



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 11, 2015
SUBJECT/REPORT NO:	Application for a Zoning By-law Amendment for Lands Located at 601 Barton Street East (Hamilton) (PED15112) (Ward 3)
WARD(S) AFFECTED:	Ward 3
PREPARED BY:	Greg Macdonald Senior Planner (905) 546-2424 Ext. 4283 Steve Robichaud Director of Planning and Chief Planner Planning Division
SUBMITTED BY: SIGNATURE:	Jason Thorne General Manager Planning and Economic Development Department

RECOMMENDATIONS

- (a) That approval be given to **Amended Zoning By-law Amendment Application ZAC-14-036 by Gibson Lofts Ltd.**, for a change in zoning from the “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District to the “E/S-1724” (Multiple Dwellings, Lodges, Clubs, Etc.) District, Modified, to permit the conversion of the former Gibson School for a mix of live-work and commercial uses and residential apartments, which include additions to the existing building at 601 Barton Street East (Hamilton), as shown on Appendix “A” to Report PED15112, on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED15112, 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 (Places to Grow), and complies with the Urban Hamilton Official Plan.
- (b) That upon finalization of the implementing By-law, the subject lands within the Gibson Neighbourhood Plan be redesignated from “Institutional” to “Commercial and Apartments”.

EXECUTIVE SUMMARY

Gibson Lofts Ltd., through their planning consultant, WEBB Planning Consultants, have applied for a Zoning By-law Amendment to permit the conversion of the former Gibson School to residential lofts. In addition, portions of the existing building along Barton Street East will be converted to contain commercial uses (both live-work and a commercial retail unit). Additions to the building are also proposed both along Birch Avenue and for two additional storeys above the existing building for residential purposes. A total of 100 residential units are proposed (88 traditional loft style apartments, six live-work units, and six ground oriented apartment units). Ninety-five off-street parking spaces are proposed, mostly at the rear in the former school yard where a new one-storey parking deck is proposed (although the final approved parking layout result in a final parking count of approximately 85 parking spaces). An additional eight parking spaces are proposed within a new lay-by on Gibson Street (these spaces would not count as required parking) but this lay-by has not been approved by Traffic Engineering staff.

The application can be supported as it implements the “Mixed Use – Medium Density” designation of the Urban Hamilton Official Plan (UHOP). It is an example of appropriate intensification at the corner of two arterial roads (Barton Street East and Birch Avenue) while retaining the existing streetscape along Gibson Avenue, a local road. The proposal results in the adaptive reuse of a building of historical interest. By maintaining the built form of Barton Street East and introducing commercial units along the street, the existing streetscape character would be maintained and enhanced.

Alternatives for Consideration – See Page 32

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

Proposal:

The applicant has applied for a Zoning By-law Amendment to change the zoning from the “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District to the “E/S-1724” (Multiple Dwellings, Lodges, Clubs, Etc.) District, Modified. The proposed site specific zoning would permit the conversion of the former Gibson School building for a total of 94 residential units, six live-work units and a commercial unit (see concept plan at Appendix “C”). A building addition along Birch Avenue would add an additional six residential units (in the form of street townhouses). Residential units are also proposed within a two-storey addition on top of the existing school. A total of 100 residential units and 95 parking spaces are proposed for the new development (which includes the live-work units). The most recent proposed concept plan on Appendix “C” differs slightly from the original concept plan submitted at time of submission in that alterations to front and side parking areas have been made in order to improve the pedestrian realm.

A number of modifications to the “E” District are required to implement the proposal, most of which are needed due to the fact that the building is existing (original building is circa 1914 and therefore predates the Zoning By-law) and that existing paved areas are being repurposed for parking. These modifications include recognition of certain existing setbacks, the provision for parking to be provided at a rate of 0.85 spaces per unit instead of 1.25 spaces per unit, and to permit the location of the rear two-level parking structure.

Chronology:

<u>January 16, 2013:</u>	Development Review Committee Meeting for Formal Consultation Application FC-12-145.
<u>May 28, 2014:</u>	Waiver of Formal Consultation Requirements for 601 Barton Street East granted by the Manager of Development Planning, Heritage & Design subject to the same submission requirements of FC-12-145.
<u>October 30, 2014:</u>	Zoning Application ZAC-14-036 deemed complete.
<u>November 12, 2014:</u>	Notice of Complete Application and Preliminary Circulation for Zoning Application ZAC-14-036 sent to all property owners and residents within 120 m of the subject lands.
<u>November 17, 2014:</u>	Public Notice sign erected on the subject lands.
<u>July 15, 2015:</u>	Public Notice sign updated with Public Meeting date.

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 601 Barton Street East (Hamilton) (PED15112) (Ward 3) - Page 4 of 33

July 24, 2015: Circulation of Public Meeting Notice for ZAC-14-036 to all residents within 120 m of the subject lands.

Details of Submitted Applications:

Location: 601 Barton Street East (Hamilton)

Owners/Applicants: Gibson Lofts Ltd.

Agent: Webb Planning Consultants, c/o James Webb

Property Description:

<u>Area:</u>	0.49 ha
<u>Frontage:</u>	56.71 m (along Barton Street East)
<u>Depth:</u>	88.65 m (along Gibson Avenue)

Servicing: Full Municipal Services

EXISTING LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Former Gibson School (vacant elementary school)	"D" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District
<u>Surrounding Lands:</u>		
North	Single Detached Dwellings	"D" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District
South	Mix of Commercial, Residential (single detached and duplex dwellings) and Mixed-Use (ground floor commercial with upper-storey residential) and a Daycare	"H" (Community Shopping and Commercial, Etc.) District and "H/S-1585" (Community Shopping and Commercial, Etc.) District, Modified
East	Single Detached and Semi-Detached Dwellings, Mixed-Use (ground floor commercial with upper-storey residential) and a	"D" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, "H" (Community Shopping and

	Commercial and Wholesale Bakery	Commercial, Etc.) District and "H/S-813" (Community Shopping and Commercial, Etc.) District, Modified
West	Passive Park (walking paths and benches) with Hydro One Corridor	Neighbourhood Park (P1) Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014):

The application has been reviewed with respect to the Provincial Policy Statement (PPS). The application is consistent with the policies that focus on growth in Settlement Areas (Policy 1.1.3.1). The proposal also provides a density and mix of uses that contribute to the efficient use of land; supports active transportation and public transit; and, is an opportunity site for both intensification and redevelopment (Policies 1.1.3.2 and 1.1.3.3). It directly implements Policy 1.3.1(c) which states that "Planning authorities shall promote economic development and competitiveness by encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities." Finally, the proposal implements the housing policies of Section 1.4 which contemplates all forms of residential intensification and promotes providing a range of housing options in that three forms of housing are contemplated by the proposal (loft apartments, ground oriented apartment units, and live-work units). Finally, the proposal implements the cultural heritage policies of the PPS (Policy 2.6) in that it conserves an existing building in the Heritage Inventory.

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

Places to Grow: Growth Plan for the Greater Golden Horseshoe:

The subject lands are located within a built-up area, as defined by Places to Grow. The proposal implements Policy 2.2.2.1 in that the proposal is an example of intensification being directed to the built-up area and as a complete community with a diverse mix of land uses, mix of employment and housing types.

Policy 2.2.3.1 states that by the year 2015, and for each year thereafter, a minimum of 40% of all residential development occurring annually within each upper-tier and single-tier municipality, will be within the built-up area. The proposed development contributes to meeting this target in that it proposes up to 100 residential units (with additional commercial uses) on a property that previously contained a school. It implements Policies 2.2.3.6 and 2.2.3.7 in that as an intensification project, the proposal implements the policy focus that Places to Grow places on encouraging intensification throughout the built-up area and by planning for a range and mix of housing.

