



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	April 2, 2019
SUBJECT/REPORT NO:	Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 80 and 92 Barton Street East and 245 Catharine Street North, Hamilton (PED19060) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Shannon McKie (905) 546-2424 Ext. 1288
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Amended Official Plan Amendment Application UHOPA-17-041 by John Barton Investments, 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 “Low Density Residential” to “Prime Retail”, a change in Building Height permissions on Schedule “M-4” Building Heights, and to add a Site Specific Policy Area to permit the development of a five storey professional office building (including medical clinic) and 45 dwelling units, in the form of Multiple Dwelling and Stacked Townhouse Dwelling units, for lands located at 80 and 92 Barton Street East and 245 Catharine Street North, as shown on Appendix “A” to Report PED19060, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED19060, be adopted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017).
- (b) That **Amended Zoning By-law Amendment Application ZAC-17-090 by John Barton Investments, Owner**, for a change in zoning from the “H/S-1058”

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(Community Shopping and Commercial Etc.) District, Modified, “H” (Community Shopping and Commercial Etc.) District, “L-mr-2” (Planned Development) District, and the “L-mr-2/S-1058 (Planned Development) District, Modified to the Mixed Use Medium Density - Pedestrian Focus (C5a, 723, H73) Zone, to permit a 4,552 sq m office building (including medical clinic), with 117 parking spaces and 45 dwelling units, in the form of Multiple Dwelling and Stacked Townhouse Dwelling units, with 55 associated parking spaces, for lands located at 80 and 92 Barton Street East and 245 Catharine Street North as shown on Appendix “A” to Report PED19060, be **APPROVED**, subject to the following:

- (i) That the draft By-law, attached as Appendix “C” to Report PED19060, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and complies with the City of Hamilton Official Plan upon approval of Official Plan Amendment No. ____.
- (iii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by introducing the holding symbol “H73” to the proposed Mixed Use Medium Density – Pedestrian Focus (C5a, 723) Zone.

The Holding Provision “H73” is to be removed to allow the development of the proposed medical office building and 45 dwelling units upon:

- (1) That the owner submits and receives approval of a Documentation and Salvage Report in accordance with the City of Hamilton Documentation and Salvage Report guidelines to the satisfaction of the Director of Planning and Chief Planner;
- (2) That the owner submits and receives approval of a revised fire flow calculation based on the more advanced building design plans to demonstrate that the existing watermains can provide for sufficient flow for firefighting for the future development on the site all to the satisfaction of the Manager of Engineering Approvals;
- (3) The owner submits a signed Record of Site Condition to the City of Hamilton and the Ministry of the Environment Conservation and Parks (MOECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of

the RSC by the MOECP, and submission of the City of Hamilton's current RSC administration fee.

EXECUTIVE SUMMARY

The subject property is municipally known as 80 and 92 Barton Street East and 245 Catharine Street North, Hamilton. The owner, John Barton Investments, has applied for amendments to the City of Hamilton Official Plan and Zoning By-law No. 6593 to permit a five storey professional office building (including medical clinic) and 45 dwelling units in the form of Multiple Dwelling units (12 units) and, Stacked Townhouse Dwelling units (33 units). One hundred and seventeen parking spaces are proposed for the professional office building with 110 parking spaces located below grade and seven parking spaces at grade. Fifty-five at grade parking spaces will be devoted to the residential units, nine of which will be located within attached garages.

To accommodate the proposed development staff have amended the application to remove the subject lands from Zoning By-law No. 6593 and add them to Zoning By-law No. 05-200 as Mixed Use Medium Density – Pedestrian Focus (C5a, 723, H73) Zone.

A Holding Provision has been included in the amending Zoning By-law, to prohibit development on the subject lands until such time as a Documentation and Salvage Report, Record of Site Condition (RSC) and a Required Fire Flow calculation have been submitted and approved to the satisfaction of the Director of Planning and Chief Planner, Ministry of Environment, Conservation and Parks (MOECP), and Manager of Development Approvals respectively.

The applications have merit and can be supported as they are consistent with the Provincial Policy Statement (2014) (PPS), conform to the Growth Plan for the Greater Golden Horseshoe (2017) (Growth Plan), and comply with the general intent of the City of Hamilton Official Plan and West Harbour (Setting Sail) Secondary Plan. The proposal is considered to be compatible with and complementary to the existing and planned development in the immediate area, represents good planning by providing a compact and efficient urban form, provides an alternative housing form for the neighbourhood, and provides services that support developing a complete community.

Alternatives for Consideration – See Page 27

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one public meeting to consider an application for an amendment to the Official Plan and Zoning By-law.

