



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	September 4, 2014
SUBJECT/REPORT NO:	Barton Street – Kenilworth Avenue Commercial Corridors Study (PED14181) (Wards 2, 3 and 4)
WARD(S) AFFECTED:	Wards 2, 3 and 4
PREPARED BY:	Alan Waterfield (905) 546-2424 Ext. 1251
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the Barton and Kenilworth Commercial Corridors Final Recommendations Report, attached as Appendix “A” to Report PED14181, be received.

EXECUTIVE SUMMARY

The Barton Street – Kenilworth Avenue Commercial Corridors Study includes Barton Street East between James Street and Ottawa Street, and Kenilworth Avenue North between Barton Street and Main Street. It was initiated by the City of Hamilton in recognition of the socio-economic and health-related challenges facing the two corridors, as well as high levels of vacancy and the presence of illegal and/or unattractive commercial-to-residential conversions. The study was conducted by a consulting team led by The Planning Partnership, in association with Cushman & Wakefield, Millier Dickinson Blais, and local Thier + Curran Architects Inc. The Barton and Kenilworth Commercial Corridors Final Recommendations Report, attached as Appendix “A” to Report PED14181, is based on a review of existing conditions, challenges and opportunities along the two corridors, and provides a vision and strategy for facilitating positive change developed in consultation with community stakeholders.

The study recommendations address issues related to land use, urban design and the public realm, traffic and parking, financial incentive programs, and other strategies for building momentum towards revitalization. The recommendations provide input to upcoming City initiatives, including the completion of the new Comprehensive Zoning By-law for commercial and mixed-use nodes and corridors, and the five-year review of

the Downtown and Community Renewal Community Improvement Plan and incentive programs, to reduce the risk and cost associated with development in the study area.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: There are no immediate financial implications to Council receiving the Barton and Kenilworth Commercial Corridors Final Recommendations Report. Funding for future Barton Street – Kenilworth Avenue Commercial Corridor Study implementation is contained in Project ID # 8201403100 (\$250,000). The Urban Renewal Section will be recommending, as part of the 2015 Capital Budget deliberations, an additional \$241,000 from the 2015 Downtown Block be allocated towards the continued implementation of the study recommendations, including public realm and urban design improvements on Barton Street and/or Kenilworth Avenue. Financial implications related to proposed amendments to the Downtown and Community Renewal Community Improvement Plan for new and/or amended financial incentive programs will be assessed and reported on as part of the upcoming five-year review of the Community Improvement Plan.

Staffing: N/A

Legal: There are no immediate legal implications to Council receiving the Barton and Kenilworth Commercial Corridors Final Recommendations Report. Proposed amendments to the Official Plan, Zoning By-law and Community Improvement Plan would follow a legislated process under the Planning Act as noted in the Policy Implications and Legislated Requirements section of Report PED14181.

HISTORICAL BACKGROUND

The City of Hamilton issued a Request for Proposals for the Barton Street – Kenilworth Avenue Commercial Corridors Study in June 2013, defining the study area to include Barton Street East between James Street and Ottawa Street, and Kenilworth Avenue North between Barton Street and Main Street, in consultation with Ward 2, 3 and 4 Councillors. The study terms of reference recognized socio-economic and health-related challenges facing the two corridors, the need to address high levels of vacancy and the presence of illegal and/or unattractive commercial-to-residential building conversions. Other factors leading to the study included:

- The Barton Village Business Improvement Area (BIA) operates along Barton Street between Ferguson Avenue and Sherman Avenue. The BIA's 2012 Strategic Plan makes reference to the need for the study. In addition, the Commercial Market

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Analysis for the Barton Village BIA prepared by the Urban Marketing Collaborative, (May 2011) identified the need for a block-by-block and building-by-building review to determine innovative methods of creating an enhanced neighbourhood retail street. It recommended, in the event that commercial buildings are converted to residential, the potential be explored for incentives that would aid in the conversion so that buildings are redeveloped as per code and with design sensibilities that contribute to an attractive street front.

- The Downtown and Community Renewal Community Improvement Plan was amended in February 2013 (PED13025) to provide additional financial incentive programs to the study area. The amendment implemented Council direction from November 2012 to extend various financial incentive programs not only to the community downtowns as recommended by staff (PED11188(a)), but also to all BIAs not contained within a downtown area, and to the commercial corridor community improvement project areas on Barton Street, east of the BIA, and on Kenilworth Avenue. The study terms of reference anticipated that the study could provide a focused analysis to determine if additional and/or amended programs tailored specific to Barton Street and/or Kenilworth Avenue North are required in order to foster redevelopment.
- Urban Renewal staff has noted an increased level of investment inquiries for Barton Street and community-based revitalization efforts are also emerging, such as the BIA's real estate crawl and implementation of local Neighbourhood Action Plans. The GALA (Gibson-Landsdale) and Crown Point Community Planning Teams, in particular, have established action teams devoted to revitalization along Barton Street and Kenilworth Avenue respectively.