Based on the foregoing, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (Places to Grow).

Urban Hamilton Official Plan:

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Mixed Use – Medium Density” on Schedule “E-1” – Urban Land Use Designations.

Urban Structure

As noted above, the subject lands are designated “Neighbourhoods” on Schedule “E” – Urban Structure of the UHOP. The following policies, amongst others apply:

“E.2.6.1 Neighbourhoods are identified on Schedule E - Urban Structure.

Function

E.2.6.2 Neighbourhoods shall primarily consist of residential uses and complementary facilities and services intended to serve the residents. These facilities and services may include parks, schools, trails, recreation centres, places of worship, small retail stores, offices, restaurants, and personal and government services.

E.2.6.3 The Neighbourhood element of the urban structure shall be implemented through land use designations shown on Schedule E-1 – Urban Land Use Designations.

E.2.6.4 The Neighbourhoods element of the urban structure shall permit and provide the opportunity for a full range of housing forms, types and tenure, including *affordable* housing and *housing with supports*.

E.2.6.5 The Neighbourhoods element of the urban structure shall permit a range of commercial uses including retail stores and services. These commercial uses may be clustered into plaza forms or in main street configurations. Over time, some of these commercial areas may evolve into a mixed use form, where appropriate. Commercial uses that cater to a broader regional market shall be directed to appropriate *Urban Nodes*. The Neighbourhoods element of the urban structure permits a broader range of commercial areas than the Neighbourhoods Designation. The different types of commercial areas are designated on Schedule E-1 – Land Use Designations. The policies of Section E.4.0 – Commercial and Mixed Use Designations, Section E.3.0 – Neighbourhoods Designation, and applicable secondary plans of Volume 2 shall provide specific direction on the scale of commercial uses in the various commercial and mixed use designations.

Scale

E.2.6.7 Neighbourhoods shall generally be regarded as physically stable areas with each neighbourhood having a unique scale and character. Changes *compatible* with the existing character or function of the neighbourhood shall be permitted. Applications for *development* and *residential intensification* within Neighbourhoods shall be reviewed in consideration of the local context and shall be permitted in accordance with Sections B.2.4 – Residential Intensification, E.3.0 – Neighbourhoods Designation, E.4.0 – Commercial and Mixed Use Designations, and, E.6.0 – Institutional Designation.”

The above policies note that within the broad neighbourhoods urban structure element, that residential uses are the primary land use, including the opportunity for a broad range of housing forms and types. As well, a range of commercial uses are permitted where it is specifically noted that over time, these commercial areas would evolve into mixed-use areas. The policies also note that each neighbourhood has a unique scale and character whereby compatible changes are permitted and that residential intensification must address the local context.

The proposed development retains a former school building that has been part of the Gibson Neighbourhood for over 100 years (the current original portions of the building date back to 1914), and that while additions are proposed, they are a form of compatible change that would maintain both the primary existing built form and the principal land uses along Barton Street East. In this regard, the Urban Structure policies direct in the review of applications that include residential intensification, that they must also be reviewed against both the Residential Intensification policies of Section B.2.4 (see immediately below) and the Commercial and Mixed Use Designations (see further below).

Residential Intensification Policies

As detailed within Section B.2.4, Residential Intensification is a key component in successfully redeveloping and transforming targeted areas of the City, and is pivotal in achieving the growth targets and balanced growth strategy of the UHOP. In general, intensification creates livable, vibrant, compact communities, facilitates and enhances the node and corridor structure of the City, and makes efficient use of the City's public transit network and other infrastructure.

However, it is also clearly articulated within the UHOP, that for intensification to make a positive contribution to the City, careful consideration must be given to design and compatibility with existing uses, neighbourhood character, and cultural and natural heritage resources. In particular, intensification must represent good planning and not cause unacceptable impacts.

The following Residential Intensification policies are applicable to the evaluation of the proposed development:

- “B.2.4.1.1 Residential intensification shall be encouraged throughout the entire built-up area in accordance with the policies of Chapter E – Urban Systems and Designations and Chapter F – Implementation.
- B.2.4.1.2 The City’s primary intensification areas shall be the Urban Nodes and Urban Corridors as illustrated on Schedule E – Urban Structure and as further defined in secondary plans and corridor studies for these areas, included in Volume 2.
- B.2.4.1.3 The residential intensification target specified in Policy A.2.3.3.4 shall generally be distributed through the built-up area as follows:
 - a) The Downtown Urban Growth Centre shall be planned to accommodate approximately 20% of the intensification target.
 - b) The Urban Nodes and Urban Corridors identified in Section E.2.0 - Urban Structure, excluding the Downtown Urban Growth Centre, shall be planned to accommodate approximately 40% of the residential intensification target.
 - c) 40% of the residential intensification target is anticipated to occur within the Neighbourhoods as illustrated on Schedule E – Urban Structure.
- B.2.4.1.4 Residential intensification developments shall be evaluated based on the following criteria:
 - a) a balanced evaluation of the criteria in b) through g) as follows;
 - b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
 - c) the development’s contribution to maintaining and achieving a range of dwelling types and tenures;
 - d) the compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;

- e) the development's contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- f) infrastructure and transportation capacity; and,
- g) the ability of the development to comply with all applicable policies.”

The Residential Intensification policies note that residential intensification shall generally be distributed throughout the built-up area and that of this residential intensification, 40% should be directed to the Neighbourhood component of the Urban Structure Plan. It should be noted that while Barton Street East in this area is not considered a Primary or Secondary Corridor, it is still an arterial road (as is Birch Avenue).

The conversion of the school to multiple residential and commercial uses responds to and builds upon the existing character of the area in that it strives to provide for the continuous commercial edge along Barton Street East by incorporating ground oriented commercial units with direct access to Barton Street East for pedestrian shoppers. The multiple residential aspect of the project is contained within the existing school building and within a two-storey addition to the top of the school and a small addition along Birch Avenue. The upper floor additions include a setback that varies between 1 m and 4 m from the façade of the existing school so that the primacy of the existing streetscape would still be dominated visually by the school building. The architecture for the proposed addition contemplates the use of clear glazing and lighter building materials, which would also ensure that the existing school's architecture would be emphasized, enhancing the existing built form. A substantial 12 m setback from existing low density residential uses to the north is also provided. This setback is consistent with the existing lot fabric of the area whereby 6-12 m setbacks between the rear of commercial buildings that front onto Barton Street East and existing dwellings to the rear is provided. The proposal is also similar to surrounding lands in that most of the commercial buildings along Barton Street East that do have parking, have their parking in the rear, accessed via alleyways that directly abut properties containing residential dwellings.

The proposed development provides for a range of dwelling types even within the existing development (loft apartments, ground oriented residential apartments, and live-work units). As noted, the development integrates well within both the Barton Street East commercial corridor and as a transition to the mix of existing low density uses to the north. It contributes to implementing the mix of land uses envisioned within the Urban Structure on a site with excellent transportation options and where municipal infrastructure exists. Based on the above, the proposed development meets the residential intensification evaluation criteria in Policy B.2.4.1.4.