HISTORICAL BACKGROUND

Proposal

The subject property is located on the south side of Barton Street East between John Street North and Catharine Street North. The property is irregularly shaped, has a lot area of approximately 0.75 ha (7,505 sq m) and is municipally known as 80 and 92 Barton Street East and 245 Catharine Street North.

The majority of the subject lands are vacant however, a three storey building occupies the north east corner of the property. The applicant is proposing to demolish the existing building to develop a five storey office building at the corner of Barton Street East and Catharine Street North and 45 dwelling units at the rear of the site. The applications have been supported by three submissions, summarized below.

First Submission – November, 2017 (attached as Appendix “E” to Report PED19060)

The original applications requested an Official Plan Amendment to redesignate the lands from “Prime Retail” and “Low Density Residential” to “Medium Density Residential 1” and a Zoning By-law Amendment for a change in Zoning from the from the “H/S-1058” (Community Shopping and Commercial Etc.) District, Modified, “H” (Community Shopping and Commercial Etc.) District, “L-mr-2” (Planned Development) District, and the “L-mr-2/S-1058 (Planned Development) District, Modified, to a site specific “E” (Multiple Dwellings, Lodges, Clubs, Etc.) District, to permit a five storey office building fronting onto Barton Street East with associated underground (105 spaces) and at grade (seven spaces) parking. Thirty-six residential units were proposed for the remaining portion of the subject lands broken up into the following blocks:

- Block A: Eight stacked townhouse units and one standard townhouse end unit;
- Block B: Eight maisonette units and one standard townhouse end unit;
- Block C: 14 stacked townhouse units and one standard townhouse end unit; and,
- Block D: One duplex dwelling unit and one triplex dwelling unit.

The applicant proposed parking spaces associated with the residential units be provided below grade, at grade and within attached garages. The office building would have access from Barton Street East and from an internal condominium road. The proposed townhouse dwelling units would have access via a condominium road.

Second Submission – December 4, 2018 (attached as Appendix “F” to Report PED19060)

The applicant addressed Design Review Panel (DRP) comments with modifications to the concept plan to reconfigure the site layout:

- Block B: Aligned to have frontage on the internal condominium road thereby enhancing pedestrian access through the site; and,
- Block D: Two multiple dwellings created aligning with the westerly side yard to make better use of the site, and to create more accessible communal amenity area.

Parking for Block B was relocated to the below grade parking structure thereby adding landscaped open space along the internal condominium road.

No changes were proposed to the office building as a result of the second submission.

Third Submission – January 14, 2019 (attached as Appendix “G” to Report PED19060)

The final submission includes provisions for amenity area, a more cohesive site layout, and additional setbacks to abutting existing single detached dwellings. The third submission has relocated all residential parking spaces to be at grade and contained within attached garages. All below grade parking will be devoted to the professional office building. No additional changes have been proposed for the professional office building.

The Official Plan Amendment application was amended to maintain the “Prime Retail” designation along Barton Street East and redesignate the rear portion of lands from “Low Density Residential” to “Prime Retail”. Additionally, amendments to Schedule “M-4” Building Heights and a Site Specific Policy Area have been added by staff to permit the five storey office building and the Stacked Townhouse Dwellings and Multiple Dwelling units. The applicant agreed to the amendments to preserve the prime retail planned function of Barton Street East and to create one cohesive designation for the entire property.

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With the implementation of the Commercial and Mixed Use Zones staff recommended that the Zoning By-law Amendment application be amended to incorporate the subject lands into Zoning By-law 05-200 in a site specific Mixed Use Medium Density – Pedestrian Focus (C5a) Zone. The applicant agreed that the Commercial and Mixed Use Zones were appropriate and maintained the intent of the original application.

The final concept plan is broken into the following blocks:

- Block A: Nine stacked townhouse dwelling units.
- Block B: Nine stacked townhouse dwelling units.
- Block C: 15 stacked townhouse dwelling units.
- Block D1: Six unit multiple dwelling.
- Block D2: Six unit multiple dwelling.
- Office Building: 4,552 sq m office building (including medical clinic).
- Amenity Area: Balconies – 147 m²
Decks – 73 m²
Communal Area – 170 m²
Total amenity area 390 m²
Amenity Area per unit – 8.6 m²
- Parking: Office building:
- 110 parking spaces below grade.
- Seven parking spaces at grade.
- Total 117 parking spaces.
- Residential Parking:
- 55 parking spaces at grade (1.22 spaces per unit).

Chronology:

- November 27, 2017: Submission of Official Plan Amendment and Zoning By-law Amendment Applications OPA-17-041 and ZAC-17-090.
- December 14, 2017: Applications OPA-17-041 and ZAC-17-090 deemed complete.

