

Written Comments Summary

Submitted by	Written Comments	Response
Jason Morse 77 Pearl Street North	Why is TOC limited to six storeys? Surely greater height allowance would bring more benefit from increased density	<ul style="list-style-type: none"> • The maximum height of six stories for the Mixed Use (TOC1) Zone comes from the corresponding policies for the Mixed Use – Medium Density designation under the Urban Hamilton Official Plan (UHOP) • The UHOP would allow for up to eight stories within the Mixed Use – Medium Density subject to rezoning and the submission of supporting studies
Ron Johnson 125 Kensington Avenue South	Seems like common sense – no concerns regarding zoning. Assume same zoning if LRT or heavy auto traffic	<ul style="list-style-type: none"> • Noted
Mark Barbera 92 Ontario Avenue	The improvements to the James North business area is relatively new and easily susceptible to downturns. The multi-year construction plan will displace James North monthly art crawls and the annual Supercrawl for an extended period of time, effectively killing what has turned out to be an event of both economic and cultural importance, Furthermore, the planned spur route will be mixed traffic along James due to its limited width allowance, which in turn runs counter to the principals of a successful higher order transit implementation. Council should rethink routing the spur along James North and place it along a pedestrianized Hughson Street instead, thereby eliminating the economic impact on a vibrant but vulnerable growing business community. In addition, having the spur run along Hughson creates the opportunity to more directly link West Harbour GO and Hunter Street GO to the LRT route than what is currently being proposed.	<ul style="list-style-type: none"> • Concerns not related to Zoning
Alan Whittle, Good Shepherd	I am just wondering how existing buildings that exceed the proposed 22 m height in these zones will be dealt with. It would be unfortunate if they became	<ul style="list-style-type: none"> • The proposed Transit Oriented Corridor and Commercial Mixed Use

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	<p>legally non-conforming as a result of the proposed changes as I believe that they better reflect what is trying to be achieved.</p> <p>I note that there is at least one apartment building on Main E. at Erie(?) that will have this problem in the new C5 zone and our building at 35 Aikman in the TOC1 zone. Perhaps going back to the approximately 8 floors that were permitted in the previous H zone might be more appropriate for these zones?</p>	<p>Zones implement the direction of the Urban Hamilton Official Plan (UHOP). Lands proposed to be zoned TOC 1 and C5, correspond to lands designated Mixed Use – Medium Density under the UHOP</p> <ul style="list-style-type: none"> • The UHOP identifies a maximum height permission of six stories (22 m) within this designation and as such this is the maximum height permitted within the TOC1 and C5 Zones • Buildings that are existing and exceed the 22 m maximum height permission would be recognized by virtue of the proposed vacuum clause
<p>Matt Johnston and Spencer McKay, UrbanSolutions On behalf of Pocrnic Realty Advisors Inc. 1440 Main Street East</p>	<p>On behalf of the owner, 1440 Main Street East Inc. (Pocrnic Realty Advisors Inc.), UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is pleased to submit this letter regarding the draft Light Rail Transit Zones as it relates to 1440 Main Street East.</p> <p>The subject lands are 3,723 m² (0.92 acres) in size and developed with a one storey multi-unit commercial plaza on the northerly portion, while the southerly portion is utilized as a surface parking lot.</p> <p>The draft Light Rail Transit Zone process proposes to change the zoning of the lands from "H/S-1591" (Community Shopping and Commercial, etc.) District, Modified, to the "TOC1" (Transit Oriented Corridor - Mixed Use) Zone.</p> <p>Following our review of the existing and proposed</p>	<ul style="list-style-type: none"> • Meeting with agent and staff on August 3, 2016 • Special Exception 309 has been applied to property to recognize existing permissions as they pertain to the existing building on the property

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	<p>zoning, a new site specific "TOC1" Zone is required for the reasons outlined below:</p> <p>a) Section 5.1 a) v) a) and 5.1 a) v) b) of Zoning By-law No. 05-200 state that parking spaces shall not be located within 3.0 m of a street line and shall provide a 3.0 m wide planting strip between the street line and parking spaces or aisle. On December 4th, 2004, the Committee of Adjustment granted a Minor Variance (HM/ A-04:159) that allowed for a reduced planting strip of 1.2 m along Main Street East.</p> <p>b) Section 5.2.1 c) states the location of loading doors shall not be permitted in a required yard abutting a Residential Zone. Given the existing site configuration with regards to the loading location, a site specific exception is required.</p> <p>c) Section 5.6 c) iv) states that the parking ratio for the Medical Clinic use is one space for every 16 m² of gross floor area. On October 29th, 2008, Zoning By-law No. 08-251 was passed, which amended the lands and included the special requirement that allowed for a parking ratio of one space for every 24 m² of floor area used for a medical office.</p> <p>d) Section 11.1.3 of the draft "TOC1" Zone provides the regulations for new transit oriented development. Modifications may be required to accommodate new development of the southerly lands while recognizing the existing plaza.</p> <p>We look forward to meeting with you and discussing these concerns in the near future. Please feel free to contact us with any questions.</p>	
<p>Harry Froussios, Zelinka Priamo Ltd. On behalf of Choice Properties Real Estate Investment Trust (CP REIT) and Loblaw</p>	<p>We are the Land Use Planning Consultants for Choice Properties Real Estate Investment Trust ("CP REIT") and Loblaw Properties Limited ("Loblaws") as it relates to the above-noted process. CP REIT is the owner of the following properties that are affected by the proposed TOC zones:</p>	