Mixed Use – Medium Density

As noted above, the subject lands are designated “Mixed Use – Medium Density” on Schedule “E-1” – Urban Land Use Designations of the UHOP. The lands are also noted within the Commercial and Mixed Use designation policies as being on a “Pedestrian Predominant Street”. The general policy direction for this designation is to provide a full range of commercial and residential development at a moderate scale by striving to increase the number of people who live and work within areas with this designation (as per Policy E.4.6). The functional policies (E.4.6.1 through E.4.6.4) note that commercial uses should serve the surrounding community as well as the day-to-day needs of more local residents. The introduction of residential uses to the designation is promoted in order to provide a vibrant street for both daytime and night-time activities. The following more specific policies, amongst others, would also apply:

“E.4.6.5 The following uses shall be permitted on lands designated Mixed Use - Medium Density on Schedule E-1 – Urban Land Use Designations:

- a) commercial uses such as retail stores, auto and home centres, home improvement supply stores, offices oriented to serving residents, personal services, financial establishments, live-work units, artist studios, restaurants, gas bars, and drive-through facilities;
- c) institutional uses such as hospitals, places of worship, and schools;
- d) arts, cultural, entertainment, and recreational uses;
- e) hotels;
- f) multiple dwellings; and,
- g) accessory uses.

E.4.6.7 Lands designated Mixed Use - Medium Density shall contain a range of building heights and densities to a maximum height of six storeys, which shall be set out in the implementing zoning by-law. The specific permitted heights and densities shall depend on the area and be established through secondary plans where one exists and the zoning by-law.

E.4.6.9 The predominant built form shall be mid rise and low rise buildings. The intent is to increase the proportion of multiple storey, mixed use buildings that have retail and service commercial stores at grade; however, single use commercial buildings and medium density ground related housing forms shall be permitted.

- E.4.6.10 Permitted uses shall be located in single or mixed use buildings.
- E.4.6.15 Although residential development is permitted and encouraged, it is not the intent of the Plan for the Mixed Use - Medium Density designated areas to lose the planned retail and service commercial function set out in this Plan.”

The proposed development implements the permitted uses of the “Mixed Use – Medium Density” designation in that multiple dwellings and a range of commercial uses are both permitted by the designation and proposed as part of the development. However, as the character of Barton Street East is a pedestrian predominant area, certain automotive oriented uses would not be permitted and therefore, the applicant has proposed to only permit commercial uses that would be allowed in the “G” (Neighbourhood Shopping Centre, Etc.) District which provides for uses more consistent with street oriented commercial uses and meets the intent of the Pedestrian Predominant Policies.

The proposed two-storey addition raises the height of the building to five storeys (although the bottom storey is partially below grade making the building appear closer to a four and a half storey building), meeting the six-storey maximum height restriction in Policy E.4.6.7. This midrise form of development is promoted by Policy E.4.6.9 that specifically notes that the intent is to increase the number of such developments. By maintaining street oriented commercial uses (in both traditional commercial and live-work formats) along Barton Street East, the planned retail and service commercial function are not being displaced.

Urban Design

Various sections within the UHOP provide policy guidance with respect to urban design. Considerable emphasis has been placed upon the importance of urban design in securing appropriate residential intensification, particularly when it concerns development that must respect and be compatible with the existing character of an area. Specific policies identifying these pertinent considerations will be reviewed in the following section. These policies are embedded directly within the “Mixed Use – Medium Density” policy framework; within the policies that apply to “Pedestrian Predominant Streets” (Policy E.4.3); and, within general Urban Design Policies of Section B.3.3. The review of the design policies will occur after the noted policies below have been identified.

The following design oriented policies from the “Mixed Use – Medium Density” designation apply:

- “E.4.6.16 New development shall be designed and oriented to create comfortable, vibrant and stimulating pedestrian oriented streets within each area designated Mixed Use - Medium Density.

- E.4.6.17 Areas designated Mixed Use - Medium Density are intended to develop in a compact urban form with a streetscape design and building arrangement that supports pedestrian use and circulation and create vibrant people places.
- E.4.6.18 In the historic former downtowns and main streets, a strong historic pedestrian focus is long established, and shall be enhanced through new development.
- E.4.6.19 To strengthen the pedestrian focus in areas where it does not currently exist, the City shall require infilling of retail, service commercial, and mixed use buildings in a physical arrangement which assists in creating a vibrant and active street environment. Such buildings shall be located up to the street along a pedestrian predominant street.
- E.4.6.22 Development applications shall be encouraged to provide a mix of uses on the site.
- E.4.6.24 New development shall respect the existing built form of adjacent neighbourhoods by providing a gradation in building height and densities, and by locating and designing new development to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods.
- E.4.6.25 Areas designated Mixed Use - Medium Density shall be integrated with the surrounding neighbourhoods through frequent street and pedestrian linkages.
- E.4.6.26 Automobile access shall continue to be an important mode of transportation from the surrounding neighbourhoods, but it shall be balanced with the need to improve pedestrian access and opportunities for active transportation.
- E.4.6.27 Reduced parking requirements shall be considered to encourage a broader range of uses and take advantage of a higher level of transit service."

The proposed development implements the design objective policies from the "Mixed Use - Medium Density" UHOP designation. It provides a compact urban form and a mix of uses that supports pedestrian use. The current preliminary proposed site plan contains large sidewalks and pedestrian areas in front of the building, in addition it is noted that all principal entrances would face Barton Street East. While the existing building is not located immediately abutting the streetline, care has been made to create an interface with said streetline by incorporating direct walkway connections from the municipal sidewalk to each live-work unit and by removing parking in front of the front

façade of the building. This will minimize vehicular usage along Barton Street East (see discussion below regarding pedestrian predominant streets).

Through appropriate setbacks, building stepbacks from the existing school to the two-storey addition (which range from 1-4 m) and the understanding that the development comprises of an entire block face (i.e. between Birch Avenue and Gibson Avenue along Barton Street East), the proposal respects the existing built form of the neighbourhood by maintaining the existing built form along Barton Street East. The neighbourhood contains a mix of direct street oriented mixed use buildings with rear parking areas as well as institutional uses (Hamilton General Hospital and places of worship with larger setbacks from Barton Street East). A discussion on parking is contained in the Analysis and Rationale for Recommendation Section of this Report as some parking requirement reductions are necessary, which implements Policy E.4.6.27 that permits consideration of such reductions to encourage a broader range of uses where comprehensive transit options exists.

The following policies contained within the Commercial and Mixed Use Designations – General Policies section of the UHOP identify the subject lands as being within a “Pedestrian Predominant Street” (i.e. Barton Street East between Sherman Avenue and Wellington Street) and hence apply to the proposed development:

“E.4.3.4 In addition to the policies of the specific Commercial and Mixed Use designations, the following policies shall apply to pedestrian predominant streets:

- a) A minimum of 75% of the block face located between two roads shall be developed with buildings.
- b) Buildings shall be built up to the streetline and parking, driveways or lanes shall not be permitted between the buildings and the street, except as set out in E.4.3.4 g).
- c) Each building or store front shall face onto the pedestrian predominant street with the main entrance of each building or store and substantial fenestration facing on to the street.
- d) Residential uses shall not be permitted on the ground floor of a building facing on to a pedestrian predominant street.
- e) On-street parking shall be provided where feasible and appropriate.
- f) A minimum height of two storeys shall be encouraged.
- h) Sidewalks shall be required on both sides of the street and shall be of sufficient width to:

- i) accommodate anticipated pedestrian volumes;
 - ii) comfortably and safely accommodate the needs of persons with disabilities and seniors;
 - iii) ensure sufficient space for coordinated street furnishings, public utilities, and tree plantings; and,
 - iv) accommodate sidewalk cafés, kiosks, and street vendors where possible.
-
- i) Transit shelters and stops shall be provided, where appropriate.
 - j) New buildings and spaces shall be designed to reflect a human scale of development, contribute to public safety and security, and create a significantly enhanced pedestrian environment.
 - k) New buildings shall be encouraged to have awnings, canopies, arcades, or front porches to provide weather protection.”

