



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	June 4, 2019
SUBJECT/REPORT NO:	Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 468 to 476 James Street North, Hamilton (PED19116) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Daniel Barnett (905) 546-2424 Ext. 4445
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Official Plan Amendment Application UHOPA-18-07 by JvN James St. G.P. Inc. c/o John Van Nostrand, Owner**, for a change in building height permissions on Schedule “M-4” Building Heights to permit the redevelopment of the subject lands for an eight storey mixed use building containing 384 sq m of commercial gross floor area on the ground floor, 92 flexible housing units above and with three surface parking spaces and 36 parking space contained in one level of underground parking, for lands located at 468 to 476 James Street North, as shown on Appendix “A” to Report PED19116, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED19116, 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-18-020 by JvN James St. G.P Inc. c/o John Van Nostrand, Owner**, for a further modification to the “H/S-978a” (Community Shopping and Commercial, Etc.) District, Modified, to

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permit the redevelopment of the subject lands for an eight storey mixed use building containing 384 sq. m. of commercial gross floor area on the ground floor, 92 flexible housing units above, and with three surface parking spaces and 36 parking spaces contained in one level of underground parking, for lands located at 468 to 476 James Street North as shown on Appendix “A” to Report PED19116, be **APPROVED**, subject to the following:

- (i) That the draft By-law, attached as Appendix “C” to Report PED19116, 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 Provision of section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol ‘H1’ as a suffix to the proposed zoning for the following:
 - (a) The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted 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 MECP, and submission of the City of Hamilton’s current RSC administration fee.
 - (b) For such time as the Holding Provision ‘H2’ symbol is applicable to the lands referred to in Section 2, the lands shall only be used in accordance with “H/S-978a” (Community Shopping and Commercial, etc.) District except where in conflict with the following:
 - (i) Regulations

The maximum dwelling units and live work units shall be restricted to 99 units.
 - (ii) Condition for Holding Provision Removal

That the applicant submit and receive approval of a Traffic Impact Study where greater than 99 dwelling units/live work units are

proposed, to the satisfaction of the Director of Transportation Planning.

EXECUTIVE SUMMARY

The subject property is municipally known as 468 to 476 James Street North, Hamilton. The Owner, JvN James St. GP. Inc, c/o John Van Nostrand has applied for amendments to the City of Hamilton Official Plan and Zoning By-law No. 6593 to permit an eight storey mixed use building containing 384 sq. m. of commercial gross floor area on the ground floor and 92 housing units above, and with three surface parking spaces and 36 parking spaces contained in one level of underground parking, which establishes a parking rate of 0.42 parking spaces per unit. Three parking spaces will be provided at grade and the remaining spaces will be located in one level of underground parking. The building is being designed such that the number of units within the building can be modified based on changing market needs.

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, and provides an alternative housing form for the neighbourhood.

Alternatives for Consideration – See Page 33

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 north east corner of James Street North and Ferrie Street East.

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The subject property contains two buildings, both two storeys in height, one containing a mixed use building with commercial uses at grade and dwelling units on the second floor. The second building contains exclusively dwelling units. Both buildings will be demolished as part of the proposed redevelopment of the subject lands.

Flexible Dwelling Units

The proposed development is intended to establish flexible dwelling units. This concept allows prospective purchasers to purchase gross floor area (GFA) within the building, purchasing more GFA to establishing a larger dwelling unit or less GFA to establish a smaller dwelling unit. As a result of the flexible nature of the dwelling units an exact number of units cannot be determined and only an approximate number of units can be identified. The proposed flexible housing units provide an alternative form of dwelling unit to satisfy various housing needs. The parking will be provided at a rate of 0.42 parking spaces per unit or 39 parking spaces whichever is greater. Based on 39 parking spaces being provided a maximum of 92 dwelling units can be provided, any additional dwelling units above 92 dwelling units would require that additional on-site parking be provided. If the number of units is greater than 99 units a Traffic Impact Study (TIS) will be required. In order to ensure that a TIS is undertaken should the number of units proposed be greater than 99 units an 'H' Holding Provision 'H2' is recommended. It is noted that any intended modifications that alter the number of dwelling units, establish additional units beyond the initial 92 units proposed will require a building permit at which time the applicant will be required to demonstrate conformity with the Zoning By-law.

In respect to the proposed dwelling units the intention with respect to tenure is to establish Condominium ownership. This will be undertaken as part of a future application for Draft Plan of Condominium.

Third Submission – March 2018 (attached as Appendix “G” to Report PED19116)

Based on comments received in response to the initial and second submissions (Appendix E and F to Report PED19116) a third submission included revisions to the number of flexible dwelling units which were increased from 91 units to 92 units. The proposed setbacks and stepbacks of the second submission remain unaltered from the second submission. The height of the mechanical penthouse was reduced by 1.0 m metre and the extent of the mechanical penthouse and other features on the roof, that increase the perceived height of the building, have been reduced.

Two undersized parking spaces with lengths of 4.5 m have been removed, reducing the total number of parking spaces to 39 spaces and establishing a rate of 0.42 spaces per unit. The two parking spaces that were removed have been replaced with an additional 13 long term bicycle parking spaces increasing the total from 24 to 37 long term bicycle

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parking spaces, which was subsequently further increased by the applicant to 45. The total number of short term bicycle parking spaces has not been changed from the previous submission.