The study commenced in September 2013 and was conducted by a consulting team led by The Planning Partnership, in association with Cushman & Wakefield, Millier Dickinson Blais, and local Thier + Curran Architects Inc., who were the successful respondents to the Request for Proposals that closed in July 2013. The two-phased study process resulted in a Background Report completed in January 2014, draft recommendations in March 2014, and the attached Final Recommendations Report in July 2014 (Appendix "A" to Report PED14181).

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Land Use Policy and Zoning

The study recommendations include an Urban Hamilton Official Plan amendment and advice relating to the future zoning that will be applied to the corridors through the comprehensive update and consolidation of Hamilton's Comprehensive Zoning By-law. The proposed Official Plan amendment is to modify where the pedestrian predominant streets policy applies and to establish an Area Specific Policy to restrict permission for ground floor residential use in more specific segments of the corridors. The potential for

change to the pedestrian predominant streets policy is contemplated in the Urban Hamilton Official Plan, which states: “Secondary plans and corridor studies shall confirm the locations and refine the boundaries for pedestrian predominant streets.” (UHOP Volume 1, Section E.4.3.2) The new Zoning By-law 05-200 is being implemented in phases, with Downtown, Open Space and Park, Institutional, and Industrial zones completed; Rural zones underway; and Residential and Commercial zones scheduled for 2015. The study recommendations provide input to the development of new commercial and mixed-use zoning regulations. It is anticipated that the Official Plan amendment and new commercial zoning could be advanced concurrently through the comprehensive Zoning By-law update and consolidation process that includes additional opportunities for public input, including a statutory public meeting with notice requirements in accordance with the Planning Act. This work aligns with objective 1.1ii) of the City Strategic Plan: Complete the new Comprehensive Zoning By-law for commercial and mixed use nodes and corridors.

Community Improvement Plan

A Community Improvement Plan provides the legal framework for City programs and financial incentives that support the development and rehabilitation of land and buildings within designated Community Improvement Project Areas. Amendments to the Downtown and Community Renewal Community Improvement Plan would be required to implement the study recommendations to establish new incentive programs and amend existing incentive programs. The amendment process must include a statutory public meeting with notice requirements in accordance with the Planning Act and community improvement policy contained in the Urban Hamilton Official Plan. A comprehensive review of the Downtown and Community Renewal Community Improvement Plan is planned for 2015, through which Urban Renewal staff will report back to the General Issues Committee on how the study recommendations regarding financial incentives may be implemented, including financial implications. Staff would subsequently prepare the required amendments for Council approval via the Planning Committee.

New Business Improvement Area

The Crown Point Community Planning Team’s Kenilworth action team has helped engage businesses on Kenilworth Avenue, such that there is renewed interest in forming a BIA or some other form of association to work together toward common goals. This interest aligns with the study recommendation to establish a new BIA on Kenilworth Avenue. Continuing ongoing dialogue and building relationships is a critical first step with support from the City. While a BIA is established by a municipal by-law, it should be noted that the City cannot impose a BIA on an area as the process for designating a BIA is dictated by the Municipal Act, Section 210. Ultimately, the decision to establish a BIA will rest on the results of a notice of intent that would be sent by the City Clerk’s office upon Council’s direction to those persons who are entitled to receive such notice. If sufficient objections representing one-third of the entitled persons and accounting for

one-third of the general municipal taxes levied in a proposed area are not received by the Clerk, a by-law to create a BIA could then be forwarded for consideration by Council.

Traffic and Parking

The study recommends a Traffic Management Study to examine, among other issues, the provision of free but time-limited parking on-street and in municipal lots along most of the corridors, noting that parking demand closer to the Hamilton General Hospital is different from other corridor segments, as well as the removal of peak-hour parking prohibitions. The Hamilton Municipal Parking System has advised this approach would not align with the general directive to have paid parking in all commercial areas of the City. In the Barton Village BIA, the potential loss of the BIA's share of municipal parking revenue would also need to be assessed in consultation with the BIA, in order to determine where the provision of free parking might be appropriate.

RELEVANT CONSULTATION

The study process included a number of stakeholder meetings and public open houses to gather background information and input to the vision, strengths and weaknesses, issues and challenges for revitalizing the corridors. Phase 1 consultation events included:

- A roundtable discussion with City staff in October 2013;
- A day of stakeholder focus groups on November 25, 2013, held at the Jet Banquet Centre on Barton Street; and,
- A public visioning workshop on December 4, 2013, held as part of a joint Public Information Meeting at Liuna Station for planning studies taking place in proximity to Barton Street, also including the James Street North GO Station Mobility Hub Study and the Barton-Tiffany Urban Design Study.

