



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 20, 2016
SUBJECT/REPORT NO:	Proposed Official Plan Amendment and Zoning By-law Amendment for Lands Located at 280 Barton Street West, Hamilton (PED16191) (Ward 1)
WARD AFFECTED:	Ward 1
PREPARED BY:	Cam Thomas Senior Planner (905) 546-2424 Ext. 4229 Steve Robichaud Director of Planning and Chief Planner
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That approval be given to **Official Plan Amendment Application OPA-16-06 by WEBB Planning Consultants (c/o James Webb), on behalf of Dawn Victoria Homes Ltd., Owner,** for a change in designation on Schedule “M-2” of the West Harbour (Setting Sail) Secondary Plan in the former City of Hamilton Official Plan from “Residential Medium Density 1” to “Local Commercial” in order to permit a 300 sq m commercial building and from “Residential Medium Density 1” to “Open Space” to recognize the existing open space linkage on the subject lands, and to establish a Special Policy Area to permit the right-of-way width for Barton Street West to be 21 m instead of 25 m for lands located at 280 Barton Street West, Hamilton, as shown on Appendix “A” to Report PED16191, on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED16191, be adopted by City Council.

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- (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014), conforms with the 2006 Growth Plan for the Greater Golden Horseshoe (Places to Grow) and complies with the Hamilton-Wentworth Official Plan.
- (b) That approval be given to **Zoning By-law Amendment Application ZAC-16-015, by WEBB Planning Consultants (c/o James Webb), on behalf of Dawn Victoria Homes Ltd., Owner**, for a change in zoning from the “L-mr-1” (Planned Development) District and the **RT-20/S-1478” (Townhouse-Maisonette) District, Modified** to the “G/S-1735” to the “G/S-1735” (Neighbourhood Shopping Centre) District, Modified, in order to permit a local commercial development consisting of a new single storey 300 sq m commercial building on the southerly portion of the subject property, for lands located at 280 Barton Street West, as shown on Appendix “A” to Report PED16191, on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED16191, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- (ii) That the amending By-law, attached as Appendix “C” to Report PED16191, be added to District Map No. W11 of Zoning By-law No. 6593.
- (iii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (PPS), conforms with the Growth Plan for the Greater Golden Horseshoe (Places to Grow), complies with the Hamilton-Wentworth Official Plan, and will comply with the City of Hamilton Official Plan upon finalization of Official Plan Amendment No. ____.
- (c) That approval be given to **Zoning By-law Amendment Application ZAC-16-015, by WEBB Planning Consultants (c/o James Webb), on behalf of Dawn Victoria Homes Ltd., Owner**, for a change in zoning from the “L-mr-1” (Planned Development) District to the Conservation / Hazard (P5) Zone along the portion of the property north of the commercial development to delineate the top of slope and protect a Linkage feature, for lands located at 280 Barton Street West, as shown on Appendix “A” to Report PED16191, on the following basis:
- (i) That the draft By-law, attached as Appendix “D” to Report PED16191, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

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- (ii) That the amending By-law, attached as Appendix “D” to Report PED16191, be added to District Map No. 867 and 868 of Zoning By-law No. 05-200.
- (iii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (PPS), conforms with the Growth Plan for the Greater Golden Horseshoe (Places to Grow), complies with the Hamilton--Wentworth Official Plan, and will comply with the City of Hamilton Official Plan upon finalization of Official Plan Amendment No. ___.

EXECUTIVE SUMMARY

The applicant, WEBB Planning Consultants on behalf of the Owner, Dawn Victoria Homes, has applied for approval of an Official Plan Amendment and Zoning By-law Amendment to allow for the development of an existing vacant property located at 280 Barton Street West for local commercial uses (see Appendix “A” to Report PED16191). The proposed development is a 300 sq m commercial building with a parking area for 13 vehicles along the east side of the building. The subject property is a brownfield site with limited table land that contains a naturalized slope and is adjacent to a remediated property, 290 Barton Street West which is being developed for stacked townhouses.

The applications have merit and can be supported as the proposal is consistent with the PPS, conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), complies with the Hamilton-Wentworth Official Plan, and complies with the West Harbour (Setting Sail) Secondary Plan subject to the recommended amendment.

Alternatives for Consideration – See Page 44

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: None.

Staffing: None.

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

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HISTORICAL BACKGROUND

The subject property is located at 280 Barton Street West, opposite Ray Street North, and comprises an area of 0.29 ha. The property was previously occupied by industrial and commercial uses, including a gas bar, and is currently zoned “L-mr-1” (Planned Development) District in Zoning By-law No. 6593 which allows only existing uses. The “L-mr-1” District Zoning has been in effect on the subject property since 1997 following the approval of a Zoning By-law amendment which changed the zoning of the property from the “K” (Heavy Industrial) District.

The lands comprising 280 and 290 Barton Street West, which are 0.97 ha in area, are both owned by Dawn Victoria Homes. The “L-mr-1” District Zoning also applied to 290 Barton Street West but was changed in 2003 through Zoning By-law Amendment ZAC-02-087 to the “RT-20/S-1478” (Townhouse - Maisonette) District, Modified, to permit townhouses. The westerly portion, known as 290 Barton Street West, is a remediated brownfield site that is being developed as phase one with three storey stacked townhouse units. The development interests of 290 Barton Street West were also addressed recently under Site Plan Control Approval application DA-15-074 and Committee of Adjustment application H/MA-15:323.

The subject property has received a Record of Site Condition for remediation to the commercial standard.

The developable portion of the subject property is a confined area of table land that is situated near Barton Street West and bounded by a vegetated top of slope (shown as Part 4 on Appendix “E” to Report PED16191).

The top of slope is an embankment which represents the original Hamilton Harbour shoreline and bisects both the subject property and the adjacent Phase 1 parcel to the west. This area slopes northwards to the Railway lands, is heavily vegetated and is not intended for development.

Description of Proposal

Due to the previous use of the property for commercial purposes, the irregular configuration of the property and requirements for site remediation, the owner is proposing to retain the property for use as a small neighbourhood commercial centre, one storey in height and a maximum of 300 sq m of gross floor area with 13 surface parking spaces (see Appendix “E” and “F” to Report PED16191).

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The proposed neighbourhood commercial centre would be located on the westerly side of the property. The proposed driveway would align with Ray Street North located on the south side of Barton Street West, and the parking area consisting of 13 spaces would be located on the east side of the proposed building.

The portion of the site north of the proposed building and parking area is a vegetated area characterized by topographical changes with a defined top of bank and will remain undeveloped.

The owner intends to sever the subject property from the balance of the property when the Official Plan and Zoning By-law Amendments are finalized.

Official Plan Amendment OPA-16-06

The subject property is under the West Harbour (Setting Sail) Secondary Plan approved by the Ontario Municipal Board in 2012 and is currently designated “Residential Medium Density 1” on Schedule “M-2”, General Land Use Plan in the former City of Hamilton Official Plan. The proposed Official Plan Amendment is required to change the designation to “Local Commercial” to allow for the proposed commercial development that will consist of a single storey building up to 300 sq m and parking area for 13 vehicles. A second component of the proposed Official Plan Amendment is to establish a Special Policy Area to permit the right-of-way width for Barton Street West to be reduced from 25 m to 21 m to accommodate the proposed commercial development.

Amended Zoning By-law Amendment Application (ZAC-16-015)

The purpose of this application is to amend the zoning from the “L-mr-1” (Planned Development) District to the “G” (Neighbourhood Commercial Centre) District, Modified, which is to be known as the “G/S-1735” District, Modified.

A commercial school is being requested as an additional permitted use.

Zoning By-law No. 6593 defines “Commercial School” as “a barber’s college, beautician’s school, business college, commercial gymnasium, art school, dancing school, music school, and every such enterprise carried on as a business, or which does not enjoy exemption from municipal taxation as a school or seminary of learning.”

The applicant also requested at the time of submission, the inclusion of a Holding provision to permit second floor dwelling units to be developed above the commercial main floor use(s) through a future second storey addition. This request has since been

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withdrawn by the applicant as further site remediation would be required to accommodate the residential use.

The applicant had also requested special provisions to permit a reduced minimum front yard of 0.85 m and reduced parking space size dimensions of 2.6 m by 5.5 m.

Additional modifications to the “G” District zoning provisions have also been identified in the review of the application and are explained in the Analysis and Rationale Section.