Staff Revision

Based on a review of the applications by staff, the proposal to change the zoning to the “CR-1” (Commercial – Residential Districts) District, Modified was amended instead to modify the existing “H” District zoning to allow the development outlined in the third submission. The amended application has been reviewed by the applicant and the applicant does not object to modifying the “H” District.

Chronology:

- March 9, 2018:** Submission of Official Plan Amendment and Zoning By-law Amendment Applications UHOPA-18-07 and ZAC-18-020.
- March 27, 2018:** Applications UHOPA-18-07 and ZAC-18-020 deemed complete.
- April 3, 2018:** Notice of Complete Applications and Preliminary Circulation was sent to 259 property owners within 120 m of the subject property.
- April 11, 2018:** Public Notice Sign installed.
- June 14, 2018:** Design Review Panel meeting.
- July 4, 2018:** Public meeting held by the applicant.
- September 25, 2018:** Second submission from applicant.
- March 20, 2019:** Third submission from applicant.
- May 8, 2019:** Public notice sign updated with Public Meeting date.
- May 17, 2019:** Circulation of the Notice of Public Meeting to 259 property owners within 120 m of subject property.

Details of Submitted Applications:

Owner: JvN James Street G.P. Inc. c/o John Van Nostrand

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Applicant: SvN Architects & Planners c/o Anthony Greenberg

Location: 468, 470, 474 and 476 James Street North, Hamilton

Property Description:

<u>Lot Frontage:</u>	33.51m (James Street North) 47.27m (Ferrie Street East)
<u>Lot Depth:</u>	47.27m
<u>Lot Area:</u>	1,683 sq m
<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>	Mixed use building and multiple dwelling	“H/S-978” (Community Shopping and Commercial, Etc.) District, Modified

Surrounding Land Uses:

North	Two storey multiple dwelling	“DE-3” (Multiple Dwellings) District
East	Single detached dwellings	“D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District
South	Street townhouse dwellings	“DE-3” (Multiple Dwellings) District
West	Single detached dwellings	“C” (Urban Protected Residential, Etc.) District

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 eight storey mixed use building 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 along an existing bus route on James Street North and located within 400m of the West Harbour GO Station and providing secure bicycle parking spaces on-site.

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.

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- 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.

The City recognizes there may be cultural heritage properties that are not yet identified or included in the Register of Property of Cultural Heritage Value or Interest nor designated under the *Ontario Heritage Act*, but still may be of cultural heritage interest. These may be properties that have yet to be surveyed, or otherwise identified, or their significance and cultural heritage value has not been comprehensively evaluated but are still worthy of conservation.

Although not formally recognized under the *Ontario Heritage Act* through registration or designation, the subject property is of potential cultural heritage value as the property is included in the James Street North – Port Hamilton Cultural Heritage Landscape Inventory. As a result, staff have an interest in ensuring that the resource is appropriately documented prior to demolition.

A Documentation and Salvage Report was prepared and submitted with the applications for Official Plan Amendment and Zoning By-law Amendment. The initial report included photos of 468 and 470 James Street North but did not include photos for the interior of 474 and 476 James Street North. The applicant subsequently submitted additional photos respecting the interior of 474 and 476 James Street North. On this basis the required Documentation and Salvage Report requirement has been satisfied.

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 Impact Study prepared by J.E. Coulter Associates Limited dated March 7, 2018 for the subject proposal. J.E. Coulter Associates Limited determined that noise levels created from existing rail and road sources exceed the maximum unmitigated noise level requirements of the Ministry of the Environment, Conservation and Parks (MOEP) and identified mitigation measures that will be required to mitigate the noise impacts for the proposed development.

The study noted that all outdoor amenity areas are less than 4.0 m in depth and therefore do not require additional noise control measures. This assessment appears to be based on the original plans in which all terraces were less than 4.0 m in depth, whereas the proposed terraces on the easterly side of the building on the top of the sixth floor are now greater than 4.0 m. Furthermore, the greenspace and roof top amenity area on the roof of the eighth storey exceeds a depth of 4.0 m and therefore noise mitigation measures for outdoor amenity areas are applicable. An update to the Noise Impact Study will be required as part of the Site Plan Control application.

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

Growth Plan for the Greater Golden Horseshoe (2019)

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;”

The subject lands are located within the Hamilton urban boundary and are fully serviced by municipal water and wastewater infrastructure. The proposal complements the community by providing commercial uses at grade along James Street North and expands housing options within the neighbourhood (Policy 2.2.1.4 a) and c)). The proposal represents a form of residential intensification within the built up area, in proximity to existing transit routes on James Street North and higher order transit (West Harbour GO Station) which is 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:

- Higher density development can reduce per capita servicing costs and makes more efficient use of existing services;
- Effective community design can ensure people are close to recreation, natural areas, shopping and their workplace; and,

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- A compact community makes walking and bicycling viable options for movement.”

The proposal complies with the direction to encourage redevelopment of the subject lands for compact development within the Urban Area. The proposed eight storey mixed use building would provide for an efficient use of existing services, adds residential units in close proximity to existing recreation, shopping and workplaces, and contributes to a compact community. 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 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 on both James Street North and Ferrie Street East. A Functional Servicing Report, dated February 22, 2018, by IBI Group, was submitted in support of the applications. While no concerns were identified with respect to establishing the principal of the land use for the subject property, a revised Functional Servicing Report will be required at the Site Plan Control stage to address the following: storm water management, water demand and required fire flow.

