment (File No. ZAC -18-037) and notify us with any decision on this regard.

Respectfully submitted on Wednesday, October 31'st by:

Rev. Lucian Puscariu, Parish Priest



Nick Bunu, President of Parish Council



Traian Pirvu, Secretary



c.c: Councillor Jason Farr, Ward 2

Shannon McKie, BES, MCIP, RPP, Senior Project Manager

S. Robichaud, Director of Planning and Chief Planner, Planning Division

A. Fabac, Manager, Development Planning, Heritage and Design

Kimberly Harrison-McMillan, Senior Project Manager, Development Planning, Heritage and Design



Mr. Mark Kehler, City of Hamilton
 Planning and Economic Development Dept.
 Development Planning
 Heritage and Design – Urban Team
 71 Main Street West, 5th Floor
 Hamilton, ON, L8P 4Y5
 Via Email: mark.kehler@hamilton.ca

Dear Mr. Kehler:

Re: UHOPA-18-15 and ZAC-18-037

I am writing on behalf of the Board of Directors of the Workers Arts and Heritage Centre (WAHC), located at 51 Stuart street, Hamilton to raise concerns related to files UHOPA-18-15 and ZAC-18-037 regarding the property at 282 MacNab St N.

We are located in a designated national historic building, and our property is adjacent to 282 MacNab St N on the west side. The proposed development would require the city of Hamilton to re-haul its planning vision for the area, as stated in the approved Land Use studies for the West Harbour area, which identifies Stuart Street as a "Corridor of Gradual Change" (Fig. 2, Preferred Land Use Strategy Report). These studies involved extensive public consultation, and the intent of the city's land use policies for such corridors is to "strengthen existing uses and encourage redevelopment that complements adjacent neighbourhoods and enhances the character of the street." The city has interpreted this to mean low to mid-rise apartment buildings, as evidenced by the only previous redevelopment in the immediate area – no. 50 Murray Street where the height was limited to six storeys.

The proposed development of 282 MacNab St N with an 13-storey tower is inappropriate for a number of reasons:

- it is contrary to the intent of the city's land use policies of encouraging redevelopment that complements adjacent neighbourhoods;
- it is out of character with the area in terms of scale and height, since an 13-storey tower is twice the prevalent height of any exiting building in the area, and the vast majority of properties are one or two storeys;
- it would have a detrimental impact on the continued enjoyment of programming in the 19th century heritage garden of our property, as well as neighbouring residential homes on Murray Street, due to the excessive shadowing that would result from the height of the building;
- given the 51 paking spaces for 110 units, it would lead to a high volume of vehicles, both resident and visitor, that will create street-parking issues for citizens visiting the WAHC; and
- it would create a dangerous precedent that would encourage high density redevelopment in the future, and negatively impact the continued stability of the nearby low density residential homes.

Further, we feel that the existence of a new GO station nearby should not call into question the city's land use goals and objectives by allowing excessive redevelopment.

W : wahc-museum.ca | T : 905.522.3003 | F: 905.522.5424 | E: staff@wahc-museum.ca
 51 Stuart Street | Hamilton ON | L8L 1B5



While the Workers Arts and Heritage Centre is not opposed to the redevelopment of the application site, in principle, and in fact we would welcome the appropriate redevelopment of underutilized sites in terms of scale and height, this particular application is excessive and not in keeping with the character of the area nor the stated intent of the city's land use policies.

Yours very truly,

A handwritten signature in black ink, appearing to be 'David Hauch', written over a horizontal line.

~~Per:~~ David Hauch
Chair,
Board of Directors of the Workers Arts and Heritage Centre

Contact person:
Florencia Berinstein
Executive Director,
Workers Arts and Heritage Centre
Email: florencia@wahcmuseum.ca

change.org

Recipient: Mark Kehler, Development Planning, Heritage and Design -Urban Team 71
Main St, West, 5th Floor, L8P 4Y5, City of Hamilton Planning and Economic
Department

Letter: Greetings,
Help preserve the core planning principles of our city now!