In addition, Staff has determined that the northerly portion of the subject lands which contain the top of stable slope and linkage would be most appropriately zoned from the “L-mr-1” (Planned Development) District to the “P5” (Conservation / Hazard) Zone. The application of the “P5” Zone would have the effect of prohibiting development and conserving the lands as open space.

Chronology:

January 26, 2016: Application OPA-16-05 and ZAC-16-015 submitted by WEBB Planning Consultants Inc. (Applicant) on behalf of Dawn Victoria Homes (Owner).

February 26, 2016: Application OPA-16-05 and ZAC-16-015 deemed complete.

March 4, 2016: Public Notice Sign posted on site.

March 4, 2016: Notice of Complete Application and Preliminary Circulation mailed to 129 property owners within 120 m of the subject lands.

August 24, 2016: Public Notice Sign updated to reflect Public Meeting date.

September 2, 2016: Circulation of Notice of Public Meeting to 129 property owners within 120 m of the subject lands.

Details of Submitted Applications

Owner: Dawn Victoria Homes Ltd.

Applicant / Agent: WEBB Planning Consultants Inc. (c/o James Webb)

Location: 280 Barton Street West, Hamilton

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(see Appendix "A" to Report PED16191)

Property Size: Frontage: 52.47 m
Depth: 37.61 m to 65.3 m
Area: 0.29 ha

EXISTING LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant	"L-mr-1" (Planned Development) District
<u>Surrounding Lands:</u>		
North	Naturalized open space (slope) and CN Railway Yard	Conservation / Hazard (P5) Zone
South	Single Detached Residential Dwellings	"D" (Urban Protected Residential, One and Two Family Dwellings, etc.) District
East	Naturalized open space	Conservation / Hazard (P5) Zone
West	Future stacked townhouses (Construction is pending)	"RT-20/S-1478" (Townhouse-Maisonette) District, Modified

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

The subject property is within the West Harbour (Setting Sail) Secondary Plan which was approved in 2012 and is consistent with the 2014 Provincial Policy Statement which applies to the proposed development. As such, the following policies, among others, are applicable to the proposed commercial development:

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Building Strong Communities

- “1.1.1 Healthy, liveable and safe communities are sustained by:
- a) Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long-term;
 - b) Accommodating an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses), recreational and open space uses to meet long term needs; and,
 - d) Avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas.
- 1.1.3.2 Land use patterns within settlement areas shall be based on:
- a) Densities and a mix of land uses which:
 - 1) Efficiently use land and resources;
 - b) A range of uses and opportunities for intensification and redevelopment in accordance with the criteria in Policy 1.1.3.3.
- 1.1.3.3 Planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.
- 1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.
- 1.7.1 Long-term economic prosperity should be supported by:
- a) Optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;

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- b) Maintaining, and where possible, enhancing the vitality and viability of downtowns and main streets; and,
- c) Promoting the development of brownfield sites.”

With respect to the above-noted policies, the proposed development would contribute to a healthy, liveable and safe community by encouraging local pedestrian activity and cycling through the development of local commercial uses and a future multi-use trail adjacent to the subject lands. It also would provide for the re-use of a brownfield site for local commercial services at an appropriate scale to the adjacent stable residential area, that would enhance the character of Barton Street West and make use of existing infrastructure.

Natural Features

“2.1.1 Natural features shall be protected for the long-term.

2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.”

With respect to the above, a linkage has been identified that traverses the subject property east to west as well as the adjacent properties. The linkage is a vegetated embankment which was part of the original shoreline of Hamilton Harbour. Linkages serve as corridors for animals, birds and butterflies.

A Tree Preservation Plan was submitted for review in lieu of a linkage assessment to address the preservation of trees near the easterly property line abutting the proposed parking area and was determined to be satisfactory to Planning staff. It is recommended that the linkage feature be addressed under the Conservation / Hazard (P5) Zone of By-law No. 05-200 for the amending Zoning By-law in order to protect this natural feature.

Cultural and Built Heritage

“2.6.1 Significant built heritage and significant cultural heritage landscapes shall be conserved.

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- 2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources unless significant archaeological resources have been conserved.”

With respect to built heritage, there are no built heritage resources on the subject property however, a building of Local Historical Interest was identified in close proximity at 291 Barton Street West. Planning staff have determined that given the small scale nature of the proposal, the heritage character of 291 Barton Street West would not be impacted.

The property was identified as having cultural heritage potential. The subject property contains extensive fill (i.e. 5 m to 11 m) but has undisturbed native soils below the fill. The site is situated along the original shoreline bluffs of Hamilton Harbour which is an area of both native and Euro-Canadian activity with the potential for deeply buried remains. As such, the proposal meets three of the ten criteria for determining archaeological potential.

An archaeological brief by a licensed archaeologist has confirmed that there is no potential impact to the deeply buried native soils as a result of the proposed geotechnical works. This brief recognizes the disturbance through previous development and the large volume of fill that has been added to the site. Therefore, the archaeological requirements for this property have been satisfied.

Based on the foregoing the proposed development is consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe (2006)

The following policies from the Growth Plan are applicable to the proposed commercial development, among others:

- “2.2.2 Population and employment growth will be accommodated by:
- d) reducing dependence on the automobile through the development of mixed-use, transit supportive, pedestrian-friendly urban environments;
 - g) planning and investing for a balance of jobs and housing in communities across the Greater Golden Horseshoe to reduce the need for long distance commuting and to increase the modal share for transit, walking and cycling; and,

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- h) encouraging cities and towns to develop as complete communities with a diverse mix of land uses, a range and mix of employment and housing types, high quality public open space and easy access to local stores and services.

2.2.3.7 All *intensification areas* will be planned and designed to:

- b) provide a diverse and compatible mix of land uses, including residential and employment uses, to support vibrant neighbourhoods; and,
- d) support transit, walking and cycling for everyday activities.

Intensification Areas are defined as lands identified by municipalities or the Minister of Infrastructure within a settlement area that are to be the focus for accommodating intensification. Intensification areas include urban growth centres, intensification corridors, major transit station areas, and other major opportunities that may include infill, redevelopment, brownfield sites, the expansion or conversion of existing buildings and greyfields.”

With respect to the above, the proposed development would provide a compatible form of development in an area that is envisioned to be a pedestrian-friendly street and it would contribute to the idea of “complete communities” by providing local commercial services and employment opportunities for the surrounding low density residential area.

As a brownfield site, the proposed development fits into the policy direction of Policy 2.2.3.7 by contributing to a diverse mix of land uses to create a vibrant neighbourhood. The proposal also supports walkability by introducing local commercial uses into the neighbourhood and allowing for the development of the multi-use trail.

Based on the foregoing, the proposed development would be in conformity with the Growth Plan for the Greater Golden Horseshoe.

Hamilton-Wentworth Official Plan:

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

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Urban Area

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

- Compact urban form, including mixed use areas.

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

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

- Growth can be accommodated by building on vacant or redeveloped land, without taking up agricultural lands or natural areas;
- Effective community design can ensure people are close to recreation, natural areas, shopping and their workplace; and
- A compact community makes walking and bicycling viable options for movement.”

The proposal is consistent with the above policy direction to encourage compact development, to provide commercial uses that serve the local area and which contributes to walkable neighbourhoods.

Natural Heritage System

The Natural Heritage policies in the Hamilton-Wentworth Official Plan identify lands which are part of a natural heritage system.

“C.1.1 In order to conserve and enhance the Natural Heritage System, the Region will:

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- a) Adopt the Natural Heritage System as the framework for conservation planning and management within the region. The components of the system are Core Natural Areas, which include Environmentally Significant Areas, as well as Linkages and Restoration opportunities as defined in this Plan in D11.”

With respect to D11 (definitions), the following definition is provided in the Hamilton-Wentworth Official Plan:

“Linkages are watercourses or naturally vegetated areas that border or connect Core Natural Areas and provide ecological functions such as passage, feeding, shelter, hydrological flow, or buffering from adjacent impacts. Their conservation will protect and enhance Core Natural Areas.”

The subject property does not include an Environmentally Sensitive Area (ESA) but is recognized as part of the City’s Natural Heritage System because it contains a linkage. The linkage feature is on the northerly half of the subject property and is part of a naturally vegetated corridor that is situated on the north side of Barton Street West. This will be protected under the recommended “P5” Zoning (see Appendices “C” and “D” to Report PED16191).