“Subsection B.2.4 - 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.4 – Pollution

B.4.9 Council recognizes the Ministry of Environment and Energy’s concerns regarding the potential for contamination of soils and supports its efforts for the decommissioning of such sites. Accordingly, where the development / redevelopment is proposed for lands currently or previously known to be used for industrial, transportation or utility purposes Council will, in the consideration of an amendment application to this Plan and / or the implementing Zoning By-law:

- i) Require the proponent to submit to the Ministry of Environment and Energy, in accordance with the Ministry’s requirements, a professional analysis of soils on the site determining the presence, type(s) and concentration of contaminants which may be hazardous to the environment and/or to human health as a prerequisite of development or redevelopment. Determination of contaminants for which analysis will be conducted will be based upon all present and previous uses of the site.

If the analysis identifies the presence of contaminants at concentrations above background levels, the Ministry will require the proponent to formulate and implement a remedial action plan in accordance with the Ministry's Guidelines for the Decommissioning and Clean-up of Sites in Ontario, (as may be amended). This plan will be submitted to the Ministry for approval.

Based on the previous use of the property as a commercial use there is a potential for site contamination of the subject lands. As the proposed development is seeking to establish residential land uses (a sensitive land use) an evaluation of the condition of the site and, if necessary, any required remediation work will need to be completed. In order to ensure that a Record of Site Condition is completed an 'H' Holding Provision will be applied.

“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;
- vi) Support new RESIDENTIAL development that provides tenure options and a range of prices / rents for new dwellings that will be “affordable” to Hamilton residents;

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- 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 the efficient operation of Public Transit and which utilizes designs or construction techniques that are energy efficient.”

The proposed mixed use development includes setbacks and stepbacks to provide a transition in scale from the proposed mid-rise multiple dwelling units to the existing low rise dwellings located to the east, south and west, and provides sufficient spacing and screening to maintain privacy and amenity for adjacent residents (Policy C.7.2).

The proposed mixed use development supports makes use of existing infrastructure, and is massed through the use of setbacks and stepbacks in a manner that positively contributes to the streetscape (Policy C.7.3 iii)). The proposed mixed use development contributes to a range of dwelling types that, while at a higher density than the existing area, is scaled and massed to respect the character of area (Policy C.7.3. v). The proposed mixed use development with flexible housing options, provides new residential development with a variety of tenure options and at a range of affordability (Policy C.7.3 vi)). The proposal contributes to a diversity of dwelling forms and housing options for Hamilton residents (Policy C.7.3.ix)). As the subject property is located along an existing transit route (James Street North) and is located within 400 m of higher order transit (West Harbour GO Station), the proposed increased density will support the efficient operation of public transit development and will encourage development at a density that is conducive to the efficient operation of Public Transit (Policy C.7.3. xii).

Based on the forgoing, the proposal complies with the City of Hamilton with respect to the applicable policy direction from Section 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 (now Local Planning Appeal Tribunal (LPAT)), 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 LPAT in 2013, all of the lands within the West Harbour (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

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against the proposed development are those policies in the Setting Sail Secondary Plan OPA No. 198, instead of the UHOP (Volume 2).

The subject property is identified as “Corridor of Gradual Change” on Schedule M-1 – Planning Area and Sub-Areas and is designated “Mixed Use” on Schedule M-2 – General Land Use in the West Harbour (Setting Sail) Secondary Plan.

The lands are located within the “Zone of Noise Influence” on Schedule M-3 – Zone of Noise Influence in the Setting Sail Secondary Plan. The subject property is restricted to a height limitation of 2-4 storeys on Schedule M-4 – Building Heights. The applicant has proposed to amend the height limitation of 2-4 storeys to eight storeys.

The following policies, amongst others, are applicable:

“A.6.3.2.2 Strengthen existing neighbourhoods

Together with the waterfront, the North End and portions of Strathcona, Central and Beasley neighbourhoods are the defining elements of West Harbour. There is much diversity within the neighbourhoods, physically and socially, reflecting an area’s rich and varied history. Where once local industries attracted workers and their families, the attractions for residents now are the area’s historic character and waterfront amenities. This character and the neighbourhoods’ physical relationship to the waterfront are assets to be protected and enhanced. As changes in West Harbour continue, both on the waterfront and in the neighbourhoods, it is important to:

- i) ensure new development respects and enhances the character of the neighbourhoods;
- iii) encourage compatible development on abandoned, vacant and under-utilized land;
- iv) support James Street as the area’s main commercial street;
- v) encourage new commercial uses that cater to the local neighbourhood;

A.6.3.3.1.2 The City will ensure development and redevelopment in neighbourhoods and lands surrounding West Harbour respect the type, scale and character of development identified in this plan.

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A.6.3.3.1.4 All new development in West Harbour shall be subject to the height limits shown on Schedule “M-4”, Building Heights, and prescribed in the specific policies of this plan.

A.6.3.2.8 Promote excellence in design

All urban environments should be designed well; however, because West Harbour is centrally located in Hamilton and conveys an image of the city to the world with its waterfront, the area should demonstrate the highest standard of design. Achieving design excellence will respect the pride of residents, attracts tourists and encourage reinvestment in the area. In designing buildings and open spaces in West Harbour, and enhancing existing ones, citizens, developers and the public sector have an obligation to:

v) promote the development of inspiring, meaningful and memorable places.