With respect to the policies that apply to a pedestrian predominant street, the proposed development intends to implement, where possible, all of the direction from this section of the UHOP. The proposed development is predominantly an adaptive reuse of an existing building and as maintaining the existing building as a heritage property is important, there are complexities with the redevelopment proposal which makes implementation more challenging than if vacant land was being developed and a new building constructed immediately up to the front lot line along Barton Street East. The Barton Street East block face does contain greater than 75% block face, although because the school's location is set, it is not located immediately abutting the street like other commercial and mixed use buildings in the immediate vicinity. However, the principal building entrances for the multiple dwelling, each entrance for the live-work units, and the entrance to the commercial unit, all face directly toward Barton Street East. There are no residential units on the ground floor of the portion of the building that abuts Barton Street East. In addition, by maintaining the lower front portion of the school building that is closer to Barton Street East (that is one-storey on the west side and two-storeys on the east side) the design of the proposal reflects the human scale of development in that the full five-storeys is not located immediately up to Barton Street East.

Through discussions with Hamilton Municipal Parking System, now that the school use has ceased, it is possible to reintroduce on-street parking along both Barton Street East and Birch Avenue in front of the development. With respect, to Policy E.4.3.4(b), however, because the building is existing and does not immediately abut Barton Street East, it is not possible to build to the streetline. However, the intent of the policy is still maintained due to the proposed direct pedestrian connections to the commercial units,

front landscaping and patio features, and other improvements to be implemented at the Site Plan Control stage of development. For example, already the most recent proposed design has been improved from the original proposal (compare Appendix "C" to Appendix "D"). One of the accesses and much of the parking and aisles from the front of the building have been removed.

In order to meet the intent of Policy E.4.3.4(b), the applicant has been advised that the six parking spaces located immediately abutting Barton Street East must be removed, as well as, any of the off-street parking that abuts Birch Avenue which is located in front of the front façades of the building (see Appendix "C"). This will result in eight parking spaces being removed in total. However, the introduction of eight street parking spaces on Birch Avenue, plus street parking on Barton Street East, would replace this commercial parking (it should be noted that the Zoning By-law does not require parking for commercial units of the size proposed in the development).

The single driveway off Barton Street East can remain, as it will provide for limited service, loading options, and incidental parking for the single-use commercial unit adjacent to Birch Avenue. However, through the introduction of innovative landscape design, now that the front parking would be removed, which may include but not be limited to inter-lock brick, cobblestone pavers, permeable pavers, or other such surface treatment, demonstrating that the intent of all of the hard surfacing in front of the building is to be used predominantly for pedestrian use; possibly for special events; patios; as a public or private gathering space, and not primarily for vehicular use. Therefore, staff are satisfied that the UHOP Policies that apply to pedestrian predominant streets have been addressed through the implementing By-law, and will be further implemented through the final design that will be assessed as part of the Site Plan Control stage of development.

The following general urban design policies contained within Section B.3 of the UHOP also apply to all developments. The general policies note the goals to create transit supported communities that are compatible and enhance the existing environment. The urban design goals also promote intensification that makes appropriate and innovative use of buildings and sites, and is compatible in form and function to the character of existing communities and neighbourhoods. The following additional policies should be reviewed:

"B.3.3.2.3 Urban design should foster a sense of community pride and identity by:

- a) respecting existing character, development patterns, built form, and landscape;
- b) promoting quality design consistent with the locale and surrounding environment;

- c) recognizing and protecting the cultural history of the City and its communities;
- d) conserving and respecting the existing built heritage features of the City and its communities;
- f) demonstrating sensitivity toward community identity through an understanding of the character of a place, context and setting in both the public and private realm;
- g) contributing to the character and ambiance of the community through appropriate design of streetscapes and amenity areas;
- h) respecting prominent sites, views, and vistas in the City; and,
- i) incorporating public art installations as an integral part of urban design.

B.3.3.2.6 Where it has been determined through the policies of this Plan that compatibility with the surrounding areas is desirable, new development and redevelopment should enhance the character of the existing environment by:

- a) complementing and animating existing surroundings through building design and placement as well as through placement of pedestrian amenities;
- b) respecting the existing cultural and natural heritage features of the existing environment by re-using, adapting, and incorporating existing characteristics;
- c) allowing built form to evolve over time through additions and alterations that are in harmony with existing architectural massing and style;
- d) complementing the existing massing patterns, rhythm, character, colour, and surrounding context; and,
- e) encouraging a harmonious and compatible approach to infilling by minimizing the impacts of shadowing and maximizing light to adjacent properties and the public realm.

B.3.3.3.1 New development shall be located and organized to fit within the existing or planned context of an area as described in Chapter E – Urban Systems and Designations.

- B.3.3.3.2 New development shall be designed to minimize impact on neighbouring buildings and public spaces by:
- a) creating transitions in scale to neighbouring buildings;
 - b) ensuring adequate privacy and sunlight to neighbouring properties; and,
 - c) minimizing the impacts of shadows and wind conditions.
- B.3.3.3.4 New development shall define the street through consistent setbacks and building elevations. Design directions for setbacks and heights are found in Chapter E – Urban Systems and Designations and in the Zoning By-law.
- B.3.3.3.5 Built form shall create comfortable pedestrian environments by:
- a) locating principal façades and primary building entrances parallel to and as close to the street as possible;
 - b) including ample glazing on ground floors to create visibility to and from the public sidewalk;
 - c) including a quality landscape edge along frontages where buildings are set back from the street;
 - d) locating surface parking to the sides or rear of sites or buildings, where appropriate; and,
 - e) using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas.
- B.3.3.10.4 Where surface parking is proposed, it should be located to the sides or rear of buildings to enable the development of a continuous street edge and the creation of quality urban spaces consistent with Section B.3.3.2 – General Policies and Principles.”

The proposed development implements the intent of the Urban Design policies from Section B.3.3 of the UHOP. In this regard, as new development (or redevelopment) must address compatibility with the surrounding area, placement of the building additions has been thought out to provide both a transition in built form, and appropriate setbacks. For example, the building addition along Birch Avenue introduces multiple dwelling units that take the built form of traditional street townhouses. These units provide a lower scale built form transition from existing single detached dwellings to the north. They also ensure that the majority of the parking at the rear of the former school

would be behind either the east wing of the school or the proposed townhouse style addition.

The proposal, by retaining the existing school, also respects the existing cultural heritage features of the existing environment by re-using and incorporating the existing site characteristics. The Built Form policy direction from Policy B.3.3.3.5 is implemented in that primary building façades face Barton Street East with new glazing being introduced. This is an improvement to the site as the existing gym addition at the front of school does not currently have windows. After further site improvements, parking will predominantly be at the rear of the building, not abutting the principle streetscape. Impacts from building shadowing are not expected to occur due to the relatively low height of the building (maximum 19 m); it's east / west orientation along Barton Street East; and that existing roads on both sides of the school increase separation distances between the proposal and existing dwellings to the east and west.