Hazard Lands

Development is discouraged in areas that are recognized as Hazard Lands which are prone to flooding or contain steep slopes. The Region will:

- “C.1.3.2 Require the Area Municipalities to have appropriate zoning for Hazard Lands which:
- a) Prohibit uses other than agriculture, conservation, forestry and wildlife management. Public or private parks, electric power facilities and other outdoor recreational uses may be permitted provided that adjoining lands are not designated for agricultural purposes in an area municipal official plan;
 - b) Prohibit buildings or structures except where they are intended for flood or erosion control or are normally associated with protection works, bank stabilization projects, or electric power structures; and,

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- c) Impose building setbacks in relation to the severity of existing and potential environmental hazards.”

The subject lands contain a sloped area north of the proposed commercial development that was part of the original Hamilton Harbour shoreline and which also comprises a linkage. As the lands on the northerly portion of the site cannot be developed, the recommended amending Zoning By-laws will place this area into a Conservation / Hazard (P5) Zone consistent with the above-noted policies a) and b) (Appendix “C” and “D” to Report PED16191). Setbacks for the proposed development from the top of bank and “P5” Zone consistent with the above-noted policy c), will also be included in the amending zoning.

Pedestrian Movement

Area Municipalities are encouraged to:

“C.4.3.4.1 Design safe pedestrian friendly streets where:

- a) The streetscape is visually appealing and makes walking more inviting.”

The north side of Barton Street West is currently served well by city sidewalks, which will be examined for the subject property at the Site Plan Control Approval stage. The adjacent property to the west at 290 Barton Street West will also be improved by sidewalks. The inclusion of the property within the Barton-Tiffany Urban Design Study will also over the long term provide safer walking conditions with the development of a multi-use trail for pedestrians.

Historical Resources

The Region encourages the preservation of historical resources by:

“C.9.4 Obtaining comments on the archaeological potential of a site from the appropriate agency, when reviewing subdivision proposals. Conditions resulting from these comments will be applied during the approval process.

While the proposed development does not involve an application for a Draft Plan of Subdivision, it has been subject to staff review with respect to both cultural and built heritage. In particular, the property is recognized as an area that is likely to contain

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resources from Euro Canadian and indigenous populations and meets Provincial criteria for an archaeological assessment. The archaeological requirement has been satisfied through a demonstration from a licensed archaeologist that an assessment is not warranted.

Based on the foregoing, the proposal complies with the policies of the Hamilton-Wentworth Official Plan.

City of Hamilton Official Plan

As noted in the background section of this Report, the subject lands are not included within the UHOP as they are part of Non-Decision No. 113. As a result, the policies of the City of Hamilton Official Plan remain in effect. The West Harbour Secondary Plan was incorporated into the City of Hamilton Official Plan by being added to Subsection A.6 – Secondary Plans, with the land use schedules of the Secondary Plan also being added. However, the underlying land use designations as indicated on Schedule A of the Official Plan (Land Use Concept) were deleted (i.e. the former “Central Policy Area” “Residential”, “Commercial”, “Open Space”, “Major Institutional”, etc. designations) and replaced with a new designation entitled “West Harbour”. The “West Harbour” designation does not contain specific policies but rather is utilized to note that the area is subject to the West Harbour Secondary Plan. Other Special Policy Areas that existed within the limits of the West Harbour Secondary Plan were also deleted from the Official Plan and replaced with new policy direction from the West Harbour Secondary Plan. The remaining policies of the Hamilton Official Plan from Section B (Servicing Strategy) and Section C (Amenity and Design Strategy) would still be applicable. In this regard, the following policies, among others, would apply:

“Subsection B.2.1 – Water Distribution

It is intended that all existing and future development within the City will be effectively serviced by the WATER DISTRIBUTION System in order to prevent environmental and health problems or other hardships. This Plan will also encourage that all existing development, in time be connected to the System in order to mitigate potential adverse environmental effects from development currently not connected to the System.

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

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Water services are available along Barton Street West through an existing 150 mm diameter watermain and no capacity issues were identified with respect to the proposed commercial development.

“Subsection B.2.2 – Sewage Disposal

It is intended that all new development or redevelopment within the City will be effectively serviced by the SEWAGE DISPOSAL System, and that improvements or extensions will be made to this system where necessary. It is recognized that growth in the City is subject to SEWAGE treatment capacities and, accordingly, the quality of effluent discharged into the environment. In this regard, the Plan will encourage the appropriate agencies to introduce adequate measures to provide for future improvements to the SEWAGE DISPOSAL System.

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

The subject lands are located on Barton Street West which is presently serviced by a 450 mm diameter combined sewer and a 1200 mm diameter sanitary sewer. The proposed commercial development would be suitably connected to the City’s existing sanitary system. In the review of the applicant’s Functional Servicing Report, it was further identified that a back-flow prevention is required as an additional requirement for the sanitary servicing of this property which would be addressed at the Site Plan Control Approval stage.

“Subsection B.2.3 – Storm Drainage

It is intended that adequate measures be required or undertaken to ensure that STORM water run-off within the City is safely and effectively managed. Accordingly, this Plan promotes the linkage of all new development to appropriate STORM DRAINAGE facilities to minimize any adverse effects created by development on the natural environment.

B.2.3.1 Council will require that all new development and / or redevelopment be connected to, and serviced by, a STORM DRAINAGE System or other

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

The proposed development would require storm storage facilities and will outlet into the City’s existing storm sewer on Barton Street West. It is noted that additional information is required with respect to storm water release rates, on-site storage and will be examined in further detail at the Site Plan Control Approval stage to ensure that abutting properties will not be negatively affected by storm drainage.

“Subsection 2.4.5- Solid Waste Disposal

It is intended that the City co-operate with the Region to ensure effective SOLID WASTE DISPOSAL service for all land uses. Accordingly, it is intended that all land uses be served by a regularly-scheduled DISPOSAL service.

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

With respect to the above-noted policy, the future commercial development may be eligible for curbside waste collection by City Services subject to the requirements of the City’s Solid Waste Management By-law. Alternatively, a private waste collection service would be required. At the Site Plan Control Approval stage, this will be examined in greater detail and facilities for waste storage will be required to be shown on the approved site plans for this development.

“Subsection B.3.4 - Pedestrian and Bicycle Circulation

This Plan promotes safe PEDESTRIAN AND BICYCLE CIRCULATION System that links the various activity nodes throughout the City. The System will also complement, and provide an alternative, vehicular circulation in the Central Policy Area.

B.3.4.2 Where feasible, a continuous link-node system will be co-ordinated with the development and / or redevelopment of Residential and other areas

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throughout the City. Accordingly Council will have regard for the following provisions:

- i) The system will be designed such that it will intersect with major roads at specified points to ensure the safety of pedestrians and cyclists;
- ii) Where appropriate, the system will be integrated with natural amenity areas such as Open space, valleys and parks; and,
- iii) When development and / or redevelopment proposals are submitted for approval, and where such proposals are on land that may affect the continuous nature of the “link-node” system, every effort will be made to ensure that such proposals are integrated with the system through land dedication or land acquisition.”

The proposed development would be located within an area that will be developed for an extensive multi-use trail that will encourage pedestrian and bicycling within the Barton-Tiffany Neighbourhood. The development of this commercial site is consistent with the vision for this section of Barton Street West to develop as a mobility street. The details of the future trail and its relationship to the proposed commercial development will be examined at the Site Plan Control Approval stage.

“Subsection C.3 - Tree Planting and Landscaping

It is the intent of this Plan that the streetscape be enhanced by the retention of existing vegetation, the promotion of the widespread growth of TREES and the provision of LANDSCAPING. In general, a program of PLANTING, preservation and LANDSCAPING will be encouraged to enhance the amenity and appearance of the City.

C.3.2 When considering a plan of subdivision or any other development proposal, Council may require that the owner enter into an agreement whereby:

- iv) Where parking lots and other large open spaces are provided, and in open areas around Commercial and Major Institutional Uses and large buildings, Council will encourage, and may require as a condition of development or redevelopment, the provision of LANDSCAPING AND TREE PLANTING sufficient to enhance the physical appearance of the site and surrounding lands.”

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The proposed commercial development would be subject to Site Plan Control. Through this process landscaping and tree planting will be required, particularly adjacent to residential development and around the proposed parking area which will enhance the physical appearance of the site and surrounding lands. There are not currently any trees on the subject lands with the exception of the natural vegetation which is part of the Linkage.