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<p>Properties Limited (Loblaws)</p>	<ul style="list-style-type: none"> • 50 Dundurn Street (proposed to be zoned TOC 1-291) • 435-447 Main Street East (proposed to be zoned TOC1) • 1124 Main Street East (proposed to be zoned TOC 1) <p>The above properties are established, developed sites that currently contain commercial uses in the form of a food store (operated by Loblaws) and other retail and service commercial uses. It is anticipated that each of the above sites will continue to generally operate in their current form for the foreseeable future due to the nature and length of contractual obligations with existing tenants.</p> <p>Further to our review of the draft Transit Oriented Corridor ("TOC") zones and our attendance at the Stakeholder Workshop held on June 16, 2016, we are pleased to provide the following comments on behalf of our clients.</p> <ol style="list-style-type: none"> 1. In instances where the current zoning permissions obtained through site-specific zoning or minor variances are more permissive than what is being proposed, the current permissions should be carried forward into the new zoning for each site. 2. Sections 11.1.3 a) to d) Interim or transitional regulations should be in place to recognize existing developed sites that would not comply with the new zoning regulations in order to allow for minor expansions and/or alterations to developed sites and/or existing buildings. 3. Section 11.1.3 f) The regulations are clear as they relate to the construction of new buildings. However, clarification is required as it relates to the regulation's intent for alterations (and additions?). Please confirm if this regulation applies to alterations and additions to buildings constructed after the effective date of the By-law only, or is it intended to apply to alterations and additions 	<ul style="list-style-type: none"> • The vacuum clause proposed as part of the implementing Zoning By-law for the TOC Zones recognizes required setbacks setbacks, front yard, flankage yard, rear yard, lot width, lot area, and building height for existing lots and buildings • This regulation is meant to apply to additions to existing buildings

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	<p>to buildings constructed prior to the effective date of the By-law as well? If it is the latter, see comment 1.</p> <p>4. Sections 11.1.3 f) ii) and iii) Regulations should provide some flexibility for buildings that cannot practically achieve the minimum ground floor facade width percentage due to the excessive length of the front and/or flankage yard, but may still approach the required standard.</p> <p>5. Section 11.1.3 f) iv) Existing developed sites that have more than one entrance should be exempt from this regulation and should be permitted to retain entrances through future redevelopment proposals.</p> <p>6. Section 11.1.3 f) v) Flexibility should be provided for uses (i.e. food stores) that, due to the nature of their operations (loading, shopping carts, etc.), require the majority of customer parking to be in close proximity to, and in front of, the main entrance.</p> <p>7. Section 11.1.3 f) vi) Flexibility should be provided for large sites with expansive parking areas to permit certain principal entrances to face internally to the site, where practical; for the purpose of ensuring efficient pedestrian circulation both on and off the site.</p> <p>8. Section 11.1.3 i) Require confirmation that this provision is intended to permit temporary garden centres in conjunction with permitted retail uses (i.e. food stores).</p> <p>9. Section 11.1.4 The parking rate for retail uses that do not exceed 4,000 m² (one space for each 17.0 m² between 450.0 m² and 4,000 m²) is higher than the current rate of one space for each 20 m². As the intent of the TOC zone category is to promote transit supportive developments, it would be appropriate to reduce the parking requirement for small-mid range retail uses</p>	<ul style="list-style-type: none"> • A minor variance would be required if a development proposal does not achieve the minimum ground floor façade • Number and location of entrances will depend on operation of the LRT • UHOP policies are in place for nodes and corridors and these regulations implement the direction of the UHOP • Same comment as above • Yes, temporary garden centre would be permitted only if accessory to a food store • Parking standard proposed to be applied to Retail uses larger than 450 sq m in TOC Zones is one for each 50 sq m of gross floor area which accommodates such use for that portion of a

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	<p>as well.</p> <p>We thank you for the opportunity to provide the above comments on behalf of our client and reserve the right to provide additional comments should the need arise during this process. IF we can be of any assistance, please do not hesitate to contact the undersigned.</p>	<p>building that is in excess of 450 sq m.</p>