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<u>December 21, 2017:</u>	Notice of Complete Applications and Preliminary Circulation was sent to 583 property owners within 120 m of the subject property.
<u>January 11, 2018:</u>	Public Notice Sign installed.
<u>May 10, 2018:</u>	Design Review Panel meeting.
<u>October 20, 2018:</u>	Public meeting held by the applicant.
<u>November 21, 2018:</u>	Public meeting held by the applicant.
<u>December 10, 2018:</u>	Second submission from applicant.
<u>January 14, 2019:</u>	Third submission from applicant.
<u>March 6, 2019:</u>	Public notice sign updated with Public Meeting date.
<u>March 15, 2019:</u>	Circulation of the Notice of Public Meeting to 583 property owners within 120 m of subject property.

Details of Submitted Applications:

Owner:	John Barton Investments c/o Vince Fulgenzi	
Applicant:	IBI Group c/o Scott Arbuckle	
Location:	80 and 92 Barton Street East 245 Catharine Street North	
Property Description:	<u>Lot Frontage:</u>	48.02 m (Barton Street East) 40.49 m (John Street North) 101.33 m (Catharine Street North)
	<u>Lot Depth:</u>	approximately 192.6 m
	<u>Lot Area:</u>	7,505 m ²
	<u>Servicing:</u>	Existing full municipal services

Existing Land Use and Zoning:

	<u>Existing Land Uses</u>	<u>Existing Zoning</u>
<u>Subject Property</u>	Three storey commercial building	“H” (Community Shopping and Commercial, Etc.) District; “H/S-1058” (Commercial Shopping and Commercial, Etc) District, Modified; “L-mr-2” (Planned Development) District; and, “L-mr-2/S-1058” (Planned Development) District, Modified

Surrounding Land Uses:

North	Two storey commercial building Single detached dwellings	“D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District
East	Two storey commercial building Retirement home	J/S-378 (Light and Limited Heavy Industry, Etc.) District, Modified; “D/S-378” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Modified; and, Community Institutional (I2) Zone
South	Single detached dwellings	“D/S-378” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Modified; and, “D/S-1722” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Modified
West	Three storey multiple dwelling	“E-1/S-988” (Multiple Dwellings, Lodges, Clubs, Etc.) District, Modified

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POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014) (PPS)

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the PPS. The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The following policies, amongst others, apply to the proposed development.

Settlement Areas

With respect to Settlement Areas, the PPS provides the following:

“1.1.3.1 *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

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;
 - 2. are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and / or uneconomical expansion;
 - 4. *support active transportation*;
 - 5. are *transit-supportive*, where transit is planned, exists or may be developed;
- b) a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.”

The subject property is located within a settlement area as defined by the PPS. The proposed five storey office building and 45 dwelling units would contribute to the mix of land uses in the area, would efficiently use land and existing infrastructure, and represents a form of intensification. The proposal is transit-supportive by providing intensification in close proximity to the West Harbour GO Station, along an established HSR public transit route and by providing 24 bicycle parking spaces.

Cultural Heritage and Archaeology

With respect to Cultural Heritage and Archaeology, the PPS provides the following:

- “2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.
- 2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or area of archaeological potential unless significant archaeological resources have been conserved.
- 2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.”

The subject property meets two of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

- 1. In areas of pioneer EuroCanadian settlement; and,
- 2. Along historic transportation routes.

Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the PPS apply to the lands. An acknowledgement note of the archaeological requirements applicable to the site would be required at the Site Plan Control stage.

ASI Archaeological & Cultural Heritage Services completed a Cultural Heritage Impact Assessment (CHIA) dated September, 2017. The Report assessed the impact of the redevelopment of the subject lands. Staff have reviewed the CHIA and forwarded it to the Policy and Design Working Group (the Working Group) of the Hamilton Municipal Heritage Committee for comment. At their meeting on January 15, 2018 the Working Group expressed concern with the findings of the CHIA and determined that the property has cultural heritage value under the following of the City’s Framework for Cultural Heritage Evaluation:

- Integrity
 - Location Integrity
 - Built Integrity
- Environmental Context
 - Landmark

- Character of the area
- Setting

At a second meeting held on February 12, 2018, the working group considered the deterioration of the building and ultimately did not recommend designation of the property.

Staff have reviewed the CHIA and agree with the majority of the conclusions, however disagree with the conclusions that the property does not have contextual value. While the property may not be an ideal candidate for designation, staff had discussions with the owner about the adaptive reuse of the building. The applicant has indicated that the adaptive reuse of the building is not possible as the existing building contains designated substances, under the *Environmental Protection Act*, to a degree that abatement and removal would not be possible. While the adaptive reuse is not possible staff have added a Holding Provision to the amending Zoning By-law (attached as Appendix “C” to Report PED19060) requiring that the owner submit and receive approval of a Documentation and Salvage Report prior to any development on the subject lands.