Signatures

Name	Location	Date
Dragos Predescu	Hamilton, Canada	2018-11-16
johny peterson	waterloo, Canada	2018-11-16
lucian Puscariu	Hamilton, Canada	2018-11-16
Mihaela Nicolae	Saint Catharines, Canada	2018-11-16
Rodica Pecheanu	Stoney Creek, Canada	2018-11-16
Lavinia Macdonald	Toronto, Canada	2018-11-16
Gabriel Adam	oakville, Canada	2018-11-16
Florin Feloiu	Oakville, Canada	2018-11-16
Iulia Voica	Hamilton, Canada	2018-11-16
Alexandrina Plop	Welland, Canada	2018-11-16
Justin Stoicheci	Hamilton, Canada	2018-11-16
Ofelia Nicolau	Ottawa, Canada	2018-11-16
Gabriela Vasu	Burlington, Canada	2018-11-16
Bogdan Stoleru	Hamilton, Canada	2018-11-16
Bogdan Popazu	Hamilton, Canada	2018-11-16
Traian Pirvu	Hamilton, Canada	2018-11-16
Simona Crisan	Oakville, Canada	2018-11-16
Dan Zbarcea	Oakville, Canada	2018-11-16
Margaret Hutchinson	Hamilton, Canada	2018-11-16
Roxana Marica	Etobicoke, Canada	2018-11-16

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Name	Location	Date
iulian baci	Hamilton, Canada	2018-11-16
Radu Mindreci	Hamilton, Canada	2018-11-16
LUCA LAZAR	Toronto, Canada	2018-11-16
Dumitru Aldea	Sharjah, United Arab Emirates	2018-11-16
Emilia Atanasoaei	Hamilton, Canada	2018-11-16
Stelian Fediuc	Stoney Creek, Canada	2018-11-16
Nick Bunu	Hamilton, Canada	2018-11-16
Michael Legris	Toronto, Canada	2018-11-16
Mariana Popa	Binbrook, Canada	2018-11-16
Nick Dobrera	Hamilton, Canada	2018-11-16
Daniela Corunga	Ancaster, Canada	2018-11-16
Julieta Zahari	Saint Catharines, Canada	2018-11-16
mitch Holbura	Hamilton, Canada	2018-11-16
Andrei Patrascanu	Romania	2018-11-16
Livia Patrascanu	Hamilton, Canada	2018-11-16
Cristian Huma	Burlington, Canada	2018-11-16
Lisa Popescu	Hamilton, Canada	2018-11-16
George Flutur	Etobicoke, Canada	2018-11-16
Liliana Stanciu	Oakville, Canada	2018-11-16
Mona lisa Bunu	Hamilton, Canada	2018-11-16
Mariana Bolba	Hamilton, Canada	2018-11-16
George Georgescu	Thornhill, Canada	2018-11-16

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Name	Location	Date
Adrian Burlacu	Hamilton, Canada	2018-11-16
Corneliu Stanciu	Oakville, Canada	2018-11-16
Teodora Rusneac	Fort McMurray, Canada	2018-11-17
Aurel Cotiga	North York, Canada	2018-11-17
Crina Hodis	Oakville, Canada	2018-11-17
IONEL GURAU	North York, Canada	2018-11-17
Daniela Bordac	Waterdown, Canada	2018-11-17
Angela Tanacs	Saint Catharines, Canada	2018-11-17
Daniela Posirca	Stoney Creek, Canada	2018-11-17
Mariana Caimac	Hamilton, Canada	2018-11-17
MARIUS PANTEA	Hamilton, Canada	2018-11-17
Octavian Burtea	Roanoke, Texas, US	2018-11-17
Shell Perrone	Toronto, Canada	2018-11-17
Cosmina Dumitrescu	Grimsby, Canada	2018-11-17
Edward Ciobanu	Hamilton, Canada	2018-11-17
Ildiko Kereszturi	Hamilton, Canada	2018-11-17
Carolyn Lowes	Belleville, Canada	2018-11-17
Giulian Aileni	Toronto, Canada	2018-11-17
Domnica Melnic	Toronto, Canada	2018-11-17
George Partila	Stoney Creek, Canada	2018-11-17
Lora Gutierrez	Hamilton, Canada	2018-11-17
Calin Bisca	Ancaster, Canada	2018-11-17