Noise and Vibration

As the proposed development constitutes the introduction of a sensitive land use (i.e. residential) in proximity to major roads and a rail corridor, a Noise Assessment was submitted. The following policies must therefore be reviewed:

- “B.3.6.3.1 Development of noise sensitive land uses, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.
- B.3.6.3.2 Any required noise or vibration study shall be prepared by a qualified professional, preferably a professional engineer with experience in environmental acoustics, in accordance with recognized noise and vibration measurement and prediction techniques, to the satisfaction of the City, and in accordance with all applicable guidelines and standards.”

The conclusions of the Noise Assessment is that only a range of general warning clauses due to the proximity of the development to major roads and the railway line to the north is needed. No other sound attenuation measures (i.e. berms, noise walls or special construction materials is required). The noise warning clauses will be addressed at the Site Plan Control stage of development. Therefore, the proposal complies with the Noise and Vibration Policies of Section B.3.6.3 of the UHOP.

Cultural Heritage

The former Gibson School is contained within Hamilton's Inventory of Buildings of Architectural and / or Historical Interest and a Cultural Heritage Impact Assessment was completed that recommends a heritage designation for the subject lands. That process

is separate from the Zoning Application process and the Heritage Committee ultimately recommended adding the school to the Heritage Registry as well as pursuing a Heritage Easement instead of full designation (as well as further information be provided pertaining to the interior of the building, documentation, etc.). The revised development concept, as well as future improvements at the Site Plan Control stage would generally address the heritage concerns with the proposed development. The following Cultural Heritage policies from the UHOP would apply:

- "B.3.4.1.3 Ensure that all new development, site alterations, building alterations, and additions are contextually appropriate and maintain the integrity of all on-site or adjacent cultural heritage resources.
- B.3.4.1.4 Encourage the rehabilitation, renovation, and restoration of built heritage resources in order that they remain in active use.
- B.3.4.2.1 The City of Hamilton shall, in partnership with others where appropriate:
 - a) Protect and conserve the tangible cultural heritage resources of the City, including archaeological resources, built heritage resources, and cultural heritage landscapes for present and future generations.
 - f) Support the continuing use, reuse, care, and conservation of cultural heritage resources and properties by encouraging property owners to seek out and apply for funding sources available for conservation and restoration work.
 - g) Ensure the conservation and protection of cultural heritage resources in planning and development matters subject to the Planning Act either through appropriate planning and design measures or as conditions of development approvals.
- B.3.4.5.2 The City shall encourage the retention and conservation of significant built heritage resources in their original locations. In considering planning applications under the Planning Act and heritage permit applications under the Ontario Heritage Act, there shall be a presumption in favour of retaining the built heritage resource in its original location."

The proposed development takes a balanced and measured approach to preserving the existing heritage character of the site. In this regard, the proposal retains the entirety of the former school with an adaptive reuse to a mix of residential and commercial uses. This implements Policies B.3.4.1.4 and B.3.4.5.2 in that the resource is being retained in its original location.

Alterations to the building are contained within more contemporary additions and result in an opening up of the building to the street. The other additions do not significantly impact the heritage character of the building and by making the adaptive reuse of the building more economically viable, they serve an important role in ensuring the long term viability of the development and hence of the retention of the heritage property. Once the ultimate proposed design is finalized at the Site Plan Control stage of development, additional heritage matters pertaining to building material, interior information about the layout of the building in regards to heritage aspects of said interior, and a discussion on adding the property to the Heritage Registry, will occur.

Based on the above, the proposed development meets the intent of the policy direction of the UHOP.

Barton and Kenilworth Corridor Study

The Barton and Kenilworth Commercial Corridors Final Recommendations Report was received for information by Council on September 12, 2014. This study reviewed both the Barton Street and Kenilworth Street corridors and made recommendations for improvements to the streets and how development should proceed in the future. The subject lands are contained within the study boundary. Applicable to the subject lands, the recommendations of the study (for which staff and the consultant team undertook substantive public engagement) included the following:

- That the portion of Barton Street East between Wentworth Street North and Sherman Avenue North should be removed from the "Pedestrian Predominant Street" policy framework and replaced with a Special Policy Area that would permit on a site-by-site basis, a full array of commercial and residential uses at grade. This is a change from the existing situation whereby residential uses are not permitted at grade. The intent of this provision is that this stretch of Barton Street East is more varied than elsewhere in the corridor and does not consist of a complete street wall of commercial buildings;
- Ensure new commercial zoning that will implement the "Mixed Use - Medium Density" designation would support a broad mix of commercial uses including new and innovative business, social and cultural opportunities (including live-work units);
- Pre-zone the corridor to facilitate redevelopment at maximum permitted heights of six to eight storeys, as-of-right; and,
- Reduce parking standards in the Zoning By-law to improve the affordability and feasibility of redevelopment (the report includes an example of a 50% parking reduction along Barton Street).

It should be noted that the above noted recommendations were received by the General Issues Committee and will be used as part of the review and implementation of updated planning instruments in the future, such as the development of new residential and commercial zones and parking standards for Zoning By-law No. 05-200. However, on a preliminary basis, the proposed development implements the recommendations of the Barton and Kenilworth Corridor Study in that it includes additional height beyond what is currently permitted; it includes live-work units that face directly onto Barton Street East; and, it includes parking reductions.

Neighbourhood Plan

The subject lands are designated "Institutional" within the Gibson Neighbourhood Plan. This is reflective of the former use of the lands for a school. Now that the school (i.e. institutional) use has ceased and the lands are proposed to be redeveloped for a mix of commercial and residential purposes, an amendment to the Neighbourhood Plan is required to redesignate the lands from "Institutional" to "Commercial and Apartments". This will be implemented through Recommendation (b) of this Report.

Policy F.1.2.8 of the UHOP permits amendments to a Neighbourhood Plan provided they are evaluated against Policies F.1.1.3 and F.1.1.4. which state:

“Policy F1.1.3 Amendments to this Plan, including secondary plans, shall be required to create, modify or expand land use designations and policies which do not comply with this Plan.

Policy F.1.1.4 Amendments to this Plan shall be undertaken by the City:

- a) to update this Plan to reflect new provincial or municipal planning policies at the time of Official Plan Five Year review or other appropriate time through a City initiative; or,
- b) to update and streamline administration of municipal planning policies.

Policy F.1.1.5 When considering amendments to this Plan, including secondary plans, the City shall have regard to, among other things, the following criteria:

- a) the impact of the proposed change on the City’s vision for a sustainable community, as it relates to the objectives, policies and targets established in this Plan; and,
- b) the impact of the proposed change on the City’s communities, environment and economy and the effective administration of the public service.”

In this regard, the proposed amendment does not conflict with these policies, as it implements a form of development at a location consistent with, and that is contemplated within, the “Mixed Use – Medium Density” designation of the UHOP, and as such implements the City’s vision. The impacts of the proposed changes have been evaluated as part of the policy review and staff are satisfied they meet the presiding policy intent.

Based on the above, staff are satisfied that the proposed development conforms to the policy framework and objectives of the UHOP and Gibson Neighbourhood Plan.

RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections:

- Operations and Waste Management Division (Public Works Department); and,
- Recreation Division (Community and Emergency Services Department).

The following Departments and Agencies submitted the following comments:

Public Health Department has advised that a Dust Mitigation Plan should be implemented at the time of construction to minimize dust impacts on surrounding areas. In addition, a designated substance survey should occur. With regard to dust and the required Erosion and Sedimentation Plan, these matters will be reviewed and addressed at the Site Plan Control stage of development. Dust and construction related impacts are monitored by the Engineering Approvals Section construction inspectors. With regard to the designated substance survey, the applicant has been advised that the requirement for a Record of Site Condition (RSC) had been identified at the Formal Consultation stage and must be submitted with the future Site Plan Control Application.