Noise

Regarding noise, the PPS provides the following:

“1.2.6.1 Major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and / or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities.”

The applicant submitted a Noise Feasibility Study prepared by HGC Engineering dated November 15, 2017 for the subject proposal. HGC Engineering determined that any additional local traffic created as a result of the development will not be substantial enough to significantly affect noise levels. However, the Noise Feasibility Study did determine that future road traffic levels will exceed the MOECP noise guidelines at some of the commercial building and townhouse facades. A revised Noise Feasibility Report will be required demonstrating that the development can meet Ministry of the Environment, Conservation and Parks (MECP) noise guidelines. Any required noise mitigation measures and warning clauses would be implemented at the Site Plan Control stage and as future conditions in a Plan of Condominium.

Given the foregoing, staff are of the opinion that the applications are consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe (2017)

The Growth Plan directs the majority of growth to settlement areas that have access to municipal water and wastewater systems and can support the achievement of complete communities. The following policies, amongst others, apply to the proposal:

“2.2.1.2 a) Forecasted growth to the horizon of this Plan will be allocated based on the following:

- a) the vast majority of growth will be directed to *settlement areas* that:
 - i. have a *delineated built boundary*;
 - ii. have existing or planned *municipal water and wastewater systems*; and
 - iii. can support the achievement of *complete communities*;

2.2.1.2 c) within *settlement areas*, growth will be focused in:

- i. delineated built-up areas;
- ii. strategic growth areas;
- iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and,
- iv. areas with existing or planned public service facilities;

2.2.1.4 Applying the policies of this Plan will support the achievement of *complete communities* that:

- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and *public service facilities*;
- c) provide a diverse range and mix of housing options, including second units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;

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The subject lands are located within the Hamilton urban boundary and are fully serviced by municipal water and wastewater infrastructure. The proposal contributes to a complete community by adding commercial services along Barton Street East and expanding housing options within the neighbourhood (Policy 2.2.1.4 a) and c)). The proposed five storey office building and 45 townhouse dwelling units would have access to a range of transportation options, including the West Harbour GO train station (Policy 2.2.1.2 c)).

Also, according to Policy 2.2.2.1 of the Growth Plan, by the year 2031, and each year thereafter, a minimum of 60% of all residential development occurring within a municipality must be within the delineated built up area. This proposal represents a form of residential intensification within the built up area, consistent with the growth management policies of the Growth Plan.

Based on the forgoing, the proposal conforms with the policies of the Growth Plan.

Urban Hamilton Official Plan

The Urban Hamilton Official Plan (UHOP) was approved by Council on July 9, 2009 and the Ministry of Municipal Affairs on March 16, 2011.

There was no decision (Non-decision No. 113) made by the Ministry regarding the adoption of the West Harbour (Setting Sail) Secondary Plan into the UHOP because at the time the Ministry was reviewing the UHOP, the Secondary Plan was still under appeal. The lands are currently identified as “Lands Subject to Non Decision 113 West Harbour Setting Sail” on Schedule E-1 of the UHOP, therefore the UHOP policies do not apply. As a result, when the UHOP came into effect on August 16, 2013, it did not affect the West Harbour (Setting Sail) Secondary Plan. Should the applications be approved, staff would request that the proposed Official Plan Amendment be included in the Secondary Plan at the time when the Ministry deals with the non-decision.

Hamilton-Wentworth Official Plan

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 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 and the following policies, amongst other, apply to the proposal.

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 in 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;
- Higher density development can reduce per capita servicing costs and makes more efficient use of existing services;
- Efficient and affordable public transit systems can be established;
- 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 complies with the above policy direction to encourage redevelopment of the subject lands for compact development within the Urban Area. The proposed five storey office building and 45 dwelling units would provide for efficient use of existing services. As such, the proposal complies with the policies of the Hamilton-Wentworth Official Plan.

City of Hamilton Official Plan

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. Schedule A of the City of Hamilton Official Plan designates the subject lands “West Harbour.” The policies of the West Harbour (Setting Sail) Secondary Plan provide more detailed designations and policy framework for this area. The following City of Hamilton Official Plan policies, amongst others, apply to the proposal.

“Subsection B.2.1 – Water Distribution

- 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.

Subsection B.2.2 – Sewage Disposal

- 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.

Subsection B.2.3 – Storm Drainage

- 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 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.”

There are existing services adjacent to the subject property including sanitary, storm and watermain sewers. The existing 1350mm sewer along John Street North is a storm relief sewer not a combined sewer. A revised Functional Servicing Report is

required at the Site Plan Control stage to address the following issues, among others: water demand, required fire flow, and stormwater management.