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Name	Location	Date
Ioan Sofonea	Stoney Creek, Canada	2018-11-17
Liviu Bolbocianu	North York, Canada	2018-11-17
Constantin Raznovan	Thornhill, Canada	2018-11-17
Carol Vaughan	Hermitage, Tennessee, US	2018-11-17
Nicolae Marius Pascu	Oakville, Canada	2018-11-17
Nicole Brosseau	Sudbury, Canada	2018-11-17
Geta Stan	Burlington, Canada	2018-11-17
Nichita Negruseri	Romania	2018-11-17
Adriana Iliescu	Ancaster, Canada	2018-11-17
Mihail Iordan	Barrie, Canada	2018-11-17
Tessy Marais	Repentigny, Canada	2018-11-17
Duta Bilan	Mulmur, Canada	2018-11-17
Marius Manea	Toronto, Canada	2018-11-17
Hannah Hamilton	Canada	2018-11-17
Ioana Icala	Hamilton, Canada	2018-11-17
Victor Icala	Hamilton, Canada	2018-11-17
Danny Bilan	Canada	2018-11-17
Paula Boanta	Binbrook, Canada	2018-11-17
Catalin George Bogdan	Hamilton, Canada	2018-11-17
Cabiria Bogdan	Oakville, Canada	2018-11-17
Diane DePasquale	Bethel Park, Pennsylvania, US	2018-11-17
Chuck Fodeles	Ancaster, Canada	2018-11-17

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Name	Location	Date
Janet Laxamana	Prince Albert, Canada	2018-11-17
George Corbeanu	Hamilton, Canada	2018-11-17
Mya Green	Hamilton, Canada	2018-11-17
linda coza	Toronto, Canada	2018-11-17
Stanley Foshay	Lecanto, US	2018-11-17
Serena Ward	Springfield, US	2018-11-17
Liz Clarke	Courtright, Canada	2018-11-17
Rebeca Munteanu	Vienna, Austria	2018-11-17
Daniel Ifrim	Hamilton, Canada	2018-11-17
Lenore Black	Markham, Canada	2018-11-17
Joey Fields	Greensboro, US	2018-11-17
Stefan Mihai Rusneac	Fort McMurray, Canada	2018-11-18
Shebaz Khan	Stockton, US	2018-11-18
Aurelia Circiumaru	Stoney Creek, Canada	2018-11-18
carson kong	San Francisco, US	2018-11-18
Zoltan Tanacs	Saint Catharines, Canada	2018-11-18
Ionela Fabian	Hamilton, Canada	2018-11-18
Daniel Tehranpour	Toronto, Canada	2018-11-18
Jaden baird	Pickering, Canada	2018-11-18
Elizabeth Clarke	St. John's, Canada	2018-11-18
Marcus Bauer	Winnipeg, Canada	2018-11-18
Alexander Campbell	Cairo, Canada	2018-11-18