Operations and Waste Management Division (Public Works Department) has advised that the development is eligible for municipal collection of waste. At this time, it is unclear how waste would be collected or whether waste collection would meet municipal collection standards. If it does not, then private waste collection would be required. Further determination will occur at the Site Plan Control stage of development.

Forestry and Horticulture Section (Public Works Department) has advised that there are no municipal tree assets being impacted by the development so a Tree Management Plan would not be required. However, forestry would review future landscape plan submissions that may include tree plantings within the municipal road allowances.

Traffic Engineering Section (Public Works Department) originally had commented on concerns with the original proposed two-driveway access design from Barton Street East and concerns with the southerly proposed access driveway from Gibson Avenue. Other technical matters were identified primarily to do with access radii and the slope of the driveway to the lower level of the parking structure. In response, the revised plan (see Appendix "C") has addressed the Barton and Gibson access concerns except that the Traffic Engineering Section do not recommend the lay-by option on Gibson Avenue. Discussions between Traffic Engineering, Planning and Hamilton Municipal Parking System staff occurred whereby an option to permit boulevard parking along Gibson Avenue may be possible with revisions to the access driveway design. However, parking in the boulevard would not count as required parking. At the Site Plan Control stage of development, the final details for the options for parking along Gibson Avenue will be further analyzed and any necessary Site Plan Control conditions of approval would be implemented.

Hamilton Municipal Parking System (HMPS) had initially advised that the development may not be providing all parking that would be required by the Zoning By-law and that additional information would have to be submitted to address the reduction. In addition, initial comments also noted that parking in the Gibson Avenue road allowance could not be counted as required parking in the Zoning By-law (even if it is ultimately approved through a Boulevard Parking Agreement). However, HMPS did advise that if the reduced parking was approved, that a standard parking warning clause should be added to all purchase and sale agreements. After these comments were received, subsequent discussions occurred between the applicant as well as with Planning and HMPS staff.

The most updated concept plan also notes that previous parking proposed in the Gibson Avenue road allowance has been replaced with parking in a lay-by orientation (which would require the applicant to enter into an external works agreement to construct the feature). Based on comments from the Traffic Engineering Section, this option may not be supportable, and instead, the earlier option for boulevard parking may be better suited to the site.

The follow up discussions with HMPS staff resulted in a review of options for increasing the amount of street parking available now that the former school use has ceased. In this regard, HMPS have advised that new street parking will be made available on both Barton Street East and Birch Avenue which would increase on-street parking availability. HMPS also advised that subject to further review and specific design details, the above noted boulevard parking along Gibson Avenue may be supportable subject to the technical review of a Boulevard Parking Agreement application. Finally, HMPS staff advised that a 30-space municipal carpark is located immediately at the southwest corner of Birch Avenue and Barton Street East which contains permit parking only. Further discussion on the amount of parking available is contained in the Analysis and Rationale for Recommendation section of this Report as part of the review of the required Zoning By-law modifications.

Hamilton Street Railway (HSR) has advised that the No.2 Barton Bus route runs in front of the subject lands and that direct connections to the street are beneficial to improve transit. HSR commented that mixed land uses also contribute to transit viability and that reuse and intensification of sites along transit routes is encouraged to accommodate a range of transportation options. A bus stop is located adjacent to the development at Barton and Birch. At the Site Plan Control stage of development further review of the streetscape will be undertaken to determine if a new transit shelter is warranted as well as pedestrian connections to the street.

CN Rail has reviewed and approved the submitted Noise and Vibration Study subject to the recommendations of the study (implementation of certain noise warning clauses and the provision for central air conditioning) and the applicant registering a standard environmental easement with CN Rail (to be finalized at the Site Plan Control stage of development).

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and Council's Public Participation Policy, Notice of Complete Application and Preliminary Circulation was circulated to approximately 350 property owners and tenants within 120 m of the subject property on November 12, 2014, requesting public input on the application. A Public Notice sign was also posted on the property on November 17, 2014. Notice of the Public Meeting was given, in accordance with the requirements of the *Planning Act*.

To date, two letters have been received from local residents. Concerns raised in the letters pertain to traffic and parking, engineering / construction concerns, garbage collection, height of the proposal, and density. A review of these concerns is contained in the Analysis and Rationale for Recommendation section of this Report. The public comments are contained within Appendix "E".

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the PPS and conforms to Places to Grow (Growth Plan for the Greater Golden Horseshoe);
 - (ii) It implements the "Mixed Use - Medium Density" policies of the Urban Hamilton Official Plan including key policies pertaining to compatibility, residential intensification, urban design and cultural heritage in that the proposed development is permitted within this land use designation at the height proposed; is an appropriately scaled residential intensification project; is compatible with the surrounding neighbourhood at the corner of two arterial roads; and complements the existing streetscape character of Barton Street East; and,

- (iii) The proposal results in the adaptive reuse of a building within the City of Hamilton's Inventory of Buildings of Architectural and / or Historical Interest.
- 2. The subject lands currently contain the former Gibson Elementary School that has been closed since approximately 2009. The proposal would repurpose the building for residential loft apartments, as well as, for live-work units and a commercial unit within the portions of the building closest to Barton Street East. A further addition on the west side of the property would provide six additional dwelling units in the form of ground oriented apartments (i.e. dwelling units each with direct front doors to the street). A two-storey addition to the top of the school is also proposed. The majority of the proposed parking spaces are in the rear where the former hard-surfaced school yard existed (approximately 83 parking spaces). This area would be excavated into a two-level parking structure. Additional parking is indicated along Birch Avenue and along Gibson Avenue in a lay-bay (these spaces would not count as required parking and this lay-by has not been approved by Traffic Engineering staff). It is most likely that a previously proposed boulevard parking layout (see Appendix "D") will be considered instead.

A single access driveway from Barton Street East is proposed to access a small parking area at the southwest corner of the property. However, as noted in the policy review section of this Report, any parking spaces in front of the front façade must be removed in order to comply with the intent of the policy direction for a pedestrian predominant street. Additional landscaping and sidewalk areas are proposed at the front of the building to allow for direct pedestrian access to the residential portion of the building and to the live-work units that would face Barton Street East.

- 3. The subject lands are currently zoned "D" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District in Zoning By-law No. 6593. This is because Zoning By-law No. 6593 does not contain institutional zones. Schools (non-commercial) were considered as a public use and permitted in the residential and commercial zones within Zoning By-law No. 6593. When new institutional zoning was implemented by the City of Hamilton as part of Zoning By-law No. 05-200, the Gibson School had already been closed so the lands were not brought into Zoning By-law No. 05-200. The applicant has proposed to rezone the lands to the "E" (Multiple Dwellings, Lodges, Clubs, Etc.) District, with site-specific provisions to permit a limited amount of commercial floor area for live-work units and limited commercial uses.

The applicant has suggested permitting the range of commercial uses permitted within the "G" (Neighbourhood Shopping Centre, Etc.) District so that the types of commercial uses within a mixed use building on the periphery of a residential neighbourhood would be limited to those more oriented to the day to day needs

of local residents at a neighbourhood scale in keeping with the UHOP policies. These permitted uses include business and professional offices, a bank, studios, personal services, a restaurant, and retail stores.