“Subsection C.6 – Historic and Architectural Resources

It is the intent of this Plan to sensitively manage the wealth of local heritage resources. It is intended that those resources of historic, architectural, archaeological and aesthetic merit will be preserved where feasible, to retain the City’s distinctive character. It is further intended that the appropriate measures be established to meld preservation with rehabilitation to ensure that these resources will be recycled for active use.

C.6.1 It is the intent of Council to encourage the preservation, maintenance, reconstruction, restoration, and management of property that is considered to have historic, architectural, archaeological or aesthetic value.

C.6.8 Council recognizes that there are sites with archaeological significance within the City that are worthy of conservation. Accordingly, where there is a reasonable expectation that archaeological potential exists, Council will consult with the Ministry of Culture and Recreation for advice concerning the conservation and protection of such sites.”

As noted, the property is recognized as having archaeological potential for Euro Canadian and indigenous settlements due to its location as part of the original Hamilton Harbour shoreline. A satisfactory letter from a licensed archaeologist has been provided to address this requirement which confirms that there is no potential impact to the native soils as a result of the proposed geotechnical works. Therefore, the archaeological requirements for this property have been properly addressed.

Therefore, based on the above, the proposal meets the general intent of the former City of Hamilton Official Plan with respect to the general policy direction from Sections B and C.

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

The West Harbour (Setting Sail) Secondary Plan was approved by Council in 2005. However, due to appeals to the OMB, the Secondary Plan was not deemed to be in

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effect until the OMB issued its final decision on the Secondary Plan in 2012. This decision added the Secondary Plan to the former City of Hamilton Official Plan as that was the Official Plan that was in effect for the former City of Hamilton at that time. When the UHOP was brought into effect by the OMB in 2013, all of the lands within the West Harbour (Setting Sail) Secondary Plan area were noted as being within Non-Decision No. 113 within the UHOP. Therefore, the operable Secondary Plan policies in effect to review against the proposed development are those contained within the former City of Hamilton Official Plan consistent with OPA No. 198 (for the West Harbour (Setting Sail) Secondary Plan) instead of the UHOP.

Setting Sail is a comprehensive Plan for West Harbour which emphasizes three areas where major change is both appropriate and desirable. These areas are the Waterfront, the Barton-Tiffany Area, south of the CN Rail corridor, and the former industrial lands along Ferguson Avenue known as the Ferguson-Wellington Corridor.

The subject property is adjacent to the area known as “Barton-Tiffany,” which is an area of special concern that is located to the north and east of this property and which has been the subject of an urban design study. The Barton-Tiffany Urban Design Study is also discussed in this Report because the subject lands have been included in the study area.

The West Harbour (Setting Sail) Secondary Plan had been prepared to be a comprehensive planning framework for the West Harbour area (hence the deletion of the former underlying land use designations within the City of Hamilton Official Plan).

West Harbour (Setting Sail) Secondary Plan Planning Principles:

The principles provided in the West Harbour (Setting Sail) Secondary Plan are based on Vision 2020 goals to create a healthy and sustainable city and are intended to encourage a range of improvements within this area such as improving access, tourism potential, liveability and recreation, among others.

The following policies, among others, pertaining to existing neighbourhoods are considered to be applicable to the proposed use of the subject property:

- “A.6.3.2.2 Strengthen existing neighbourhoods;
- A.6.3.2.2 (i) Ensure new development respects and enhances the character of the neighbourhood;

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- A.6.3.2.2 (iii) Encourage compatible development on abandoned, vacant and under-utilized land; and,
- A.6.3.2.2 (v) Encourage new commercial uses that cater to the local neighbourhood.”

With respect to the foregoing, the proposed commercial development provides a suitable fit within the local neighbourhood context (item (i)). In particular, the building would be developed to enhance the character of the area by providing a low-rise street-oriented building that would be at a compatible scale for local commercial development and would encourage walkability. Pedestrian scale improvements such as canopies, and enhanced glazing would be encouraged to be included in future elevations at the Site Plan Control Approval stage. The site would be further improved by the provision of new landscaping for the parking area along Barton Street West.

The proposed development provides an opportunity to develop a vacant brownfield site that has remained undeveloped for approximately 20 years (item (iii)), as well as providing an opportunity for local commercial uses to be developed in an area that is currently not well served by commercial development (item (v)). While there are some commercial services available to the south along York Boulevard, there is currently no local commercial development that is in operation along Barton Street West, west of Bay Street South. The subject property would be suitably located adjacent to a future medium density development at 290 Barton Street West with appropriate side yard setbacks (i.e. 3 m).

West Harbour Secondary Plan Land Use Policies

Medium Density Residential 1 Areas:

The subject property is designated “Medium Density Residential 1.” The following Medium Density Residential 1 policies, among others, apply to the subject lands:

- “A.6.3.3.1.13 In Medium Density Residential 1 areas:
- A.6.3.3.1.13 i) The density of development shall be in the range of 60-150 units per gross hectare;
- A.6.3.3.1.13 ii) The height of buildings shall range from 3 to 5 storeys, and;

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A.6.3.3.1.13 iv) Existing patterns of streets, blocks and open spaces, and / or those proposed by this plan shall be respected.”

The purpose of the Official Plan Amendment is to redesignate the subject property to the “Local Commercial” designation. It is noted that the Medium Density Residential 1 designation will still apply to the adjacent proposed stacked townhouse property (290 Barton Street West), which has been successfully remediated and has received final Site Plan Control Approval through Site Plan Application DA-15-074.

The redesignation of the subject property from Medium Density Residential 1 to Local Commercial is in response to the completion of site remediation to the commercial standard, which would prevent the site from being utilized for residential purposes.

Local Commercial Areas

The following policies, among others, apply to the proposed development:

- “A.6.3.3.1.19
- i) Commercial uses, such as retail stores, restaurants, take-out restaurants, banks, professional offices and personal services are permitted;
 - ii) Other uses, including office and residential, are permitted and encouraged above the ground floor;
 - iii) Auto-oriented commercial uses, such as gas stations and auto repair garages are not permitted. For greater clarity, this policy does not permit drive-through restaurants;
 - iv) Except grocery stores, large-scale retail uses are generally not permitted;
 - v) The maximum height of buildings shall be 4 storeys;
 - vi) Front yard setbacks shall be consistent with the setbacks of adjacent buildings;
 - vii) For streets where a road allowance widening is required, the setback under the zoning by-law must be taken from the widened road allowance;

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- viii) Buildings shall be oriented to a public street, with main entrances on a street, with barrier free access at street level;
- ix) Parking shall be located at the rear or side of buildings; and,
- x) Loading and service areas shall be located at the rear of buildings wherever feasible.”

The proposed commercial development would be consistent with the above-noted policies in terms of the range of permitted uses. In particular, the proposed building would be developed primarily for smaller scale retail or office uses given the small nature of the building (i.e. maximum of 300 sq m) and may also accommodate multiple commercial uses. The development would not accommodate auto-oriented uses, repair garages or drive-thru restaurants.

The proposed development would be within a low rise building (i.e. one storey) that would have an orientation along Barton Street West. The proposed east elevation is conceptual and identifies an entrance that could be modified at the Site Plan Control Approval stage to serve as the main entrance or it could be brought closer to the street as shown on Appendix “G” to Report PED16191.

The proposed parking area, located east of the commercial building, would be within the east side yard in accordance with the Policy A.6.3.3.1.19 ix).

A road widening is required, however, it has been reduced to 1.0 m to be consistent with the widening taken for 290 Barton Street West.

A designated loading area cannot be accommodated at the rear of the building due to site constraints imposed by the slope along the midpoint of the property. Also, due to the small nature of the development, loading involving small vehicles could be accommodated within the existing parking area or within the aisle between parking spaces, when businesses are not in operation, which is consistent with the direction of other commercial uses in Zoning By-law No. 05-200.