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Name	Location	Date
Florin Patrau	Hamilton, Canada	2018-11-18
Alina Onose	North York, Canada	2018-11-18
Me Jahkesh53128	Winnipeg, Canada	2018-11-18
reina martinez	Nashua, US	2018-11-18
Sally Kim	Edmonton, Canada	2018-11-18
Cristian Dumitru	Dundas, Canada	2018-11-18
Tiffany Natasha	San Jose, US	2018-11-19
Maxine Gauvreau	Gatineau, Canada	2018-11-19
Mark Liao	Oakland, US	2018-11-19
irina Faria	Hamilton, Canada	2018-11-19
Melanie Larios	Fairfield, US	2018-11-19
Emahnee Cover	Canada	2018-11-19
Denisa Dumitru	Ancaster, Canada	2018-11-19
Diana Atienza	San Jose, US	2018-11-19
Justin Viado	Berkeley, US	2018-11-19
JESee Batres	Manteca, US	2018-11-19
Levai Levai	Toronto, Canada	2018-11-19
Cristina Iancu	Burlington, Canada	2018-11-19
Dulce Contreras	San Mateo, US	2018-11-19
Elena Dumitrescu	Stoney Creek, Canada	2018-11-19
Genevieve Garceau	Ottawa, Canada	2018-11-19
HELLYEAH NOW	Barrie, Canada	2018-11-19

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Name	Location	Date
juliana walt	Burlington, Canada	2018-11-19
Fatima Muhidin	Edmonton, Canada	2018-11-19
Emaad Hussain	Edmonton, Canada	2018-11-19
Tegan Mackinnon	St.albert, Canada	2018-11-19
Dean Opheim	Camrose, Canada	2018-11-19
Devon Williams	Edmonton, Canada	2018-11-19
Emilia Turcu	Saint Catharines, Canada	2018-11-20
Steven Barton	T5y1b9 Edmonton, Canada	2018-11-20
Jayce Sandboe	Stony Plain, Canada	2018-11-20
Shadiya Abdi	Edmonton, Canada	2018-11-20
Angélique Saba	Saint-hyacinthe, Canada	2018-11-20
Amel Taliani	Edmonton, Canada	2018-11-20
Carlo Marano	Newtown, Connecticut, US	2018-11-20
Ryan Findlen	Wake Forest, US	2018-11-20
hossein ali dehghanian	esfahan, Iran	2018-11-20
Elena Buica	Ancaster, Canada	2018-11-24
Marius Gligor	Dundas, Canada	2018-11-25
Stefan Bogdan	Burlington, Canada	2018-11-26
Matei Burlea	Toronto, Canada	2018-11-28
Georgeta Stoica	Hamilton, Canada	2018-11-28
Lavinia Bica	Oakville, Canada	2018-11-29
Andrew Turkstra	Hamilton, Canada	2018-12-07

change.org

Recipient: Mark Kehler, Development Planning, Heritage and Design -Urban Team 71
Main St, West, 5th Floor, L8P 4Y5, City of Hamilton Planning and Economic
Department

Letter: Greetings,

Help preserve the core planning principles of our city now!





CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Transportation Planning and Parking Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	April 2, 2019
SUBJECT/REPORT NO:	Early Payment Removal for Parking By-laws (PED19052) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	James Buffett (905) 546-2424 Ext. 3177
SUBMITTED BY:	Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the Administrative Penalty System By-law 17-225 (APS) be amended to remove the Early Payment for By-law 01-216 Regulating Municipal Parking Facilities, By-law 01-217 To Establish and Regulate Fire Routes, By-law 01-218 Regulating On-Street Parking, By-law 01-219 To Manage and Regulate Municipal Parks, By-law 01-220 Regulating Parking on Private and Municipal Property, By-law 80-179 Regulating Hess Village Pedestrian Mall, By-law 16-009 Regulating Unauthorized Parking on Boulevards, Side Yards and Front Yards, and for staff to prepare an amended Administrative Penalty System By-law 17-225 which would be prepared in a form satisfactory to the City Solicitor and be enacted by Council at a future date, upon reviewing the feasibility of implementation with current operations.

EXECUTIVE SUMMARY

Following the implementation of the Administrative Penalty System (APS) in August of 2015, staff have continued to incorporate additional By-laws into APS. Initially, the Early Payment amount was incorporated alongside a set penalty to be consistent with the former Provincial Offences Act (POA) Court Process for transitional purposes.