In Phase 2, the study team translated the background information into draft recommendations for stakeholders and the community for review and to provide feedback. These were presented to City staff and then at a public open house held on March 20, 2014, at the Perkins Centre near Kenilworth Avenue and Main Street. Based on feedback received at and after the March 20, 2014 public open house, the need for additional community engagement was identified, particularly regarding what land uses should be permitted on the ground floor of buildings. The study team subsequently met with stakeholder groups, including the Barton Village BIA and members of the local community planning teams in April and May. The last public open house was held on July 9, 2014 at the Royal Canadian Legion, Branch 58 on Barton Street, to review a revised set of draft recommendations and provide another opportunity for information sharing and discussions before the draft recommendations were finalized.

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The study reports and presentation materials are available on the project webpage at www.hamilton.ca/bartonkenilworth.

The attached Recommendations Report (Appendix “A” to Report PED14181) provides an overview of the consultation program on Pages 5 and 6 and a more detailed summary of input received in its Appendix “A”.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The study states that Barton Street and Kenilworth Avenue require significant change from a land use, urban design and land economics perspective, through a multi-faceted approach and sustained effort in cooperation with private sector investors and the community, including residents, the Barton Village BIA and other local businesses, employers and institutions. The recommendations, summarized in Chapter 9 of the Barton and Kenilworth Commercial Corridors Final Recommendations Report, attached as Appendix “A” to Report PED14181, collectively provide a revitalization strategy for the study area aimed at reducing the risk and cost of development and establishing the environment for change along the corridors.

The recommendations to reduce the risk and cost of development are focused on expanding the package of incentive programs that can facilitate development, and increasing the flexibility of land use policies and zoning regulations. The City has been moving in a more flexible direction with the policies of the Urban Hamilton Official Plan (UHOP) which is now in force and effect in the study area, and through the ongoing development of the new Comprehensive Zoning By-law that will conform with and implement the new UHOP policies. At the present time however, the study area remains subject to Hamilton Zoning By-law 6593, with most properties along Barton Street and Kenilworth Avenue currently in the “H” District Zone which permits commercial uses with a limited amount of residential uses, even on upper floors; ground floor residential uses are only permitted under very restricted conditions. The prevalence of the “H” District Zone factors in to an over-supply of traditional retail storefronts in the lower City, identified by the consultants.

The UHOP’s Mixed-Use Medium Density land use designation that now applies to much of the Barton Street corridor in the study area, and to Kenilworth Avenue between Main Street and Barton Street, includes commercial and institutional uses, as well as multiple dwellings (apartments/condominiums) up to 6-8 storeys, increasing the potential residential density that could support local business. Permitted uses can be located in single or mixed use buildings in the Mixed-Use Medium Density designation, except in the areas also identified as pedestrian predominant streets where additional policies apply, including one particularly relevant to the study: “Residential uses shall not be permitted on the ground floor of a building facing on to a pedestrian predominant street.” Within the study area, the UHOP currently applies the pedestrian predominant streets policy to Barton Street between Wellington Street and Sherman Avenue, and to Kenilworth Avenue between Main Street and Barton Street. The intent is to foster an

active and visually stimulating walking and shopping environment by creating a continuous commercial frontage within these street segments.

The study has re-examined where and how the pedestrian predominant streets policy should apply, balancing the need for land use flexibility with protection of core commercial areas. As detailed in Appendix “B” of the attached Recommendations Report (Appendix “A” to Report PED14181), the primary issue identified by stakeholders has focused on the application of the UHOP’s pedestrian predominant street policy, and the impacts of permission for residential use (in addition to other uses) on the ground floor where the policy does not apply. The recommendations also highlight the need identified by community stakeholders to develop relocation plans for residents who might be displaced as a result of redevelopment and/or the termination of illegal storefront residential conversions, similar to the program developed for the former City Motor Hotel by the City’s Housing Division in accordance with the Housing and Homelessness Action Plan.

Establishing the environment for change involves City investment that sends a signal to the private sector that the City is a committed partner in the success of the corridors. The City can lead by example by maintaining and enforcing property standards, and initiating traffic management to help calm the streets and facilitate their evolution to a more pleasant place to be. Public realm improvements, such as the greening of the pipeline corridor across Kenilworth Avenue, and urban design standards for residential conversions, can also assist with improving and establishing the environment for change. These efforts will build on the opportunity and momentum now established in the Pan Am precinct through the City’s investment in a new community sports park at the former Dominion Glass property just north of Barton Street, and the new stadium and future seniors recreation centre to the south.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN Strategic Priority #1

A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective

- 1.1 Continue to grow the non-residential tax base.
- 1.2 Continue to prioritize capital infrastructure projects to support managed growth and optimize community benefit.

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- 1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.
- 1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED14181 – Barton and Kenilworth Commercial Corridors Final Recommendations Report

AW/dkm