A.6.3.3.1.9 To encourage a broad mix of housing types at varying income levels, West Harbour shall accommodate a diversity of housing types, including detached and semi detached dwellings, and multiple dwellings.

A.6.3.3.1.17 In Mixed Use areas:

- i) apartment buildings and apartment buildings with ground-floor, street related commercial and / or community uses are permitted and encouraged;
- ii) the range of commercial uses permitted on the ground floor shall include retail stores, restaurants, take-out restaurants, business and personal services, and professional offices;
- iii) the range of community uses permitted on the ground floor shall include day nurseries, schools, libraries and places of worship;
- iv) the density and height of development shall be governed by the maximum heights identified on Schedule “M-4”;
- vi) buildings generally shall be built close to or at the front property line, subject to the development satisfying sightline requirements entering the public road allowance;

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- viii) ground-floor uses shall have their main entrances on the street with barrier free access, at grade;
- ix) parking areas shall be provided at the rear of sites, underground and / or in above-grade structures behind buildings, with access from public streets or laneways;
- xi) front yard parking shall not be permitted;
- xii) private amenity space shall be provided on balconies and terraces and / or within internal courtyards outdoors and indoors;
- xiii) common amenity space shall be consolidated to create useable spaces;
- xiv) the design and massing of buildings shall minimize shadow and wind impacts on the public realm; and,
- xv) the design of new developments shall have respect for the light, view and privacy enjoyed by residents in adjacent buildings and areas.”

As outlined in greater detail below in the analysis of the Urban Design Policies and in Appendix “D” to Report PED19116, the proposed development is massed and scaled to respect and enhance the character of the neighbourhood, and contribute to an inspiring, meaningful and memorable place (Policies A.6.3.2.2 i), A.6.3.2.8 v) and A.6.3.3.1.2). The proposed development will make use of an under-utilized site and will establish a mixed use building, including multiple dwelling units, that will support a broad mix of housing types at varying affordability, as well as ground floor commercial uses (Policies A.6.3.2.2 iii), iv) and v), A.6.3.3.1.9 and A.6.3.3.1.17 i), ii) and iii)). The proposed building will be located close to the street line with at grade, barrier free commercial entrances along the street, underground parking and at grade parking located at the rear of the site (Policies A.6.3.3.1.17. vi), viii), ix) and xi)). Private and common amenity space is to be provided in the form of indoor amenity space and outdoor amenity areas which include terraces, balconies and a roof top patio / green roof (Policies A.6.3.3.1.17 xii) and xiii)).

A sun shadow study was undertaken by SvN, dated March 2018. The study which demonstrated that based on the size and massing of the proposed development, the proposal will have less of a shadow impact on the surrounding buildings than that of an as-of-right building under the current zoning provisions. As shown on Appendix “G” to Report PED19116, the proposed building layout, massing, setbacks, and stepbacks

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have been designed to reduce overlook, shadowing and impacts on the overall public realm (Policies A.6.3.3.1.17 xiv) and xv)).

The proposed eight storey building exceeds the maximum 2-4 storey building height identified on Schedule “M-4”. An Official Plan Amendment to the West Harbour (Setting Sail) Secondary Plan to increase the maximum building height to eight storeys is proposed by the applicant. An analysis of the merits of the proposed Official Plan Amendment is provided in the Analysis and Rationale for Recommendations section of this report (Policy A.6.3.3.1.4 and A.6.3.3.1.17 iv)).

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 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 development.”

The proposed development provides an improved public realm through the inclusion of street trees, short term bicycle parking, planter boxes, and sidewalks along the James Street North and Ferrie Street East streetscapes (Policy A.6.3.3.4.1 i)). To further improve the streetscape, the proposal includes street facing entrances and windows with barrier-free access to the ground floor commercial uses. Parking is predominantly located underground and at the rear of the building, thereby reducing the conflicts between pedestrian, cycling and vehicular movements (Policies A.6.3.3.4.1 iii), iv) and v)).

The proposed eight storey building will exceed the height of existing buildings in the surrounding area. The proposed development achieves the necessary transition to the surrounding buildings through the application of angular planes. Stepbacks have been included above the sixth storey to maintain a 45 degree angular plane along James Street North. Similarly, stepbacks along the Ferrie Street East frontage have been

included to achieve a 55 degree angular plane. Finally, the setback from the rear lot line will achieve a 45 degree angular plane from the height of the roof of the existing single detached dwelling located to the rear. Staff are of the opinion that the proposed setbacks and stepbacks reduce the shadow impacts on the abutting properties, reduce the massing of the building, and establish a form and scale that is appropriate for the James Street North streetscape.

Corridors of Gradual Change

“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.6.3.6.5.1 James Street is the primary retail street in West Harbour. Redevelopment and improvements within the James Street Corridor shall reinforce this function, preserve historic buildings and enhance the character of the street.

A.6.3.6.5.2 The City may reduce the parking requirement for commercial uses on James Street to help preserve and continue the historic pattern of development in portions of the corridor.”

As previously noted the proposed development will provide an appropriate transition in scale and massing to adjacent buildings and through the use of setbacks and stepbacks, will respect the scale and character of existing development in the adjacent Stable Areas. Loading and surface parking will be located to the rear of the property screened from the street by the building (Policy A.6.3.6.1.4). Ground floor commercial is being proposed along James Street North (Policy A.6.3.6.5.1). As the commercial area is less than 450 sq m no on-site parking is required for retail or office uses, furthermore parking will not be required for additional commercial uses such as restaurants which will promote a pedestrian oriented streetscape along James Street North.