Public Realm:

The public realm includes streets, parks, and other publicly-accessible open spaces, such as trails, public piers, promenades, plazas and school grounds. The following Public Realm policies, among others, apply to the proposed commercial development:

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“A.6.3.3.2.4 ii) Neighbourhood Mobility Streets provide for the mobility of traffic, people and goods within West Harbour and to serve the local land uses. The right-of-way width of Neighbourhood Mobility Streets shall be 20 metres with the exception of Stuart Street and Barton Street which is designated as a 25 metre road allowance. The following are Neighbourhood Mobility Streets:

g) Barton Street West

A.6.3.3.2.6 The Primary Mobility Streets and Neighbourhood Mobility Streets identified on Schedule “M-5” may be subject to streetscape enhancements within the existing right-of-way. These improvements within the existing right-of-way. These improvements shall be coordinated with other streetscape initiatives in the area and may include sidewalk widenings, improved street lighting, improved accessibility, additional trees, improved bicycle facilities and / or other landscaping features.

A.6.3.3.2.8 The following should be used to help ensure all streets provide a safe and comfortable pedestrian environment: appropriately-designed sidewalks, Urban Braille, landscaping, special lighting, seating areas, transit shelters, signage system and other amenities.”

With respect to the foregoing, Barton Street West is intended to be developed as a Pedestrian Mobility Street which will provide a pedestrian friendly setting and enhanced streetscape through the implementation of the Barton-Tiffany Urban Design Study. The requirement for a 25 m wide right-of-way could be reduced to 21 m to be consistent with the residential development at 290 Barton Street West in light of the site constraints imposed by the existing slope which has reduced the amount of developable table land on the site.

This however requires an Amendment to the West Harbour (Setting Sail) Secondary Plan. This Amendment can be supported on the basis that the proposal provides a reasonable development solution for a long-standing brownfield site, and that the site could not be properly developed for commercial purposes if a 5 m road widening is required. As noted, the recommended widening of 1 m was also taken on the adjacent lands at 290 Barton Street West, to ensure consistency. This is included in the proposed Official Plan Amendment attached as Appendix “B” to Report PED16191.

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The streetscape improvements referenced in Policies A.6.3.3.2.6 and A.6.3.3.2.8 have been addressed in the Barton-Tiffany Urban Design Study and will be implemented through the detailed design phase which has not yet been developed by Planning and Public Works. Modifications required to accommodate the streetscape changes within the 21 m right-of-way such as a taper for the proposed multi-use trail and / or landscaped boulevard would be examined at this stage. Staff note that suitable complete street designs have been developed within 21 m rights-of-way in other locations within the City.

Heritage:

The following Heritage policies, among others, apply to the proposed commercial development:

“A.6.3.3.3.1 In accordance with the Ontario Planning Act and the Ontario Heritage Act, West Harbour will promote the conservation of significant built heritage resources and cultural heritage landscapes.

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

- i) Reflect the setbacks, heights, and cornice lines of adjacent heritage buildings;
- ii) Support the creation of a continuous street wall;
- iii) Maintain a consistent street orientation and building line;
- iv) Be encouraged to reflect the character, massing and materials of surrounding buildings.”

With respect to the foregoing, it has been identified that the proposed development would be located in close proximity to a dwelling located at 291 Barton Street West (opposite and west of the subject property), which is listed in the City’s Inventory of Buildings of Architectural and / or Historical Interest. Cultural Heritage Planning staff however are of the opinion that the proposed development would not negatively affect the heritage character of this dwelling. In this regard, the street-oriented and low-rise building design of the proposed building are considered to be appropriate. Formal architectural requirements would also be further examined at the Site Plan Control stage.

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Urban Design:

The following Urban Design policies, among others, apply to the proposed commercial development:

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

- i) Create a comfortable and interesting pedestrian environment;
- ii) Respect the design, scale, massing, setbacks, height and use of neighbouring buildings, existing and anticipated by this plan;
- iii) Generally locate surface parking at the rear or side of buildings;
- iv) Provide main entrances and windows on the street-facing walls of buildings, with entrances at grade level; and,
- v) Ensure barrier-free access from grade level in commercial mixed use developments.

A.6.3.3.4.5 The vistas of Hamilton Harbour and key views leading to the harbour identified on Schedule “M-5” shall be preserved. As development occurs and the public realm is extended, the City may identify additional important vistas and view corridors for preservation without amendment to this Plan.”

With respect to Policy A.6.3.3.4.1, the proposed development would satisfy the policy requirements provided in items (i) to (iv). This would be accomplished through the provision of street-oriented development with reduced front yard setbacks. The proposed one storey building would fit into the existing neighbourhood context which consists of one to two storey dwellings and future three storey stacked townhouses to the west. The materials and design features for both the subject property and 290 Barton Street West are intended to be complementary (Appendix “G” to Report PED16191). Parking would be suitably located in the side yard east of the proposed

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building. Entrances and windows would also be required through the Site Plan Control Approval stage with an orientation to Barton Street West along with barrier free design for pedestrians would also be examined at the Site Plan Control Approval stage.

With respect to Policy A.6.3.3.4.5, the subject property currently has limited views and view corridors of Hamilton Harbour due to natural vegetation along the existing slopes. Staff are of the opinion that as this vegetation is to be maintained as part of a linkage system, the proposed development would not contribute further to diminished views to the Harbour on this property.

Environmental Policies:

The following Environmental policies, among others, apply to the proposed development:

Soil and Groundwater Quality:

“A.6.3.4.1.1 Environmental Protection Act requirements may apply to sites formerly occupied by industrial, commercial and industrial uses.

A.6.3.4.2.1 Applications for new development and redevelopment on active and former industrial lands shall include Phase 1 and Phase 2 Environmental Site Assessments to the satisfaction of the Ministry of the Environment. Where these assessments reveal the presence of contaminants in concentrations above the Ministry standards for the intended use of the property, the proponent shall be required to prepare, submit for approval and implement a remediation plan in accordance with Ministry policies and guidelines.”

The subject property has undergone site remediation in accordance with the Ministry of Environment and Climate Change Guidelines, consisting of a Phase 2 Environmental Site Assessment which has resulted in the issuance of a Record of Site Condition to the commercial standard. Commercial uses would be considered non-sensitive uses that would be appropriate for this level of remediation. The proposal to permit future residential units above the ground floor has been removed as a higher level of remediation would be required in accordance with MOECC Guidelines.

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Water Quality:

“A.6.3.4.3.1 Development shall contribute to the improvement of water quality in Hamilton Harbour.”

Quality control would be required through proper storm water management to remove storm water from the site into the City’s storm sewer system. This would be examined further at the Site Plan Control Approval stage.

Noise and Vibration

“A.6.3.4.5.3 Development applications including Official Plan Amendments, Zoning By-law amendments, Plans of Subdivision, and Consents, proposing residential or other noise sensitive land uses within 500 metres of the Stuart Street Rail Yard or 400 metres of a railway line as determined by the City of Hamilton in consultation with the appropriate railway company shall be required.”

The proposed commercial development is not a sensitive use subject to noise assessments in accordance with Ministry of Environment and Climate Change Guidelines in recognition of adjacent industrial, rail and road noise sources.

Stable Areas:

The following Stable Areas policies, among others, apply to the proposed commercial development:

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

The subject property is part of a Stable Residential Area identified on Schedule M-1 of the West Harbour Secondary Plan. The intent of the policies for Stable Areas is to preserve the predominant residential character of these areas while allowing incremental, small-scale changes to occur. As a primarily low density residential area, supportive uses such as the proposed local commercial development would be compatible because of the small scale nature of the development, the proposed location along a collector road (i.e. Barton Street West) and the provision of an adequate driveway access and off-street parking. As noted design improvements to the building are recommended to create a more desirable fit for the building’s elevations adjacent to

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residential development and will be required further at the Site Plan Control Approval stage.

Based on the foregoing, the proposal meets the Secondary Plan policies and the Official Plan Amendment can be supported.

Urban Hamilton Official Plan (UHOP)

The subject property is within the West Harbour Secondary Plan of the Urban Hamilton Official Plan that are identified as Non-Decision No. 113. At the time the UHOP was under review by the Ministry, the West Harbour (Setting Sail) Secondary Plan was under appeal. As a result of this Non-Decision, the UHOP policies do not apply. Therefore, when the UHOP came into force and effect on August 16, 2013, through the decision of the OMB, it did not effect this Secondary Plan.

Barton–Tiffany Urban Design Study

The West Harbour (Setting Sail) Secondary Plan identified the Barton-Tiffany lands as one of three areas of change. The policy direction provided in the Secondary Plan was for the City to initiate an urban design study within the Barton-Tiffany lands to guide new development occurring within this area and to achieve design excellence. The Barton-Tiffany Urban Design Study was undertaken in 2014 and approved by City Council on September 24, 2014. This area is significant because of its adjacency to the James Street North GO Station.