“Subsection 2.4.5- Solid Waste Disposal

- 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.”

The proposed development is eligible for municipal waste collection by City Services subject to the requirements of the City’s Solid Waste Management By-law 09-067. Waste collection will be examined in greater detail at the Site Plan Control stage.

“Subsection C.7 – Residential Environmental and Housing Policy

- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

- C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

- iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and / or physical infrastructure that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;
- v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;
- ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents;

- xii) Encourage development at densities conducive to efficient operation of Public Transit and which utilizes design or construction techniques that are energy efficient;”

The proposed mixed use development complies with Policy C.7.3 as it efficiently utilizes the existing infrastructure, positively contributes to the streetscape and makes use of an underutilized lot. The residential development will contribute to the variation of housing stock available in the neighbourhood at a scale that is in keeping with the character of both John Street North and Catharine Street North. The proposed Blocks have been distributed to have higher density units internal to the site, with stacked townhouses along the street edge. The development is appropriately distributed to reduce impacts on the surrounding neighbourhood, with sufficient buffers / setbacks to protect for privacy and overlook. The proposed office building will maintain the commercial character and will contribute to the vibrancy of Barton Street East.

Based on the above policy review, the proposal complies with the City of Hamilton Official Plan with respect to the applicable 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. Due to appeals to the Ontario Municipal Board (OMB), the Secondary Plan was not deemed to be in effect until the OMB issued its final decision in 2012. This decision added the Secondary Plan to the former City of Hamilton Official Plan as that was the Official Plan 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 Setting Sail Secondary Plan area were noted as being subject to Non-Decision No. 113. Therefore, the operable Secondary Plan policies in effect to review against the proposed development are those policies in the West Harbour (Setting Sail) Secondary Plan OPA No. 198, instead of the UHOP (Volume 2).

The subject property is identified as “Stable Areas” and “Corridor of Gradual Change” on Schedule M-1 – Planning Area and Sub-Areas and is designated “Prime Retail” and “Low Density Residential” on Schedule M-2 – General Land Use. The applicant has proposed to re-designate a portion of the property from “Prime Retail” and “Low Density Residential” to “Medium Density Residential 1” on Schedule M-2. Staff has amended the application to re-designate the rear portion of the subject lands from “Low Density Residential” to “Prime Retail”. The staff recommended amendment does not change the intent of the application, however the change provides for cleaner implementation of the proposed development.

The lands are located within the “Zone of Noise Influence” on Schedule M-3 – Zone of Noise Influence. The subject property is restricted to a height limitation of 2-4 storeys on Schedule M-4 – Building Heights. The following policies, amongst others, apply to the proposal:

“Planning Principles

A.6.3.2.2 Strengthen existing neighbourhoods;

- i) ensure new development respects and enhances the character of the neighbourhood;
- iii) encourage compatible development on abandoned, vacant and under-utilized land;

A.6.3.3.1.18 James Street and Barton Street are the prime retail streets in West Harbour. In Prime Retail areas:

- ii) most of the street-facing portion of the ground floor of buildings shall be reserved for street-related commercial and/or community uses, including retail stores, restaurants, take-out restaurants, business and personal services, and/or professional offices;
- iii) the ground floors of all building shall have windows and doors opening onto the street to provide “eyes on the street” and an interesting pedestrian experience;
- iv) The range of uses permitted on upper floors shall include residential, live/work and office. Two-storey retail stores are permitted, and personal services are permitted on the second floor of buildings;
- vi) the density and height of development shall be governed by the maximum heights identified on Schedule “M-4”;
- v) buildings generally shall be built close to or at the front property line to maintain a consistent street wall subject to the development satisfying sightline requirements entering the public road allowance;
- ix) ground-floor uses shall have their main entrances on the street, with barrier free access at grade;

- x) parking areas shall be provided at the rear of sites, with access from public streets or laneways;
- xi) the design and massing of buildings shall minimize shadow and wind impacts on the public realm; and,
- xii) the design of new developments shall have respect for the light, views and privacy enjoyed by residents in adjacent buildings and areas.

A.6.3.3.4 Urban Design

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 located 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,”

The applicant has requested a change in designation from “Prime Retail” and “Low Density Residential” to “Medium Density Residential 1” to accommodate the development of 45 dwelling units at the rear of the subject lands as shown on the concept plan (attached as Appendix “G” to Report PED19060).

Staff have amended the application to redesignate the rear portion of land from “Low Density Residential” to “Prime Retail”, creating one designation, being “Prime Retail”, on the entire property. Staff has proposed these amendments to preserve the prime retail function of Barton Street East while allowing for residential intensification at the rear of the subject lands. The amendment includes permitting Multiple Dwellings and Stacked Townhouse Dwelling units to be developed on a property where the majority of the Barton Street East street line is occupied by a commercial use (i.e professional office building). The amended application provides clearer implementation direction and prioritizes the Barton Street East retail / commercial function while allowing for appropriate residential intensification along the John Street North and Catharine Street North lot lines.