Therefore, the proposed development complies with the policies of the Setting Sail Secondary Plan subject to approval of the Official Plan Amendment to increase the maximum building height from four to eight storeys.

James Street North Mobility Hub Study

On September 24, 2014, Hamilton City Council adopted the James Street North Mobility Hub Study. The Study was commissioned by the City of Hamilton to guide future

planning and development in the area surrounding the intersection of the now constructed West Harbour GO Train Station and the planned City of Hamilton A-Line rapid transit corridor. This location is identified as a Gateway Hub by Metrolinx as a key intersection in the regional transportation network intended to support transit access and high density development. As of the writing of this report, the recommendations of the James Street North Mobility Hub Study have not been incorporated comprehensively into the Official Plan and Zoning By-law. As a Council adopted document, Staff consider the Study to be informative when considering the development potential of the subject lands.

Guiding Principles

The following Guiding Principles of the James Street North Mobility Hub Study, amongst other apply:

- “3. Walkable & Inviting Streets & Open Spaces - Streets within the Mobility Hub will be pedestrian-oriented, and accessible for people of all ages and abilities. They will be framed by animated building edges with wide sidewalks, weather protection, lighting and way-finding.
4. Protect Existing Neighbourhoods - Stable residential neighbourhoods will be protected from undesirable development and intensification. Taller buildings will be designed and located to minimize shadowing, overlook and other adverse impacts.
5. Develop at an Appropriate Scale, Form & Density – Intensification will be encouraged, where appropriate, through low-impact density and within close proximity to transit. Development will repair gaps in the built environment and be sensitive to community context and character, such as the existing James Street North streetwall.
6. Design Excellence for Buildings & Streetscapes - New buildings and public spaces are to be designed with the highest built form standards. New development will not mimic existing building materials and style but will maintain the rhythm and scale of the neighbourhood and integrate existing built, natural and heritage elements.
7. Mix of Uses Within the Primary & Secondary Zones - Development within the Mobility Hub aims to create a vibrant mixed use community that supports existing and new transit infrastructure.”

The proposal is consistent with the recommended Guiding Principles 3 and 7 as it proposes a street-oriented mixed use building that frames and animates the building edge along James Street North and promotes walkability and supports existing local and regional transit.

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The proposed development incorporates appropriate setbacks and stepbacks from the existing stable neighbourhood to the east which will provide appropriate transition and buffering to appropriately mitigate overlook, sun shadow impacts, and other adverse impacts, in accordance with Guiding Principle 4.

The proposed development constitutes intensification that is located along existing municipal transit routes and within proximity to regional transit. The proposed development will be compatible with the existing community context and character while expanding upon the existing James Street North streetwall, in accordance with Guiding Principle 5.

The proposed building will not mimic existing building materials and style but will be massed and designed to be compatible with the existing built form along James Street North, in accordance with Guiding Principle 6.

Primary Zone – Focus Area A

The subject lands are located within the Primary Zone of the Mobility Hub and within Focus Area A – James Street North from the GO Station to the Waterfront. The Primary Zone is the area with the greatest potential for change through redevelopment and includes the lands along James Street North to the north of the West Harbour Go Station (Focus Area A).

“Section 3.4.2 Focus Area A – James Street North to the Waterfront.

Section 3.4.2.1 – Respecting Land Use and Building Height

Land uses permitted in the “Mixed Use” designation in the Setting Sail Secondary Plan are consistent with the Mobility Hub Study.

Building heights along this stretch of James Street North should be mid-rise in scale. The maximum building height should be six storeys.”

The proposed building provides a six storey podium along both James Street North and Ferrie Street East that has a height of 18.0 m. The remaining two storeys are stepped back from both James Street North and Ferrie Street East to maintain a 45 degree angular build to plane.

“Section 3.4.2.1 – Respecting Built Form

Buildings along this stretch of James Street North should frame the street.

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Front setbacks should occur above the second or third storey, recognizing the importance of a consistent street wall and that diverse podium heights along the street create interest in the urban fabric. Minimum step-back depths of 3.0 m should apply to the James Street North frontage.

On corner properties side yard setbacks should be 2.5 m deep. For building facades on shared property line or any mid-block condition, the podium (up to three storeys) may be built up to the property line. Above the podium buildings should be step-back a minimum of 1.2 m.

New development should be setback to create a minimum 4.9 m boulevard.”

The concept plan (attached as Appendix “G” to Report PED19116) demonstrates that the proposed building will be brought up to the streetline while providing a substantial 5.0 m boulevard. The proposal will provide improvements to the public realm and create a consistent streetwall that frames James Street North. The proposed setbacks exceed the minimum setbacks identified in the guidelines respecting Built Form in Focus Area A.

Based on the foregoing, the proposed development meets the general intent of the James Street North Mobility Hub Study.

City of Hamilton Zoning By-law No. 6593

The subject property is currently zoned “H/S-978” (Community Shopping and Commercial, Etc.) District, Modified, which permits a range of commercial uses but does not permit a stand alone multiple dwelling. The site specific “H/S-978” District changed the zoning of the subject property from “DE-3” (Multiple Dwellings) District to the “H” (Community Shopping and Commercial, Etc.) District and modify the provisions of the By-law to not require a planting strip along the northerly lot line and to provide a planting strip along Ferrie Street within 7.6 m of the adjoining residential district.