While the subject property and the adjacent lands to the west at 290 Barton Street West were not included in the area identified in the West Harbour (Setting Sail) Secondary plan as being within the Barton Tiffany Study Area, the actual Study Area was modified for the Urban Design Study to include these lands as well as other properties in the neighbourhood such as the area north and south of Central Park.

The Urban Design Study provides a refinement of the approved land use plan for the West Harbour to address design issues, mobility, preferred building heights, among others, in accordance with the West Harbour (Setting Sail) Secondary Plan.

The subject lands are identified as “Medium Density Residential 1” in the Secondary Plan which would permit multiple dwellings of 3-5 storeys with a density of up to 60-150 units per hectare. The design policies for this designation would be applicable to the adjacent development for the lands located at 290 Barton Street West, but would not apply to the development of Local Commercial proposed for the subject lands.

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The Urban Design Study maintained consistency with the West Harbour (Setting Sail) Secondary Plan Land Use Plan in effect, and did not include specific policies to address Local Commercial development. The commercial uses within this area apply predominantly to large scale commercial development along Stuart Street that is associated with the conversion of various industrial uses to commercial use.

The following policies from the Urban Design Study however, provides general guidance for future development and are applicable to the proposed Local Commercial development.

Planning Principles

- “2.1.2 Strengthen the existing neighbourhoods through respectful new development, relocation and redevelopment of incompatible uses; and,
- 2.1.8 Promote excellence in design by designing and constructing buildings that respect the area’s character and are supported by a public realm that creates a memorable “place”.”

Staff are of the opinion that the proposed development would contribute to the strengthening of the existing neighbourhood through the provision of small-scale local commercial uses that serve the neighbourhood and which promote walkability. The proposed building and site would be subject to Site Plan Control Approval to ensure the property is developed to high standards with features such as canopies, that would encourage a pedestrian environment. The proposal would complement the improvements to the public realm by providing street-oriented development adjacent to a future multi-use trail.

2.2 Urban Design Principles

The following urban design principles, among others, are applicable:

- “Create a comfortable and interesting pedestrian environment;
- Respect the design, scale, massing, setbacks, height and use of neighbouring buildings, existing and anticipated by this plan;
- Generally locate surface parking at the rear or side of buildings;

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- Provide main entrances and windows on the street-facing walls of buildings, with entrances at grade level;
- Preserve the vistas of key views leading to the harbour;
- Support the use of public transit by creating a comfortable pedestrian environment and providing main entrances on public streets, close to intersections where appropriate.”

The proposal would be consistent with the urban design principles noted above, as the proposed development would be street-oriented to promote a comfortable pedestrian environment, with parking located at the side of the building.

The proposed development would have a suitable scale within this neighbourhood which would be between the smaller one and two storey dwellings to the south and the larger three storey stacked townhouse to the west. The proposed building height of one storey would also fit appropriately into the broader local context while providing some variation in height and design.

2.4 Public Realm

- Future streetscape initiatives for Queen, Caroline, Barton, and Stuart; and,
- Provision of an east-west continuous open space recreational trail on the south side of Stuart Street, Queen Street North and the north side of Barton Street West to Locke Street North with a minimum width of 5.0 m.

The proposal would complement the initiatives proposed for Barton Street West as a pedestrian mobility street including the future multi-use recreational trail. However due to the constraints of the site, a reduced road widening of 1 m is recommended. While this will reduce the width of the multi-use trail, it is consistent with 290 Barton Street West which also required a 1 m road widening. It is anticipated that this change can be accommodated through modifications to the cross section at the Site Plan Control Approval stage.

Neighbourhood Mobility Streets

In addition, Barton Street West is identified as a Primary Neighbourhood Mobility Street. In particular, Barton Street West will be enhanced from a four lane street with a sidewalk on the south side, to a revitalized road with a single travel lane and a shared travel lane.

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The design concept for Barton Street West contained in the Barton-Tiffany Urban Design Study also provides for bicycle lanes on both sides and a multi-use trail on the north side of Barton Street West. As noted, this concept would be subject to final design to address adjustments through reduced road widenings or other changes.

Based on the foregoing the proposed commercial development would be consistent with the Barton Tiffany Urban Design Study.

RELEVANT CONSULTATION

The following internal departments and external agencies had no concerns or objections to the proposed applications:

- Source Protection Planning, Strategic Planning and Sustainable Initiatives Division, Public Works Department;
- Landscape Architectural Services, Strategic Planning and Sustainable Initiatives Division, Public Works Department; and,
- Horizon Utilities.

Ministry of the Environment and Climate Change (MOECC)

The MOECC have advised that a Record of Site Condition (RSC #1526) was prepared and uploaded to the Brownfields Registry on March 3, 2005. The RSC indicated that the site was remediated to meet the commercial standard which would be acceptable for the proposed range of commercial uses.

Hamilton Conservation Authority (HCA)

The HCA previously identified at the time of the Formal Consultation (FC-14-105), concerns with future development adjacent to a steep slope on the property and had recommended that a slope stability analysis be undertaken to establish the appropriate development setbacks from the top of slope. A slope stability study was previously reviewed by the HCA for Site Plan application DA-15-074 and addresses the HCA's concerns.

As the site is located outside of the HCA's Regulatory Area, and future development would not require a Permit, the comments from HCA are regarded as recommendations to ensure proper setbacks from the slopes are to be addressed at the Municipal level.

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Corridor Management Section, Public Works Department

Corridor Management has advised that for the proposed development, drive-thru amenities should be restricted for the commercial use(s). Planning staff further note that drive-thru facilities will not be permitted.

Geomatics Management Section, Public Works Department

Geomatics has advised that the requested a 1 m road widening required for Barton Street West would be consistent with the required widening that was acquired for 290 Barton Street West, through Site Plan Control Approval application DA-15-074. Planning staff note that the widening for the subject lands will be taken at the Site Plan Control Approval stage.

Transportation Planning Section, Strategic Planning Division and Sustainable Initiatives Division, Public Works Department

With respect to Transportation Demand Management (TDM), Transportation Planning have required a TDM Report to address commercial retail development. A TDM report was not provided because it was not identified as a requirement at the time of the review of the Formal Consultation application FC-14-105. In addition, the purpose of FC-14-105 was predominantly to address the adjacent future stacked townhouse development. Given the small nature of the proposed development, Staff are of the opinion that this requirement could be examined further at the more detailed Site Plan stage through the development of the trail system adjacent to the site and the provision of on-site bicycle facilities or other TDM measures.

With respect to the Pedestrian Mobility Plan, Transportation Planning have directed that the needs of pedestrians with disabilities (i.e. AODA regulations and barrier free designs) must be followed. Sidewalks along both sides of the right-of-way and through the site are required to be a minimum of 2.0 m in width. The future design should include the provision for trees in the boulevard. The provision for bike lanes and the multi-use path along Barton Street West is also identified.

In addition, Transportation Planning identified the requirement for an ultimate right-of-way width of 26 m for Barton Street West as a collector road. Planning staff note that while a 5 m widening is required from the subject lands, a 1 m widening is recommended which is consistent with the road widening requirements for 290 Barton Street West. Further discussion is provided in the Analysis and Rationale for Recommendation Section.

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Urban Forestry and Horticulture Section, Public Works Department

Urban Forestry has advised that as there are no municipal tree assets on site, a Tree Management Plan would not be required.

At the Site Plan Control Approval stage, a detailed Landscape Planting Plan would be required that is prepared by a Registered Landscape Architect.

In addition, the City's Public Tree Preservation and Sustainability Policy in accordance with Tree By-law 15-125 requires new developments to provide payment of \$590 per tree for road allowance street trees to be planted by the City of Hamilton.

Growth Management Division, Planning and Economic Development Department

Growth Management identified that services are available in the existing Barton Street West system. Additional information is required with respect to storm water management for storm water release rates, on-site storage and for sanitary with respect to backflow prevention at the Site Plan Control Approval stage.

Public Consultation

In accordance with Council's Public Participation Policy, the Official Plan Amendment and Zoning By-law Amendment applications were pre-circulated to property owners within 120 m on March 4, 2016 and a notification sign was posted on the site, on March 4, 2016. A total of 129 notices were circulated. At the timing of writing this staff report, no correspondence from the public had been received.