In order to implement the proposal, a number of site-specific modifications are necessary. These include:

Modifications to Address Use

While the "E" District does permit a multiple dwelling, in order to ensure that the existing building is retained, it is proposed that the zoning restrict the use of a multiple dwelling to only within the existing building and within additions to this building. In addition, due to the innovative nature of the live-work units and the ground oriented residential units along Birch Avenue, the implementing By-law has also been structured to both permit live-work units (to a maximum 200 sq m per unit) and to provide clarification that for the purposes of the By-law, the building addition containing the six ground oriented residential uses would be considered as part of a multiple dwelling despite having individual external accesses. That is because functionally, those units are still part of the same development and will be part of the same future Condominium Corporation with the same shared rear parking areas. They are also not standard townhouses in that they do not have traditional rear yard amenity but have a front upper storey terrace.

Finally, the By-law would also permit the range of commercial uses that the "G" (Neighbourhood Shopping Centre, Etc.) District permits but limited to only 110 sq m as per the proposed development. These uses include but are not limited to general retail stores, offices, personal services and restaurants. A commercial school is also being added as a potential commercial use as a previous Minor Variance Application (HM/A-10:164) permitted a commercial school within the existing building. This was previously supported by staff as an appropriate commercial use as part of the adaptive reuse of a former school.

Modifications to Address Setbacks

While the existing building (with upper storey addition) conforms to the Zoning By-law with respect to the required front yard, westerly side yard, and rear yard setback, in order to provide greater certainty, the existing westerly and northerly yards and the proposed rear yard, are recognized in the By-law. No modification is needed to the front yard. The By-law will however recognize that the existing building provides almost no easterly side yard setback (whereas approximately 7.5 m would be required based on the size of the building (and similarly that the proposed townhouse style addition on the west side also provides no setback). That setback can be supported as there is a sufficient setback from the location of existing dwellings to the north (that have approximately 3 m front yard

setbacks) to provide for a transition to the addition. In addition, the opposite side of Birch Avenue is a park. Therefore, the proposed modifications to building setbacks can be supported.

Modification to Address Height

The "E" District at this location (as the lands abut lower density residential zones) would permit a maximum height of eight storeys or 26 m. The proposed building is approximately 19 m in height (five storeys). To ensure the development will be compatible with lower density uses to the rear (the zoning for which permits a maximum height of 13 m) it is proposed that the implementing By-law cap maximum height at the proposed 19 m and five storeys. It should be noted that under the "Mixed Use - Medium Density" designation of the UHOP, maximum height of six storeys is permitted as-of-right. Therefore, the modification in height, particularly as it is more restrictive than the general "E" District permits, can be supported.

Modification to Address Parking Structure

The existing school yard at the rear of the subject lands is already elevated approximately 1-2 m from the abutting homes to the north. It is proposed that the existing yard be retrofitted to contain a two level parking structure whereby the top storey would generally be consistent with the elevation of the existing school yard, while the bottom level would be excavated under that level. Final details as to whether the parking structure would be attached to the school directly (and hence form part of the principal building) or would be detached and hence considered as an accessory building have not been finalized. Therefore, to provide certainty in the Zoning By-law, the implementing By-law would permit a maximum two-level parking structure notwithstanding a number of zoning regulations that regulate the location of parking that abuts a residential use, building setbacks, and fencing and landscaping requirements. This innovative approach can be supported as it essentially recognizes the existing elevated school yard location.

The structure's northerly wall would be elevated approximately 1 m above the floor of the upper level (combined with the side of the structure, the combined height of the structure would only range from 1 m to 2.6 m above the elevation of the abutting properties to the north). The 1 m wall would mitigate headlight impacts on dwellings to the north. Therefore, the required modifications to address the permissions needed for the parking structure and to address required mitigation measures for nuisance impacts can be supported.

Modifications to Address Parking

Based on the amount of parking indicated on the preliminary concept plan and known constraints that will result in the loss of some of these spaces, parking will be available at a rate of 0.85 spaces per Class A dwelling unit. The proposed development would contain 100 dwelling units. The most recent plan submitted (see Appendix "C") by the applicant indicates that 95 off-street parking spaces are provided. However, of these 95 parking spaces, as noted previously in this Report, eight are required to be removed from the Barton Street East frontage to address UHOP Policies that do not allow front yard parking on a pedestrian predominant street. In addition, two other parking spaces may have manoeuvring challenges. This would result in 85 remaining parking spaces.

The Zoning By-law does not require parking for the commercial component of the development based on the size of the units and for retail and service commercial uses. The Zoning By-law would normally require parking for a multiple dwelling at a rate of 1.25 spaces per dwelling. Therefore, a 100-unit multiple dwelling would require 125 parking spaces. It should be noted that Hamilton's Zoning By-law No. 05-200 which is in place for downtown Hamilton and for all institutionally and industrially zoned lands, would permit one parking space per unit (0.3 per unit for those under 50 sq m). However, Zoning By-law No. 05-200 does not apply on this property as it is not downtown Hamilton and the former school was not given institutional zoning within Zoning By-law No. 05-200. However, for comparison purposes, under Zoning By-law No. 05-200, the proposed development would have required approximately 97 parking spaces as a small number of units proposed are under 50 sq m.

While the proposal does result in a reduction in required parking to 85 parking spaces, the reduction is mitigated by the following factors:

- The parking provided does not include new street parking that can be introduced along Barton Street East and Birch Avenue. It is estimated that six to ten total parking spaces between the two streetlines could be provided (one on Barton Street East and the remaining on Birch Avenue);
- It does not include options for parking along Gibson Avenue. The updated proposed site plan (see Appendix "C") proposes eight parking spaces in a lay-by, which has not been approved by Traffic Engineering staff. The original site plan proposed six boulevard parking spaces (behind a decorative fence) that may be supportable subject to further review of the detailed design at the Site Plan Control stage of development and must meet Traffic Engineering and HMPS requirements;
- An existing 30 space municipal parking lot is located immediately southwest of the subject lands. This parking lot, while leased by the City of Hamilton

from Hydro One, only allows for permit parking and therefore could be beneficial should any unit purchaser acquire a car post unit purchase and need a dedicated parking space. Street parking and boulevard parking would generally function more for commercial parking during the day and for visitor parking opportunities in evenings;

- The "Mixed Use - Medium Density" designation contains policy direction to consider parking reductions on transit corridors. HSR has advised that the reduction would be transit supportive as there is a bus stop on the No. 2 Barton route immediately in front of the development; and,
- The reduction would also represent a cautious approach to implementing the intent of the recommendations of the Barton and Kenilworth Commercial Corridors Final Recommendation Report. The reduction of parking standards in the Zoning By-law was specifically recommended as a "Priority Action" as part of the final recommendation. The proposed reduction to 0.85 parking spaces per unit is less than the possible 50% reduction noted in the report.

Therefore, based on the above, staff are satisfied that the reduction in parking to 0.85 spaces per dwelling unit represents a balanced approach to addressing parking in that it provides certainty to the neighbourhood that a substantial number of off-street parking spaces will be available and that options existing via on-street parking, boulevard parking, and active transit to further provide options for the tenants or unit purchasers. With regards to commercial parking, the proposed parking ratio includes the live-work units as a dwelling unit (i.e. 0.85 parking space per live-work unit would be required). No parking is needed for the 110 sq m single commercial use as only neighbourhood oriented uses are permitted and based on the size of the unit, no parking would be required in the Zoning By-law. This is similar to existing street oriented commercial uses along Barton Street East that rely on neighbourhood foot traffic, on-street metered parking along Barton Street East, or on existing municipal or private carparks.