In order to implement the proposed development staff are recommending that the zoning be changed to a site specific “H” (Community Shopping and Commercial, Etc.) District. Site specific modifications required include:

- Permit live-work units;
- Permit the use of a multiple dwelling;
- Restrict the range of uses;
- Reduction in maximum building height;
- Reduction in minimum front yard setback;
- Reduction in minimum side yard setback;
- Reduction in minimum rear yard setback;

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- Require minimum amenity area;
- Require minimum landscape area;
- Reduction in planting strip width;
- Increase encroachments of architectural and design elements up to the property line;
- Reduction in number of parking spaces;
- Require a minimum number of car share spaces;
- Establish minimum setback requirements; and,
- Require short and long term bicycle parking.

The proposed modifications are necessary to implement the proposal which complies with the general intent of the West Harbour (Setting Sail) Secondary Plan and the James Street North Mobility Hub Study. A detailed analysis of the proposed modifications is provided in Appendix “D” to Report PED19116.

RELEVANT CONSULTATION

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

- Alectra Utilities;
- Health Protection, Public Health Services Department;
- LRT Office;
- Strategic Planning Section, Public Works Department;
- Recycling and Waste Disposal, Operations Division, Public Works Department; and,
- Recreation Planning, Healthy and Safe Communities Department.

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

Forestry and Horticulture, Public Works Department advised that there are municipal tree assets on-site and that a revised Tree Management Plan will be required. Street trees will be required in order to contribute towards the urban canopy. The revisions to the Tree Management Plan and the planting of street trees, along with any applicable fees associated with these requirements will be undertaken as part of the Site Plan Control application.

Ministry of the Environment, Conservation and Parks (MECP) notes that the application indicates that a Record of Site Condition (RSC) was prepared. As the RSC has not yet been approved by the MECP, City staff have included an ‘H’ Holding Provision to require that the RSC be completed. MECP staff noted that given the location of the development proposal and the availability of services, there do not appear to be any approvals that will be required over and above standard approval

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requirements for any stormwater management works that are to be incorporated into the site design.

Transportation Planning, Planning and Economic Development Department staff advised that the Official Plan requires a 12.19 m by 12.19 m daylight triangle at the corner of James Street North and Ferrie Street East, however upon review the required daylight triangle has been waived.

Revisions to the Transportation Demand Management Report (TDM) are required. Bicycle parking rates are not sufficient for this development, considering the proposed reduction in vehicles parking. Transportation Planning staff recommend that between 45 and 113 long-term bicycle parking spaces be provided. Short term bicycle parking must be provided by the applicant on private property.

The applicant has increased the number of bicycle parking spaces to 45 long term bicycle parking spaces, which meets the minimum requirement of 45 long-term bicycle parking spaces identified by Transportation Planning staff. A modification requiring a minimum number of long term and short term bicycle parking has been included in the site specific By-law.

Urban Renewal, Planning and Economic Development Department advised that the subject property is within the City's Commercial Corridors CIP area and therefore is eligible for certain financial incentives.

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 259 property owners within 120 m of the subject property on April 3, 2018. A Public Notice sign was posted on the property on April 11, 2018 and updated on May 8, 2019 with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act*.

To date, ten letters have been submitted, one expressing support for the proposed development, one seeking more information on the process and seven expressing concern with the proposed development.

The issues raised in the letters include the following:

- Building height and character;
- Parking and traffic;
- Noise;
- Safety;

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- Privacy;
- Sun shadow;
- Loss of green space;
- Garbage; and,
- Insufficient community consultation.

The issues identified in the correspondence are discussed in the Analysis and Rationale for Recommendations section of this report.

Public Consultation Strategy

The applicant's Public Consultation Strategy included signage providing a link to the agent's website and contact information of the Planner on file. The website provided interested parties access to reports, studies and other supporting information, as well as an opportunity to contact the applicant to provide feedback.

The applicant held a Public Open House on July 4, 2018. Seventy-five people attended the Public Open House. Additionally the applicant presented to both the Beasley Neighbourhood Association and North End Neighbours Association, as well as held open house events from April 2017 to March 2018 in which a total estimated 300 people attended.

Design Review Panel (DRP)

The proposed development was presented to the DRP, as the subject lands are located on a Corridor of Gradual Change within the West Harbour (Setting Sail) Secondary Plan. The applications were presented to DRP on June 14, 2018 to address the following questions:

1. Is the proposed development compatible with the surrounding context with respect to height and massing?
2. Does the proposed development respect the existing cultural heritage features of the existing environment by re-using, adapting, and incorporating existing characteristics?
3. Does the proposed built form minimize impacts on neighbouring buildings and public spaces by creating appropriate transitions in scale to neighbouring properties and along James Street North and Ferrie Street East?

Comments of DRP

The DRP advised that although the area is currently dominated by low rise buildings, it will get more intense over time and it is important that this proposal set a positive precedent. The panel noted that this stretch of James Street is intended to have 4-6 storey buildings and that the scale of the proposal pushes the envelope and may open the door to more application of eight or more storeys.

