



## CITY OF HAMILTON

### COMMERCIAL AND MIXED USE ZONES AND TRANSIT ORIENTED CORRIDOR ZONES

#### Stakeholder Workshop, Thursday, June 16, 2016

## Workshop Feedback Report

### 1. Context for the Workshop

The City of Hamilton is updating Zoning By-law 05-200 for the Urban Area to include new Draft Commercial Mixed Use Zones (CMU) and Transit Oriented Corridor Zones (TOC). On June 16, 2016 a workshop was held from 9 a.m. to noon with invited stakeholders to present and receive input on the Draft CMU and TOC Zones so as to develop a better understating of stakeholder perspectives on the Draft Zones. This report prepared by Sue Cumming, MCIP RPP, Cumming+Company, independent Facilitator provides a summary of the workshop comments, poster feedback points and feedback through the group discussions.

Nineteen individuals participated including commercial property owners, developers, consulting planners and architects and representative of the Barton Village BIA, Hamilton Chamber of Commerce, Hamilton-Halton Home Builders Association, Hamilton Burlington Society of Architects, Realtors Association of Hamilton-Burlington and GHPPAG. Participants are listed on page 8.

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The workshop commenced with welcome and introductions which were followed by a staff presentation by Shannon McKie which highlighted the following:

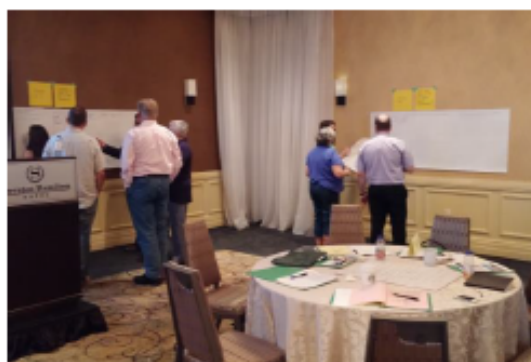
Currently, six municipal zoning by-laws apply in the City of Hamilton. The proposed zoning will provide a consistent set of zoning regulations for the entire city. The proposed zones are intended to achieve the following:

1. Defined uses will be simplified for easier interpretation, and will be more clear and flexible
2. Investment and development opportunities will be encouraged by removing barriers where it may limit what a business owner or property owner can do. The goal is to create a positive business environment and envision over time a more economically diverse Hamilton. This also applies to new zones along the proposed LRT Corridor where development opportunities are identified.
3. Emerging trends, such as microbreweries and new uses in the arts and culture sector are being encouraged by proposing these uses in certain draft zones as a vital component of the economic development and revitalization of some commercial streets.

Resource material utilized at the workshop included; panel displays of the proposed zones, zoning maps, participant booklet with discussion questions, reference sheets and copies of the Draft CMU and TOC Zones, parking requirements, general provisions and definitions. Some of these materials were available at the tables for participants to use during the session and take away, while some of the information was on display in the room. The workshop discussion was organized in two parts:

**Part One:** Small group discussion at four breakout tables on overall comments about the Draft CMU and TOC Zones including what participants like about the new proposed zoning and identification of emerging trends that participants would like to see further considered in the Draft CMU and TOC Zones.

**Part Two:** Small group discussions rotating around four workshop stations with the opportunity to comment on and provide ideas for the Draft CMU and TOC Zone Definitions (Station 1), Draft CMU and TOC Regulations (Stations 2 and 3), other aspects of the new zoning that may require clarification (Station 4). During the second part, workshop participants provided input in small groups rotating around themed stations where they populated ideas and comments on poster paper placed on the walls. The interactive format provided for an exchange of ideas and perspectives with participants being able to review and provide comments on ideas posted by other groups.



## **2. Overall Comments about CMU and TOC Zoning**

The following is a synthesis of the discussion points noted on the flipchart paper at the discussion breakout tables throughout the Part One discussion.