Access to the residential blocks is provided from John Street North and Catharine Street North via a common element condominium road and parking is provided internal to the site blocked from view from the public realm (Policy A.6.3.3.1.13 vii) and viii).

Blocks A and C on the concept plan (attached as Appendix “G” to Report PED19060) propose townhouse dwelling units with frontage on John Street North and Catharine Street North respectively with a consistent setback with the single detached dwellings located to the south (Policy A.6.3.3.1.13 v), A.6.3.3.4.1 ii)). While the townhouse dwellings are four storeys in height, the proposed elevations (attached as Appendix “G” to Report PED19060) demonstrate that they will have the appearance of three storeys from the public street, maintaining the character and reducing the impact on the public realm (Policy A.6.3.3.1.13 iii), xii) and xiii).

Blocks B (maisonettes dwelling units), D1 and D2 (multiple dwelling units) are located internal to the site (see Appendix “G” to Report PED19060) and will have frontage on the common element condominium road. Block B is proposed to be three storeys in height and is adjacent to the proposed common amenity area. Blocks D1 and D2 are proposed to be four storeys in height. Blocks D1 and D2 abut the rear lot lines of existing single detached dwellings to the west. Concerns regarding privacy and overlook have been addressed with a minimum side yard setback of 3.0 m, additionally no balconies are proposed on the westerly facades of Blocks D1 and D2. Staff are of the opinion that the 3.0 m setback in combination with the size of the abutting rear yards provides sufficient buffering to protect the privacy of the existing single detached dwelling (Policy A.6.3.3.1.13 xiii)).

The concept plan (attached as Appendix “G” to Report PED19060) includes the provisions for both private (terraces and balconies) and common amenity area at a rate of approximately 8.6 m² per unit (with the exception of the westerly facades of Blocks D1 and D2 where balconies are not permitted). The subject property is within 1 km of ten municipal parks / open spaces. The private and communal amenity areas provided on site will complement the residents access to parks / open spaces (Policy A.6.3.3.1.13 x), xi)).

The northern portion of the subject lands, with frontage on Barton Street East, is proposed to be developed as a five storey office building, built up to the street line with direct access to the commercial building from the public side walk (Policy A.6.3.3.1.18 i), ii) iii) iv) vii), and A.6.3.3.4.1). The proposed office building use will activate the streetscape which will contribute to and enhance the pedestrian experience along Barton Street East.

The associated parking for both the proposed office building and townhouse dwelling units has been planned to be internal to the site, are screened from view from the public

realm by the residential blocks or are located within a below grade parking structure (Policy A.6.3.3.4.1 iii)). The location of the parking areas allows the development to create a comfortable pedestrian environment and a consistent street wall (Policy A.6.3.3.4.1 i)).

The “Prime Retail” designation (Policy A.6.3.3.1.18 vi) and Schedule “M-4” Building Heights in the Secondary Plan restricts the building height to 2-4 storeys. The majority of the proposed development is four storeys in height with the exception of the mechanical penthouse, which projects beyond the permitted four storeys of the office building. Typically, a mechanical penthouse would not be considered in the calculation of building height however, a small portion will be used for the purposes of an office and therefore would not be for the exclusive purpose of housing mechanical equipment. An amendment is required to allow the proposed office building to be a maximum of five storeys. The amendment to height will not significantly impact the public realm, or the privacy of adjacent residential buildings or amenity areas (Policy A.6.3.3.1.18 xi) and xii) and A.6.3.3.4.1 ii)).

“A.6.3.3.3 Heritage

A.6.3.3.3.4 A Heritage Impact Assessment, in accordance with the Official Plan for the City of Hamilton, and to the satisfaction of the City, may be required for any private development or public initiative the proposes to erect, demolish or alter buildings or structures on or adjacent to properties that are:

- ii) listed on the City’s Inventory of Buildings of Architectural and/or Historical Interest;

A.6.3.3.3.5 The Heritage Impact Assessments, where required, shall be submitted with development or building permit applications and shall be reviewed by the City’s Municipal Heritage Committee.

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.”

As discussed in the PPS Section of this Report, Staff are satisfied that, upon submission of a Documentation and Salvage Report as required through Holding Provision 73 (attached as Appendix “C” to Report PED19060), the heritage features of the existing three storey heritage building will be appropriately catalogued. The proposed development is in line with and is consistent with the existing built form along Barton Street East, Catharine Street North and John Street North, and is reflective of the surrounding character (Policy A.6.3.3.7).