The panel questioned if the building massing could be further modified to reduce the perceived height along James Street North and mitigate impacts on both James Street North and the properties to the east. Two options were suggested, either increasing the setback at the seventh storey at the front and rear of the building to allow the building to read more like a six storey building or to remove the eighth storey. It was also suggested that there should be a meaningful setback at the north end of the building to suggest a six storey height limit on James Street properties to the north.

It was recommended that the mechanical penthouse could be reduced in size to lessen the visual impact of the building.

The panel expressed some concerns with the first floor retail space height and suggested that a horizontal element be added above the first floor retail space to reduce the perceived height of the retail component and provide a place for signage. The two storey glazing façade along Ferrie Street East should be revised to reflect the live work duality of these units and provide a façade treatment that allows for residential privacy while accommodating for commercial exposure.

One panel member noted that the steel material on the upper floors (seventh and eighth) seems foreign to the overall material concept. Exterior brick cladding on James Street and Ferrie Street has been drawn as pilasters and columns which does not completely align with the structure or division of the residential units.

The panel appreciated the increased building setback on James Street North to widen the pedestrian realm and generally felt the proposed streetscape is appropriate. They recommended that the treatment of the parking and loading area should have a special approach, not just a concrete surface. They also recommended that the number of bicycle parking spaces be increased on-site.

Revisions of the Applicant Respecting DRP Comments

In response to the comments from the DRP the applicant submitted second and third revisions (see Appendix “F” and “G” to Report PED19116). The setback of the seventh and eighth floors from the rear lot line was increased from 3.9 m to 6.7 m. The setback of the seventh and eighth floors along James Street North was increased from

2.9 m to 3.8 m. In addition the height of the mechanical penthouse was reduced by 1.0 m to reduce the perceived height of the building. Banding between the first storey and second storey along James Street North was added which will provide for signage. Additional long term bicycle parking spaces were provided to increase the total from 20 to 45. As such the revisions to the proposed development satisfy many of the suggested changes recommended by DRP.

ANALYSIS AND RATIONALE FOR RECOMMENDATIONS

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 complies with the general intent of the Setting Sail Secondary Plan upon approval of the Official Plan Amendment; 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 streetscape along James Street North, making efficient use of existing infrastructure within the urban boundary, and supporting public transit.
2. The subject properties are located on the north east corner of James Street North and Ferrie Street East. The properties currently contain two buildings that are both two storeys in height. The first building at 468 and 470 James Street North is a mixed use building with ground floor commercial and residential uses on the second floor. The second building at 474 and 476 James Street North is a multiple dwelling. The existing buildings will be demolished to accommodate the proposal.
3. The proposed Official Plan Amendment seeks to increase the maximum permitted building height from 2-4 storeys to eight storeys. Intensification along James Street North in proximity to a major transit hub (West Harbour Go Train Station) is consistent with the PPS policies that support densities and mix of land uses that are transit-supportive and where transit is planned, exists or may be developed. The proposed development establishes a distinctive podium at a height of six storeys which is in line with the height of buildings set out in the James Street North Mobility Hub Study. The design of the proposed building is generally in line with the 45 degree angular plane along James Street North and Ferrie Street, and

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in line with the 45 degree angular plane from the rear lot line based on the 11.0 m building height for a single detached dwelling. The establishment of a 45 degree angular transition along the street and from the property to the rear through the use of setbacks and stepbacks, establishes a building massing that is compatible with the existing and planned development of the area.

It is further noted that the existing “H” District zoning permits an eight storey commercial building and therefore the proposed amendment for building height reflects the existing as of right zoning permissions. The Official Plan Amendment to increase building height facilitates intensification that is consistent with the PPS, complies with the general intent of the Setting Sail Secondary Plan, is designed to be consistent with the James Street North Mobility Hub Study and achieves appropriate transition in scale. Therefore, the proposed Official Plan Amendment has merit and can be supported.

4. The applicant applied to establish a site specific “CR-1” (Commercial – Residential Districts) District and was amended by staff to establish a site specific “H” (Community Shopping and Commercial, etc.) District. The following site specific modifications to the “H” (Community Shopping and Commercial, etc.) District to the City of Hamilton Zoning By-law No. 6593 are required to implement the proposal (see Appendix “D” to Report PED19116):

- Permit live-work units;
- Permit the use of a multiple dwelling;
- Restrict the range of uses;
- Reduction in maximum building height;
- Reduction in minimum front yard setback;
- Reduction in minimum side yard setback;
- Reduction in minimum rear yard setback;
- Require minimum amenity area;
- Require minimum landscape area;
- Reduction in planting strip width;
- Increase encroachments of architectural and design elements up to the property line;
- Reduction in number of parking spaces;
- Require a minimum number of car share spaces;
- Establish minimum stepback requirements; and,
- Require short and long term bicycle parking.

The proposed modifications meet the intent of the “Mixed Use” designation in the Setting Sail Secondary Plan, and create regulations that will ensure that the development will be in a form that is compatible with the surrounding

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neighbourhood. These modifications are identified and discussed in detail in Appendix “D” to Report PED19116.

5. Two ‘H’ Holding Provisions are proposed:

Holding Provision ‘H1’ is recommended and would be removed conditional upon:

The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MECP). 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 MECP, and submission of the City of Hamilton’s current RSC administration fee.