### **2.1. Things participants like about the new zoning:**

- Appreciation that there is a plan for directing the City’s future.
- Support for focus on encouraging development in older parts of the City.
- Consolidation into one by-law which is easier to follow.
- Changes to both existing definition and the introduction of new definitions.
- Provisions for new uses – i.e. microbrewery.
- Provisions for increased density around future transit stops.
- Opportunities for more mixed use with commercial and residential through CMU and TOC Zones.

### **2.2. Comments about the new zoning for further consideration:**

- Important to ensure that the by-law is able to address the context within different areas noting that consolidation should still reflect the character of each area.
- Would like to see interim provisions included to allow existing uses to continue to exist and change or be modified over time.
- Question whether the new zoning strikes the right balance. Some participants noted that there may still be too many restrictions on density – developers may not go for it.
- Would like to see more residential in downtown in mixed use zones to support development and growth and transit.
- Clarification on why the difference in wording for definition i.e. “shall include” vs. “may include”.
- Question the rationale for having so many different commercial zones. Would like to better understand decision around what uses should be in each zone.
- Don’t understand reasons for sectioning out District vs. Arterial.
- Concern that District/Arterial does not appear to allow redevelopment into different forms and density – i.e. retirement, residential and community uses.
- Would like to ensure that the new zoning regulations create viable building envelopes.
- The highest densities should be permitted at future transit station stops/nodes.
- Would like to see implementation policies and more information on how the zoning will be applied – particularly the TOC zoning.
- More consideration for reduced parking ratios in TOC Zones.
- Less onerous building requirements to address heritage attributes.

### **2.3. Emerging trends identified in commercial and mixed used zones that may require further consideration in the CMU and TOC Zones.**

- The City should anticipate the demand for more retirement homes which need accessible, walkable, convenient locations. These types of uses fit well with Community Commercial Zones and should be allowed.
- The City should consider changes that are occurring on other parts of the City and encourage high density mixed use in areas like Fennel and Upper James. The C6 High Density Mixed Use should apply to more centres than just Eastgate Square, Lime Ridge Mall and Barton Street.

- Would also like to see more commercial activity and liveliness west of Cootes.
- There may be more opportunities in the future for a combination of residential and commercial uses which should be permitted in the new zoning.
- Would like to see approaches to stimulate redevelopment in Barton Street area.
- Opportunities for pilot projects i.e. similar to what is happening around Kensington Market in Toronto with more open zoning and lower parking requirements.

### 3. Input on CMU and TOC Zone Definitions

#### 3.1. Comments about the changes relating to CMU and TOC Definitions

- Consolidation of retail uses in the zoning with more simplified definitions for retail is seen as an important improvement.
- Would like to see flexibility for new uses or combinations of uses to be accommodated in the zoning so as to permit emerging uses that may respond to trend in the marketplace and consumer needs. It was noted that in some cases defining the uses may result in future innovations or industries being excluded.
- Would like to see residential permitted use further defined to specifically include retirement homes.
- The definition of “Office” is being changed through the UHOPA (housekeeping) and should be reflected in the CMU and TOC zoning.



#### 3.2. Comments or suggestions about specific defined uses

Defined Use in CMU and TOC Zone	Further changes identified for consideration for defined uses
Drive-through	“Tim Horton’s effect” – 15 stacking is excessive for every other restaurant.
Garden Centre	Need to review why it is only permitted as an accessory use in some zones when it could be a standalone use.
Home Improvement Supply	What do the words “focused range” mean?
Laboratory	Seems to be lacking a definition
Medical office vs. medical clinic	Suggestion to include a definition of these two medical uses.
Place of Assembly	Suggest change ‘may include’ to “including such uses as”
Residential Multiple Dwelling	Are there restrictions – does this mean any kind?
Retirement Home	Would like to see retirement homes specifically included as defined use for residential.
Retail	Does this permit grocery store, department store and big box retail uses? Suggest change “which shall include and may not be limited to” to “including such uses as”.

#### 4. CMU and TOC Regulations

For the discussion on the Draft CMU and TOC Regulations, reference sheets for the different zones were provided to participants at the workshop. These included diagrams and 3D images for the built form and height requirements and bicycle parking and motor vehicle parking requirements.