“A.6.3.6 Corridors of Gradual Change

A.6.3.6.1.1 The policies of this section shall apply to those properties with a lot line fronting the portions of York Boulevard, Cannon Street, Barton Street and James Street identified as Corridors of Gradual Change on Schedule “M-1”. They shall also apply to the public road allowance within these corridors. Where land assembled for redevelopment includes a lot with frontage on a street within a Corridor of Gradual Change, the policies of this section shall apply to all of the land assembled to a maximum depth generally 50 m.

A.6.3.6.1.4 Redevelopment within Corridors of Gradual Change shall respect the scale and character of existing development in adjacent Stable Areas, providing an appropriate transition in the height and massing of buildings; screening any surface parking, loading and service areas; and minimizing traffic impacts on local streets.

A.6.3.6.3.4 Barton Street

A.6.3.6.3.4.1 Redevelopment and improvements in the Barton Street Corridor shall seek to reinforce its role as a retail street; better connect the residential areas to the north and south; create a safe and inviting pedestrian environment; and enhance the mixed-use character of the street.

Stable Areas:

A.6.3.7 Stable Areas

The Stable Areas are identified on Schedule “M-1”. They comprise the generally low density neighbourhoods that define the residential character of West Harbour. Significant physical change is not anticipated in Stable

Areas. The intent of the policies in this section is to maintain and reinforce the character of existing neighbourhoods and to encourage the replacement of inappropriate industrial and commercial uses with sensitively-designed residential development.

A.6.3.7.1 Land Use

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

The proposed office building will reinforce the planned function of Barton Street East as a retail street. The proposed office building is an active use that will draw pedestrians to and from the site and will provide additional ‘eyes on the street’, establishing a safe pedestrian environment (Policy A.6.3.6.3.4.1). The proposed townhouse dwelling units will be restricted in the implementing Zoning By-law (attached as Appendix “C” to Report PED19060) to maintain and be consistent with the form and character of the adjacent residential areas (Policy A.6.3.7) and maintain the intent of the Stable Area Policies.

Based on the foregoing, the proposed amendments to permit a five storey office building and 45 dwelling units meet the intent of the Planning Principles (A.6.3.2.2) and the “Prime Retail” designation of the Setting Sail Secondary Plan and can be supported.

RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections to the applications:

- Strategic Planning Section, Public Works Department;
- Health Protection, Public Health Services Department;
- Recreation Planning; and,
- LRT Office.

The following Departments and Agencies have provided comments on the applications:

Forestry and Horticulture, Public Works Department acknowledge that there are potential conflicts with publicly owned trees. Where existing municipal trees are impacted by development work, are within proximity of the development work or access/egress to the development work a Tree Management Plan is required. A landscape plan is required depicting the street tree planting scheme for the proposed

development. All plans and fees must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician at the Site Plan Control stage.

Landscape Architectural Services, Public Works Department commends that there is dedicated 'park space' and its inclusion will contribute to creating a liveable neighbourhood as per the UHOP. Note that the open space will not contribute to parkland dedication. Additional consideration should be given to street tree planting along John Street North and Catharine Street North at the Site Plan Control stage.

Transportation Planning, Planning and Economic Development Department staff advise that the Transportation Demand Management initiatives in the proposed applications meet the objectives of the City, as outlined in the TDM for development document. A future day light triangle dedication of 4.57 m by 4.57 m has been incorporated in the concept plan (attached as Appendix "G" to Report PED19060) as per the approved Right of Way Impact Assessment and will be required to be dedicated at the Site Plan Control stage.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 583 property owners within 120 m of the subject property on December 22, 2017. A Public Notice sign was posted on the property on January 11, 2018, and updated on March 6, 2019 with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act*.

The applicant held two Public Open Houses on October 20th, 2018 and November 21st, 2018. Seventeen people in total attended the two meetings.

To date, staff have not received any letters from the public regarding the applications.

Design Review Panel (DRP)

The Official Plan Amendment and Zoning By-law Amendment applications were presented to the DRP review as the subject lands are located on a Corridor of Gradual Change within the Setting Sail Secondary Plan. The applications were presented to DRP on May 10th, 2018 to address the following questions:

1. Does the proposal provide an adequate amount of private outdoor amenity area for the occupants of the townhouse dwellings?

2. Do the proposed townhouse dwellings provide an adequate balance of variation and symmetry amongst them with respect to exterior cladding?
3. Does the proposed development respect the cultural heritage features of the existing environment by re-using, adapting, and incorporating existing characteristics?