Notice of the Public Meeting was given on September 2, 2016 in accordance with the requirements of the *Planning Act* through the circulation to property owners within 120 m of the subject lands and through the posting and subsequent updating of a notification sign on the property.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Official Plan Amendment and Zoning By-law Amendment applications have merit and can be supported for the following reasons:
 - (i) The applications are consistent with the 2014 Provincial Policy Statement (PPS) and conforms to the Growth Plan for the Greater Golden Horseshoe

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(Places to Grow), in terms of brownfield development and the development of complete communities;

- (ii) The applications comply with the design policies and general intent of the West Harbour (Setting Sail) Secondary Plan subject to finalization of the OPA; and,
 - (iii) The proposed development is considered to be compatible with the existing and planned development in the immediate area.
2. The proposed Official Plan Amendment requires the redesignation of the property from the “Medium Density Residential 1” designation to the “Local Commercial” designation on the front portion of the lands south of the top of bank and has been evaluated in the Planning Policy Section based on Provincial Polices and the West Harbour (Setting Sail) Secondary Plan in effect. The redesignation of the northerly portion of the property from the “Medium Density Residential 1” designation to the “Open Space” designation is explained in Part 4 in the Analysis and Rationale for Recommendation Section below. The basis to support the proposed Official Plan Amendment for Local Commercial is discussed below as follows:

Appropriateness of Site for Local Commercial

The Barton Street West area is not currently well-served by local commercial and convenience uses. While there is an industrial property that is designated “Local Commercial” located at Oxford Street North and Barton Street West (southeast of the property), this property is continuing to function for industrial purposes. The proposed development would provide an opportunity for commercial uses such as a convenience store or restaurant to be available to the residents of this area. The development of the property for commercial purposes would complement the strategy to develop Barton Street West as a Pedestrian Mobility Street by creating a street-oriented building with entrances towards Barton Street West. The provision of small-scale commercial uses is consistent with the provincial direction for complete communities envisioned in Places to Grow.

The anticipated development of new stacked townhouses to the west as well as the stable residential area to the west and south, would be enhanced by local convenience commercial uses on the subject property. The proposed commercial development would also be compatible with the future residential development to the west by maintaining a low rise form with appropriate setbacks (i.e. 3.0 m)

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from the adjacent property, which would be improved with landscaping and fencing.

The proposal was examined with respect to the requirements for Local Commercial development provided in Policy A.6.3.3.1.19 of the West Harbour (Setting Sail) Secondary Plan. The proposal would conform to the scale, height, setbacks, orientation and parking requirements that are provided in this policy. The property would also benefit from having sufficient parking onsite in order to minimize the potential for parking spillover onto Barton Street West or adjacent streets.

Although the preferred location for access purposes is at an intersection, this standard is not imposed under the approved West Harbour Secondary Plan. However, the proposed vehicle entrance would align directly with Ray Street North which is satisfactory to the Corridor Management Section, Public Works Department. As the nature of the proposed commercial development is small scale (i.e. maximum of 300 sq m) and adjacent to open space on the east and north, the proposed mid-block location is a compatible use and appropriate for local commercial development.

Brownfield Development

The proposed commercial development would allow for the reuse of an existing brownfield site that would fit into the community context. The remediation of the property to the commercial standard is therefore a good opportunity to utilize a vacant property and conforms to Provincial policy that encourages the re-use of brownfield lands for residential and / or employment purposes.

Urban Design and Streetscape Improvements

The proposed development is appropriate from an urban design perspective in terms of being a catalyst for new development in the Barton-Tiffany neighbourhood and complements the stacked townhouse units approved for the adjacent property located at 290 Barton Street West (Appendix "H" to Report PED16191). Currently, the subject property and north side of Barton Street West are not served by sidewalks which constrains pedestrian activity. The proposed building would be street-oriented and adjacent to a future multi-use trail envisioned through the Barton-Tiffany Urban Design Study to encourage walkability within the neighbourhood (Appendix "H" to Report PED16191).

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The parking area would be suitably provided in the side yard and enhanced by landscaping. Enhancements to the building design in terms of streetscape features such as entrances and canopies are recommended and would be addressed further at the Site Plan Control Approval stage.

The changes to the Barton Street West corridor provided in the Barton-Tiffany Urban Design Study would improve access along Barton Street West and reduce vehicular traffic by promoting pedestrian accessibility. The reduction of street parking and driving lanes and the provision of facilities to accommodate cyclists and pedestrians, would contribute to better safety along this street in terms of improved access to the property from the existing residential area. The recommended right-of-way width of 21 m is lower than the 25 m recommended in the Barton-Tiffany Urban Design Study and would require a modified design for the cross section. However, the change is supported by the Geomatics Section, Public Works Department in recognition of the same right-of-way width which has been applied to 290 Barton Street West and the adjacency of existing dwellings to the west.

Therefore, staff are supportive of the redesignation from “Medium Density Residential 1” to “Local Commercial”.

3. The proposed Official Plan Amendment also requires the creation of a Special Policy Area to permit the right-of-way width to be reduced from 25 m to 21 m. Barton Street West is identified as a collector road in the City of Hamilton Official Plan and based on the requirements provided in Policy A.6.3.3.2.4 ii) of the West Harbour (Setting Sail) Secondary Plan, would require a right-of-way width of 25 m for a Pedestrian Mobility Street. To implement this requirement, a 5 m road widening would be required to be taken from the subject property because it would not be possible to obtain the required widening equally (i.e. 2.5 m) from the south side of Barton Street West given the existing dwellings.

In reviewing this requirement, Planning staff recognize that a 1 m road widening was determined to be acceptable for the adjacent residential development to the west (290 Barton Street West) through Site Plan Control Approval application DA-15-074 to allow for an ultimate right-of-way width of 21 m. This was in consideration that the preferred widening of 5 m would severely restrict the proposed development of the site for 36 stacked townhouse units. As the developable area of the subject site would also be reduced due to the location of the existing vegetated slope, Planning staff also support a 1 m widening for the

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proposed commercial development. This change is addressed in the draft Official Plan Amendment attached as Appendix “B” to Report PED16191.

Additionally, staff are of the opinion that there is an opportunity for these design initiatives to permit a tapered trail or changes within the preferred right-of-way such as reduced street parking in order to meet the intended objectives of the Barton-Tiffany Urban Design Study.

Therefore, staff are in support of the creation of a Special Policy Area to permit the right-of-way width to be reduced to 21 m instead of 25 m as a component of the proposed Official Plan Amendment.

4. The subject property contains a portion of a Linkage which is a natural heritage feature under the Provincial Policy Statement, 2014, the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan that is subject to review prior to the development of the subject property. This requirement is intended to demonstrate the means by which the linkage could be protected and incorporated into the design of the new development.

The linkage that is located on the subject property applies to the naturalized area between the top of slope and the northerly property line. In addressing the linkage requirement for the lands west of the subject property known as 290 Barton Street West, it was determined that a Tree Protection Plan would be acceptable due to the disturbed nature of the site, the quality of the trees and the applicant’s intention to retain the trees. Therefore, the same approach was adopted for the subject property through the requirement for a Tree Protection Plan.

The Tree Protection Plan submitted by Kuntz Forestry Consulting Inc. (November 10, 2015) identified that all of the trees on site are to be retained and protected. While the hoarding is shown within the drip line of the trees, which could affect the stability and health of the trees, the trees were shown to be species that are not sensitive (i.e. Manitoba Maple and Norway Maple). The TPP recommended that the applicant be responsible for the removal of any trees due to the development of the property with suitable replacement species, to the satisfaction of the City of Hamilton. Therefore, the applicant’s TPP was determined to be acceptable and appropriate for the proposed development.

The preservation of the linkage has been incorporated into the Official Plan Amendment to recognize this feature. In Appendix “B” to Report PED16191 the

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change in designation from the “Medium Density Residential 1” designation to the “Open Space” designation has been provided for the linkage, which is located north of the top of bank to ensure that this area is protected over the long term for open space purposes and is regarded as a separate land use component on the subject lands. The designation of the northerly portion as Open Space would be consistent with the abutting lands to the north which are also part of the linkage and Open space designation.

The portion of the site to be redesignated to Open Space would also be included in a corresponding change in zoning to the Conservation / Hazard Land Zone (P5) Zone that is discussed at the end of the following section below.