Zone/ Regulation	CMU	TOC
<b>Built Form</b>	<ul style="list-style-type: none"> <li>Commercial zones need to have further flexibility for adding residential density – six stories may be financially restrictive.</li> <li>Why limit commercial uses to 10,000 square metres?</li> <li>For tall buildings over six stories the effect of height is not really felt at the street level. Increased height should be allowed.</li> </ul>	<ul style="list-style-type: none"> <li>For TOC2 would like to see more flexibility. Only 50% residential permitted is not appropriate.</li> <li>Garden Centre in TOC – why is this shown as an accessory use only?</li> </ul>
<b>Height</b>	<ul style="list-style-type: none"> <li>Increase height from C5 to C6 in particular where high density residential already exists.</li> <li>Carefully consider how buildings “step down” to existing neighbourhood – i.e. don’t think that 45 degree angular planes are appropriate after 6 to 8 stories.</li> <li>Should increase from 22.0 metres to 30.0 metres.</li> </ul>	<ul style="list-style-type: none"> <li>Increase allowable height especially at transit stops and nodes. Height restrictions are limiting.</li> </ul>
<b>Setbacks</b>	<ul style="list-style-type: none"> <li>Reduce setbacks to integrate properties within surrounding areas.</li> <li>Maximum setbacks are a good idea.</li> </ul>	<ul style="list-style-type: none"> <li>TOC2 – appears to permit less restrictive setbacks than Tall Building Design Guidelines.</li> <li>TOC3 – should reduce minimum rear yard to 6.0 metres and interior sideyard to 3.0 metres.</li> </ul>
<b>Bicycle Parking Requirements</b>	<ul style="list-style-type: none"> <li>What are the Development Charge costs?</li> <li>Regulations pending on zone/proximity.</li> <li>More parking locations.</li> </ul>	<ul style="list-style-type: none"> <li>Same comments as noted for CMU</li> </ul>
<b>Motor Vehicle Parking Requirements</b>	<ul style="list-style-type: none"> <li>What standards are in place or will be required for different accessible spaces – i.e. handivans, cars, etc.?</li> <li>Parking requirements should respond be context sensitive to area. There should be different parking standard for example for Upper James and King Street as</li> </ul>	<ul style="list-style-type: none"> <li>Would like to see reduced parking ratio in TOC zones</li> </ul>

Zone/ Regulation	CMU	TOC
<p><b>Motor Vehicle Parking Requirements</b></p>	<p>the context for each is different.</p> <ul style="list-style-type: none"> <li>• Consider exemptions for small or infill sites.</li> <li>• Consider streetscape in urban setting when each site requires a driveway.</li> <li>• Parking rate of 1 per 17 square metres is too high for sites with up to 4000 square metres gross floor area.</li> <li>• Residential ratio should be 1:1 for high density.</li> </ul>	
<p><b>Other Regulations noted by participants</b></p>	<ul style="list-style-type: none"> <li>• Need rear yard and height for MMSS.</li> <li>• More flexibility on drive through configuration.</li> <li>• Should MV Gas Bar and MVSS be separate zones with full regulations?</li> <li>• Is maximum GFA in C2 reasonable?</li> <li>• Question intent / i.e. what is accomplished by the maximum lot area in C3 Zone.</li> <li>• Why are drive-through uses not permitted in C3 for properties that abut an arterial road?</li> <li>• Motor Vehicle Washing – permit in C3 accessory to MUSS?</li> <li>• Should clarify limit of office in C4 Zone.</li> <li>• Why limit size of medical clinic if parking met (500 square metres).</li> <li>• C4 prohibits “garden centre” but is permitted as an accessory use in UHOP.</li> <li>• Microbrewery – why limit size market i.e. production units and how much can be made would influence size that works as a business case.</li> <li>• Microbrewery is permitted in C5 and C5a and C7. Why it is not permitted in C4?</li> </ul>	<ul style="list-style-type: none"> <li>• TOC 2 only at Main and Longwood – 50% residential cap at a station stop is not appropriate.</li> <li>• No residential at grade (from TOC 1 and possibly others) with appropriate design, this would be appropriate in some locations and should be allowed.</li> </ul>