The DRP found that the initial development concept submitted lacked a cohesive, unifying idea. The development proposal would benefit from establishing a different configuration, centred on the pedestrian realm and grounded by a common architectural vocabulary, sympathetic to the historic character of the contextual area. The residential density or its distribution should be reconsidered to minimize surface roadway and parking areas and to maximize the availability of and accessibility to a central open space or amenity area. A more urban appearance and functionality was recommended overall for the residential component, to address contextual compatibility. The panel recommended retaining the existing corner building or its façade elements, given its heritage value and character.

The applicant submitted second and third revisions (see Appendix “E” and “F” to Report PED19060) to the proposed development to address the overall site layout, amenity area and the facades of the proposed residential units. Staff are satisfied that the revisions demonstrated on the concept plan (attached as Appendix “G” to Report PED19060) provide for a cohesive site layout with adequate pedestrian connectivity, and private and communal amenity area. Additional consideration to the DRP comments will be incorporated at the Site Plan Control stage.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The Official Plan Amendment and Zoning By-law Amendment have merit and can be supported for the following reasons:
 - (i) The application is consistent with the PPS and conforms to the Growth Plan for the Greater Golden Horseshoe (2017), in terms of intensification and the development of complete communities;
 - (ii) The application complies with the policies of the Hamilton-Wentworth Official Plan, the City of Hamilton Official Plan, and the Setting Sail Secondary Plan upon approval of the amendments; and,
 - (iii) The proposed development is compatible with existing land uses in the immediate area and represents good planning by, among other things, providing for the development of a complete community, enhancing the

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streetscape along Barton Street East, and making efficient use of existing infrastructure within the urban boundary.

2. The subject property is located on the south side of Barton Street East between John Street North and Catharine Street North in Hamilton. The property currently contains a three storey building, which will be demolished to accommodate the proposed five storey office building and 45 townhouse dwelling units.
3. The following site specific modifications to the City of Hamilton's Zoning By-law No. 05-200 are required to implement the proposal (see Appendix "D" to Report PED19060):

Modifications requested by the applicant include:

- Consolidated lot regulation;
- Establish Barton Street East as the front lot line;
- Reduced parking rate for commercial uses;
- Reduced parking stall size;
- Reduction in minimum rear yard setback; and,
- Reduction in minimum side yard abutting a residential zone.

Additional modifications have been added by Staff to provide additional restrictions to ensure the proposed development meets the intent of the Official Plan and Zoning By-law. These amendments are more restrictive than the applicant had requested or are technical in nature as a result of bringing the subject lands into Zoning By-law 05-200:

- Permitted uses, definitions, and regulations for Multiple Dwelling and Stacked Townhouse Dwelling units;
- Minimum Amenity Area requirements; and,
- Commercial loading space.

Additional modifications are required to address the appealed portions of the Mixed Use Medium Density – Pedestrian Focus (C5a) Zone. These modifications carry forward the Council approved zoning regulations that have not yet come into force and effect to ensure that any development on the subject lands will be subject to the provisions. The regulations include:

- Built form for new development regulations; and,
- Parking standards.

The proposed modifications meet the intent of the “Prime Retail” designation in the Setting Sail Secondary Plan and create regulations that will ensure that development will be in a form that is consistent and complementary to the surrounding neighbourhood. These modifications are identified and discussed in detail in Appendix “D” to Report PED19060.

4. A Holding Provision is recommended for a Record of Site Condition, Documentation and Salvage Report and Fire Flow Calculations.
5. The proposal is subject to Site Plan Control, which will allow for a detailed review of the development including matters such as conformity with the proposed zoning, grading, drainage, storm water management, landscaping, access, parking, fencing and building design.
6. Development Engineering has reviewed the applications, and the associated Functional Servicing Report (FSR) prepared by IBI Group, dated November 20, 2017, which was submitted as part of the subject applications. Development Engineering are satisfied with the proposal and requested minor revisions to the FSR with respect to water demand, and requested fire flow. In addition to the revised FSR, the owner / applicant will be required to submit a detailed grading plan, water hydraulic analysis, wastewater generation report, site servicing plan, and storm water management quantity and quality control as a condition of a future Site Plan Control application.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Official Plan Amendment and Zoning By-law Amendment applications be denied, the applicant could develop the lands in accordance with the “H” (Community Shopping and Commercial, Etc.) District, “H/S-1058” (Commercial Shopping and Commercial, Etc.) District, Modified, “L-mr-2” (Planned Development Multiple Residential Uses) District, and “L-mr-2/S-1058” (Planned Development Multiple Residential Uses) District, Modified.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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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.

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A” – Location Map
- Appendix “B” – Official Plan Amendment
- Appendix “C” – Zoning By-law Amendment
- Appendix “D” – Zoning Modification Table
- Appendix “E” – Original Submission Concept Plan
- Appendix “F” – Second Submission Concept Plan
- Appendix “G” – Final Submission Concept Plan