Holding Provision ‘H2’ is recommended and would be removed conditional upon:

For such time as the Holding Provision ‘H2’ symbol is applicable to the lands referred to in Section 2, the lands shall only be used in accordance with “H/S-978a” (Community Shopping and Commercial, etc.) District except where in conflict with the following:

(a) Regulations

- i) The maximum dwelling units and live work units shall be restricted to 99 units.

(a) Condition for Holding Provision Removal

- i) That the applicant submit and receive approval of a Traffic Impact Study where greater than 99 dwelling units/live work units are proposed, to the satisfaction of the Director of Transportation Planning.

6. Development Engineering has reviewed the applications, and the associated Functional Servicing Report (FSR) prepared by IBI Group, dated February 22, 2018, which was submitted as part of the subject applications. Development Engineering have no concerns with the proposal moving forward. The detailed design and review in respect to grading and drainage, storm water management and servicing will be undertaken at the Site Plan Control application.

7. Following the Notice of Complete Application, staff received ten letters of correspondence (see Appendix “H” to Report PED19116). Issues raised in the letters of correspondence include:

Building Height and Character

A concern was raised that the height of the proposed development is too high and is not compatible with the character of the area.

As discussed in the Policy Implication Section of this Report, the proposed height of the podium is in line with the six storey building height identified in the James Street North Mobility Hub Study for lands located along James Street North located north of the railway tracks. The seventh and eighth storeys will be setback from the street and from the lands to the rear and will establish an appropriate angular transition in scale from the street and the adjacent lands. In addition the proposed building height complies with the existing building height permissions of the "H" (Community Shopping and Commercial, etc.) District. Therefore, the proposed height will be compatible with the character of the area.

Parking and Traffic Impacts

A concern was raised that the proposed development does not have sufficient parking and will create traffic impacts.

A parking study was prepared and submitted with the application, however based on the number of units proposed a traffic impact study was not required. A variety of alternative transportation options including local and regional public transit, bicycle parking, and car sharing vehicles, are available or will be provided. The parking study identified that with available and proposed alternative transportation options a parking rate of 0.45 per unit would be appropriate. Therefore, adequate on-site parking will be provided and the proposed development will not create traffic impacts.

Noise

A concern was raised that the proposed development will create negative noise impacts.

A noise impact study was submitted with the applications which noted that the roof top mechanical equipment will be shielded by the mechanical penthouse and roof parapet. Furthermore it should be noted that the majority of the parking on-site is located below grade and therefore noise from the parking will be shielded. Therefore, the proposed development is not expected to create negative noise impacts.

Safety

A concern was raised that the proposed development will create safety impacts for the area.

All vehicle access for the subject lands will enter and exit the site in a forward manner. A pedestrian realm along both James Street North and Ferrie Street East with a width of approximately 5.0 m is proposed. The pedestrian realm will include streets trees that provide a buffer between the street and the sidewalk. Furthermore, the proposed development includes entrances and window openings at grade along both James Street North and Ferrie Street East which will provide eyes on the street and improve the safety of the public realm. Therefore, the proposed development will not create safety issues on the surrounding area.

Privacy

A concern was raised that the proposed development will create privacy impacts on the surrounding area.

As outlined in the Policy Implications and Legislative Requirements Section of this report the proposed development includes setbacks and setbacks to reduce the impacts on the surrounding area, and will not create negative overlook or privacy impacts on the surrounding properties.

Sun Shadow

A concern was raised that the proposed development will create sun shadow impacts on the surrounding area.

A sun shadow study was submitted with the applications. As outlined in the Policy Implications and Legislative Requirements section of the report the proposed development will not create negative sun shadow impacts on the surrounding area.

Loss of Green Space

A concern was raised that the proposed development will create a loss of greenspace.

The proposed development will provide a planting strip along the rear lot line and proposes to include planters along Ferrie Street East and street trees along both James Street North and Ferrie Street East. In addition, alternative landscaping and green space is to be provided in the form of terrace gardens and a green roof.

Garbage

A concern was raised with respect to garbage impacts on the neighbourhood.

Garbage for both the commercial and residential units is contained within the building in a waste room and collected at the rear of the building from a proposed loading area. Therefore, the proposed development is not expected to create impacts on the neighbourhood in respect to garbage. Further review with respect to waste management will be undertaken at the Site Plan Control stage.

Community Consultation

A concern was raised that insufficient community engagement was undertaken with respect to the proposed development.

Notice of Complete application for the proposed development was circulated to 259 property owners within 120 m of the subject lands, providing an opportunity for public input. In addition the applicant held a public open house on July 4, 2018 that was attended by 75 people. The applicant undertook monthly open house events from April 2017 to March 2018 attended by approximately 300 people, and presented to both the Beasley Neighbourhood Association and North End Neighbours Association. The applicant utilized other means of providing information to the public including social media and a project website to both provide information to the public and receive feedback.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Official Plan Amendment and Zoning By-law Amendment Applications be denied, the subject property could be utilized in accordance with the range of uses and provisions of the “H/S-978” (Community Shopping and Commercial, Etc.) District, Modified.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and 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.

OUR Vision: To be the best place to raise a child and age successfully.

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

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

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" – Draft Official Plan Amendment
- Appendix "C" – Draft Amendment to Zoning By-law No. 6593
- Appendix "D" – Zoning Table (By-law Provisions)
- Appendix "E" – First Concept Plan Submission
- Appendix "F" – Second Concept Plan Submission
- Appendix "G" – Third Concept Plan Submission
- Appendix "H" – Public Comments