## 5. Other aspects of the new zoning that participants noted for clarification

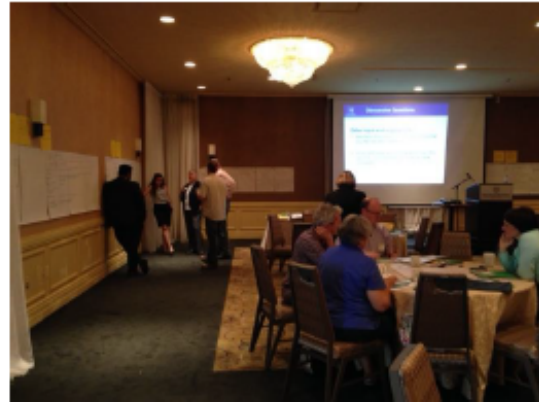
Description of other aspects that may require clarification	Suggestions/Comments noted for how this could be addressed
Interim provisions for existing uses/buildings	Add interim language
Confirmation on how existing site specific by-laws and minor variances will be treated	Site specific section
Is “Arterial Zoning” a zone that no longer has a purpose for the future.	Amalgamate zones
Flexibility for buildings that are not appropriate to face/front the street (Section 10.4.3 (g)(vi))	Add “where appropriate” to language in the by-law.
Residential permitted use	Define and clearly list what is permitted i.e. retirement homes should be listed.
Limit of 50% residential	Why? Imagine a 6 storey building on an arterial – 3 stories office, 3 stories residential. Would like to see more flexibility. Would like to better understand rationale for 50% limit.
Maximum gross floor area of 2000 square metres for office.	Better to let the market limit the size.
Office	Definition is being changed through the UHOPA (housekeeping) and should be reflected in the zoning by-law.
C5 Uses	Doesn’t include home improvement; live work and drive through which are all permitted in the UHOP.
C5 Regulations	Minimum setback should be changed to 1.5 metre with 7.5 metre maximum.
C5 Regulations	Eight stories: 30.0 metres instead of 22.0 metres.
C5 (g)(ii)(iii)	More appropriate in the Urban Design Guidelines. Would like more consideration of how to address hotel drop off areas where hotel is permitted?
C5 (h)	Concern about how this will be interpreted. Should reduce side and rear yard setbacks to encourage intensification.

## 6. Next Steps

This Workshop Feedback Report will be distributed electronically to all participants. In the coming months, staff will be finalizing recommendations for the Draft CMU and TOC Zones. A report on the TOC Zones will be taken to City Council in October 2016. Public Open Houses will be held in the Fall of 2016 for the Draft CMU Zones for Wards 5-13 and 15, similar to the sessions held in May and June 2016 for Draft CMU and TOC Zones for Wards 1 to 4. A report to City Council on the Draft CMU Zoning is anticipated for early 2017. Once finalized, the staff recommendations will be available for public comment.

### Workshop Participants

- Evan Apostal, Wilson-Blanchard
- Rachel Braithwaite, Barton Village BIA
- Nancy Duce, Realtors Association of Hamilton-Burlington
- Nancy Frieday, GHPPAG
- Harry Froussios, Zelinka Priamo Ltd.
- Walter Furlan
- Taylor Gascoine, MHBC Planning
- Irene Hubar, Aragon
- Matt Johnson, Hamilton-Halton Home Builders Association
- Christian Kieller, SmartCentres
- Gemma LeFresne, Binkley Student Residence
- George LeFresne, Binkley Student Residence
- Steven Mathers, Hamilton Chamber of Commerce
- Graham McNally, Hamilton Burlington Society of Architects
- Aly Premji, Trinity Development Group
- Marino Rakovac, White Star Group
- Emily Roukhkian, SmartCentres
- Gary Santucci, The Pearl Company
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