Since the implementation of APS, several other By-laws have been transitioned along with applicable fees. However, parking enforcement is unique, in that it has an Early Payment amount for fines. Staff is seeking council approval to remove the Early

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

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

SUBJECT: Early Payment Removal for Parking By-laws (PED19052) (City Wide)
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Payment for Parking Enforcement related offences for consistency and efficiencies within the APS.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Approving the removal of the Early Payment may correlate with an increase in fine revenue collected from undisputed, voluntary payments of parking penalties.

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

On May 13, 2015, City Council approved the implementation of APS for Parking Enforcement as per *Ontario Regulation 333/07 of the Municipal Act*. Execution of the implementation was done August 2015. At its meeting of September 27, 2017, City Council approved Report 17-015 directing staff to implement the APS to other Municipal By-laws which now include Animal Ownership, Licensing and Regulation of Various Businesses, Noise, Municipal Parks, Yard Maintenance, Property Standards, and Vacant Buildings.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The APS By-law 17-225 will be amended with revisions to Tables 1-7.

RELEVANT CONSULTATION

N/A

ANALYSIS AND RATIONALE FOR RECOMMENDATION

APS continues to be expanded within the City of Hamilton and has been adopted by numerous municipalities across Ontario. Amending the existing Parking Enforcement penalty amounts to remove the Early Payment will support:

- Improved consistency with APS across the City of Hamilton;
- Improved customer experience for voluntary payment;
- Improved efficiencies for the Hamilton Municipal Parking System (HMPS) Ticket Management Database; and,

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SUBJECT: Early Payment Removal for Parking By-laws (PED19052) (City Wide)
Page 3 of 4

- Increased Parking Penalty revenues from voluntary, undisputed penalty payments.

As it stands, Parking Enforcement penalties are the only infractions that have an Early Payment penalty amount option. This provides a seven-business day payment window for parking penalties at a reduced rate for voluntary payment without dispute. In comparison to other municipalities, such as Burlington, Oakville, Mississauga, Toronto, St. Catharines, and Brampton, the City of Hamilton is the only municipality that still utilizes an Early Payment while under APS. As APS continues to expand within the City, “like services” should be the focus for a consistent and familiar end user experience across all sections.

In regards to customer experience, staff consistently are met with enquires about timelines for payment amounts owed. Removal of the Early Payment amount and its associated seven-business day window, the expectation and understanding how much to pay reverts to a simple 15 calendar day timeline for the set penalty amount. The use of calendar days is then consistent and continues to be used as the penalty notice continues to age in the APS process. It is of staffs’ opinion, that the Early Payment amount is not looked as an “incentive” but merely what is owed at that time. With its removal, staff anticipates that customers who would historically pay the Early Payment amount, the majority would continue to pay the set fine amount, voluntarily, and would not chose to dispute. In cases were a dispute was requested, the existing review process is still in place. Parking penalties may be reduced, cancelled or extension of times to pay can be allotted by Screening Officers and Hearing Officers under APS.

With moving to a “calendar day” based process for parking penalties, it would allow for the penalty aging process to be simplified in the HMPS APS Ticket Management Database. This eliminates the need for annual customization of processes around the holiday closure period and other long holiday weekends such as Easter. This would reduce risk of errored notices to customers about past due parking penalties.

Lastly, increased parking penalty revenues from voluntary, undisputed penalty payments, is anticipated. During the course of 2016-2018, on average, 49% of parking penalties were paid at the Early Payment amount. Taking into account the 151,608 average issued parking penalties per year, over the same period, up to \$350,000 in fine revenue may be generated through voluntary, undisputed penalty payments, at the set fine amount. An increase in parking penalty disputes may occur, which could lower that figure, but staff would still forecast an increase in revenues. This possible increase in requests for disputes can be absorbed within current staffing levels.

ALTERNATIVES FOR CONSIDERATION

N/A

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

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

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

SUBJECT: Early Payment Removal for Parking By-laws (PED19052) (City Wide)
Page 4 of 4

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

N/A

JB:cr