5. The proposed change in zoning is from the “L-mr-1” (Planned Development) District to a Site-Specific “G” (Neighbourhood Commercial Centre) District. The following discussion is provided with respect to the amending zoning:

Recommended Uses

The applicant’s request to permit the standard “G” District commercial uses is supportable since the uses are primarily intended for development within neighbourhoods. Staff however recommend the list of uses be modified to exclude “theatre” and that a restaurant be permitted but without musical entertainment. Drive-through restaurants also would not be permitted due to the prohibition of this use in the West Harbour (Setting Sail) Secondary Plan). Additionally, a “frosted food locker plant” is considered to be an industrial use that does not fit in with local commercial development. Staff also recommend the removal of a “public parking lot” and a “storage garage where all gasoline storage is in underground tanks” due to the encouragement in the West Harbour (Setting Sail) Secondary Plan for the creation of a “balanced multi-modal transportation system in which public transit, cycling, walking, etc. have a more significant role within the local neighbourhoods and the incompatibility of locating a public parking lot or storage garage abutting residential development. The Amending Zoning By-law however would not prohibit parking that is required for a permitted commercial use (Appendix “C” to Report PED16191).

These modifications are to ensure that the commercial uses are compatible with the future townhouse development at 290 Barton Street West as well as the surrounding residential area, and do not create any nuisance issues in terms of noise or parking.

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Staff support the inclusion of a commercial school as a permitted use as it would allow for uses that cater specifically to the adjacent neighbourhood such as a dance school or a learning centre.

Special Provisions for Modified “G” District

The proposal would require special provisions for the proposed commercial development to address the following “G” District requirements:

Minimum Front Yard

The proposed development provides a front yard setback of 0.85 m, whereas the minimum front yard provision for the “G” District is 6.0 m based on the more restrictive requirement for other zones within the existing block, which is the “D” District. As the policies of the West Harbour (Setting Sail) Secondary Plan and the Barton-Tiffany Urban Design Study support street-oriented development in light of initiatives to encourage pedestrian activity, improved streetscapes and vibrant neighbourhoods, reduced setbacks to create street-oriented development would be consistent with this policy direction. Therefore, the proposed change is reasonable and can be supported.

Minimum Side Yard

A westerly side yard (abutting a residential District) of 3.0 m is provided, whereas the minimum side yard provision of 6.0 m is required based on the requirement for the adjacent future residential property to the west, which is zoned “RT-20/S-1478”. The 6.0 m setback is required specifically if the lot is severed due to the “RT-20” District requirement where there are dwelling units with habitable rooms. Where the lot is not severed, the required side yard would be 2.4 m. In light of the 6.0 m side yard requirement, the proposed side yard of 3.0 m is considered to be adequate as it would allow for the provision of landscaping and a visual barrier to provide a more defined separation between the commercial development and the abutting future residential development.

It is further noted that the 3.0 m side yard would be sufficient because the activity levels for the commercial development would also be directed away from the common property line as the parking area and entrances are not adjacent to the residential property. Therefore, the proposed modification is reasonable and can be supported.

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Minimum Parking Space Size

A minimum dimension of a parking space at 2.6 m by 5.5 m is requested, whereas the minimum parking space size of 2.7 m by 6.0 m is required. This provision is recommended to provide additional flexibility for the design of the parking area given the constrained nature of the site.

Minimum Rear Yard

The proposed building would require a 4.5 m setback under the “G” District. For clarification purposes in the amending By-law, it is recommended that no building or structure shall be located less than 7.0 m from the northerly limits of the “G” District boundary.

This change is in recognition of the creation of a Conservation / Hazard (P5) Zone (under By-law 05-200) for the linkage and top of bank, which are not developable lands. In By-law 05-200 the setback requirement for development from the P5 Zone is 7.5 m. The requirement of 7.0 m would replace the requirement in By-law 05-200 to accommodate the proposed commercial building and would be satisfactory to the Hamilton Conservation Authority.

Minimum Building Height for Façade

Although it is recognized by staff that a second floor would not be allowed because of the Record of Site Condition, a zoning provision is recommended to require the proposed commercial building to have a minimum façade height of 3.5 m. This will provide an opportunity for additional building height to be added at the Site Plan Approval stage through architectural features such as a parapet to provide a more suitable transition in height with the future three storey stacked townhouses to the west.

Location of Building Entrances

In order to address the street and to encourage pedestrian activity in conjunction with the vision for this area, a special provision is recommended in the amending Zoning By-law to require a building entrance to be provided for each commercial unit along Barton Street West.

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Minimum Parking Provisions

The existing provisions of Zoning By-law No. 6593 would apply to the proposed commercial development. Under this By-law, there are no parking spaces required for retail or office uses in which the building is less than 450 sq m in gross floor area. The proposed commercial development would comprise a maximum of 300 sq m of gross floor area. This provision would also apply to the other commercial uses in the “G” District, recommended for this application, with the exception of the following where parking will be required:

Commercial School	Six spaces per classroom
Bank	One space per 31 sq m of floor area
Restaurant	One space per six persons who can be accommodated

Consequently these requirements would apply to the amending Zoning By-law (Appendix “C” to Report PED16191). There are 13 parking spaces proposed for the commercial development. At the time of Site Plan Control Approval or Building Permit, the applicant will be required to demonstrate conformity with the parking provisions of the Zoning By-law.

Conservation / Hazard (P5) Zone

As noted, the Conservation / Hazard (P5) Zone from By-law 05-200 is recommended as an additional zone to be added to the subject property to recognize the existence of a prominent natural area on the property in the form of a linkage (refer to Appendix “D” to Report PED16191) and to provide consistency with the recommended Official Plan Amendment (refer to Appendix “B” to Report PED16191) which would redesignate the portion of the subject property north of the top of bank to “Open Space.” The “P5” Zone would prohibit development and protect the lands within this zone as open space.

Linkages are recognized in the Provincial Policy Statement and the Hamilton-Wentworth Official Plan as a Core Area and a component of the Natural Heritage system. As the policy structure of the City of Hamilton Official Plan complies with the Hamilton-Wentworth Official Plan, the protection of linkages would also be recognized under this document.

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SUBJECT: Proposed Official Plan Amendment (OPA-16-06) and Zoning By-law Amendment (ZAC-16-015) for Lands Located at 280 Barton Street West, Hamilton (PED16191) (Ward 1) - Page 43 of 44

6. To address the servicing of the property, a preliminary engineering brief has been submitted for review to the City's requirements. Barton Street West is served by watermains, a combined sewer, sanitary and storm sewer. The engineering brief noted that:
- A private sanitary sewer is required with a back-flow device to discharge to the existing combined sewer on Barton Street;
 - Quantity control for storm water management is required through on site storage which would discharge into the combined sewer system; and,
 - Water services are available from the system on Barton Street West.

An updated Functional Servicing Report would be required at the Site Plan Control approval stage for this proposal. In particular, additional information pertaining to storm release rates and on-site storage will be required.

A geotechnical investigation and support brief were also provided for the adjacent townhouse site which examined slope stability in light of the existing slope and the extensive use of fill. This was required to address the development concerns of the Hamilton Conservation Authority (HCA) and has been submitted to the HCA's satisfaction.

7. The proposal would be subject to Site Plan Control Approval, which would allow for a detailed review of the development including matters such as conformity to the approved zoning, grading, stormwater management, landscaping, access, parking, fencing and building design.

Following the approval of the Official Plan and Zoning By-law Amendment and / or Site Plan Control Approval, the applicant will also be applying to sever the subject lands from the balance of the property so that the commercial development would operate as an independent parcel and not be tied to a future residential condominium.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Official Plan and Zoning By-law Amendment applications be denied, the site would remain vacant or may be subject to a further Zoning By-law Amendment and site remediation to permit other uses. The existing "L-mr-1" District

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currently in effect would not permit any form of development because there are no existing uses.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Healthy and Safe Communities

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

Clean and Green

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

Built Environment and Infrastructure

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

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A”: Location Map
- Appendix “B”: Draft Official Plan Amendment
- Appendix “C”: Draft Amending Zoning to Hamilton By-law No. 6593
- Appendix “D”: Draft Amending Zoning to Hamilton By-law No. 05-200
- Appendix “E”: Proposed Conceptual Site Plan
- Appendix “F”: Proposed Elevation Plans
- Appendix “G”: Renderings of Proposed Development with Future Townhouses
- Appendix “H”: Plans from Barton Tiffany Urban Design Study
- Appendix “I”: Future Cross Section for Barton Street West

CT/khm

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