Finally, with regard to loading spaces, the implementing By-law would exempt the development from providing the one required loading space. The elimination of the required loading space can be supported as smaller trucks and cube vans would be able to utilize existing parking spaces or, subject to municipal parking regulations, on-street parking spaces that are in close proximity to the entrances of the building. As the proposed development would be condominium tenure, there is generally more stable tenancy of the occupants than rental based tenure which may have yearly unit turnover. This reduces the demand for a loading space and the potential for multiple units moving at the same time at the end or beginning of a month.

The implementing By-law would also utilize Zoning By-law 05-200 standards for minimum parking standard and parallel parking space stall sizes.

Modification for Landscaping

The Zoning By-law requires, in the "E" District, a minimum of 25% of the lot to be landscaped area (50% of which can be impervious materials such as walkways, patios, etc.). The original concept plan noted that 10% of the lot would be landscaped. This was increased following the submission of the revised concept, which increased landscaping to 20%. However, the difference between the two concepts is partially the result of the removal of boulevard parking (and a drive aisle adjacent to it) along Gibson Avenue and replacing this with landscaping and a lay-by contained entirely in the road allowance.

As this option has not formally been approved by staff, there is still uncertainty as to whether the final approved plan at the Site Plan Control stage of development could include boulevard parking and a related off-street parking access driveway. If that concept was reintroduced, the amount of landscaped area would decrease. Therefore, to allow for flexibility, especially at a heavily urbanized location along Barton Street East, the implementing By-law will permit a minimum of 10% of the lot area to be landscaped area. Implementation of high quality landscaping, including public accessible areas along the Barton Street East streetscape, will be undertaken at the Site Plan Control stage of development.

4. The "E" District is subject to Site Plan Control. In this regard, implementation of the recommendations of the approved Noise Assessment (which include warning clauses and the provision for central air conditioning) will occur at the Site Plan Control stage of development. The applicant has also been advised that with the future Site Plan Control Application, that a Record of Site Condition (RSC) must be submitted due to the change in use from institutional to residential. A Holding Provision is not required as under Ministry of Environment regulations, submission of a RSC is not a mandatory filing for this type of change-of-use. Therefore, staff are satisfied that the Site Plan Control stage of development is an appropriate stage to require the RSC (municipalities can require a RSC even when not mandated by the Ministry of Environment). Final review of engineering matters pertaining to specific comments on the water and waste water assessment, storm water management, grading and drainage, and the review of the reconstruction of the existing retaining wall along the north property line (as part of the parking structure construction) would also be included. It should be noted that through earlier Formal Consultation processes, the applicant was not required to submit detailed engineering plans as part of the rezoning process.

Any additional updates or information pertaining to the Cultural Heritage Impact Assessment will be undertaken at that time. This is because at the rezoning

stage, such information as to final building materials, final unit layout (and hence alterations to the interior of the school) have not been finalized.

Through the Site Plan Control stage of development, final concept improvements to the Barton Street East streetscape will be secured, including the removal of front yard parking, the use of innovative paving materials in the driveway to denote a primary pedestrian usage, as well as a review of the detailed design of possible boulevard parking options along Gibson Avenue.

5. The Public Consultation section of this Report noted that two pieces of correspondence were received from local residents pertaining to traffic and parking, engineering / construction concerns, garbage collection, height of the proposal, and density (see Appendix “E”). A discussion on these concerns now follows:

Concerns Regarding Traffic and Parking

Two residents expressed concerns pertaining to parking as it could impact Gibson Avenue. This is because Gibson Avenue currently allows for unlimited street parking north of the school on the east side of the street. In this regard, while new street parking would not be permitted immediately abutting the school on Gibson Avenue due to the width of the street, staff will be reviewing boulevard parking designs. It also should be noted that area residents that participated in the public open houses for the Barton and Kenilworth Commercial Corridors study expressed a desire to reduce parking requirements to spur redevelopment of the area.

With regard to traffic, Birch Avenue and Barton Street are arterial roads and Traffic Engineering staff have confirmed that neither of which are operating at capacity. There would not be a marked increase in traffic on Gibson Avenue to the north of the development as the predominant traffic flow would be toward Barton Street East. In this regard, for the parking in the rear parking structure, approximately only half can exit and enter to Birch Avenue which is one-way to Barton Street East (southbound). While it is possible, some tenants whom access the Gibson Avenue parking structure approach could utilize Gibson Avenue to Princess Avenue to Sherman Avenue North (presumably to drive toward Burlington Street), as this would not constitute a large number and the Traffic Engineering Section did not advise of any traffic related or safety impact on the neighbourhood.

Height of the Proposal

One of the letters expressed concerns that the proposed addition on top of the school is too tall and could result in impacts from shadowing or wind. In this regard, based on the relatively modest height of the development, no detailed

sun / shadow study was required. However, shadow impacts are not expected due to the east / west orientation of the building, existing substantial building setbacks from houses to the north, and that there are roads surrounding the development on three sides. Wind impacts are not analyzed for buildings of this height and even then, these studies normally only review the sidewalk pedestrian realm. It also should be noted that the proposed development is approximately 19 m tall. The surrounding "D" District permits a height of 13 m so the proposed development is only up to 6 m taller than permitted within the neighbourhood and will be setback at approximately 12 m from the closest part of the building to the northerly rear lot line.

Construction Impacts

With regards to construction impacts, through the normal development approvals process, erosion and sedimentation plans are implemented to keep sediment on site. Construction inspectors monitor construction to ensure dust impacts are mitigated (through watering). Existing noise by-laws also regulate the hours that construction activities can occur. With respect to the concern about the reconstruction of the rear retaining wall along the common property line when the parking structure is constructed, staff will be reviewing the detailed engineering plans for the design to ensure it is appropriate and will protect the abutting properties. A Construction Management Plan condition at the Site Plan Control stage of development will therefore be required which may include requirements to conduct pre-development surveys of the abutting properties to ensure that construction does not impact these properties.

Tax Implications

City of Hamilton staff have no information to believe that approval of the application would at all result in a negative tax situation (i.e. loss of assessed value) within the neighbourhood. Indeed, it is expected that the proposed development would improve the local community and make the area a more desirous place to live which may increase property values. This is evident from the desire of residents whom participated in the Barton and Kenilworth Commercial Corridors study that spurring of new development is key and that such developments should be promoted and seen as a positive for the community at large.

ALTERNATIVES FOR CONSIDERATION

If the application is denied, the lands at 601 Barton Street East could be used for a use as permitted within the "D" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District which include a single and two family dwelling. However, certain other public and institutional uses are permitted as-of-right in Zoning By-law No.

6593. In addition, a commercial school was formerly permitted on the subject lands through the approval of Minor Variance Application HM/A-10:164.

It should be noted that eventually new commercial and residential zoning will be brought forward for Zoning By-law No. 05-200 which will implement the general intent of the "Mixed Use - Medium Density" designation of the subject lands which is intended to permit a broad range of commercial and medium density residential uses (such as multiple dwellings) with heights of up to six to eight storeys. In this regard, even if the applications are denied, the same land use approvals may ultimately be recommended by staff as part of the future implementation of new commercial and residential zones within Zoning By-law No. 05-200.

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.
- 1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

APPENDICES AND SCHEDULES ATTACHED

- Appendix "A": Location Map
- Appendix "B": Draft Zoning By-law Amendment
- Appendix "C": Current Preliminary Concept Plan and Elevations
- Appendix "D": Previous Concept Plan
- Appendix "E": Public Comments

:GM/th