



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 3, 2019
SUBJECT/REPORT NO:	Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 600 James Street North, Hamilton (PED19151) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Mark Kehler (905) 546-2424 Ext. 4148
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Official Plan Amendment Application UHOPA-18-008, by PM (600 James St N) Inc., Owner**, for a change in building height permissions on Schedule “M-4” of the West Harbour (Setting Sail) Secondary Plan in the former City of Hamilton Official Plan to permit the development of a nine storey mixed use building, for lands located at 600 James Street North, as shown on Appendix “A” to Report PED19151, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED19151, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the Official Plan Amendment is consistent with the Provincial Policy Statement (PPS) and conforms to A Place to Grow Plan (2019).
- (b) That **Amended Zoning By-law Amendment Application ZAC-18-024, by PM (600 James St N) Inc., Owner**, for a change in zoning from the “H/S-182” (Community Shopping and Commercial, Etc.) District, Modified to the “H/S-1783-H” (Community Shopping and Commercial, Etc.) District, Holding, Modified to permit a 27.5 metre (nine storey) mixed use building with 55 dwelling units, 153.0

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.

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square metres of commercial space and 32 parking spaces provided at grade and within a parking stacker system, for lands located at 600 James Street North, as shown on Appendix “A” to Report PED19151, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED19151 which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law, attached as Appendix “C” to Report PED19151 be added to District Map E2 of Zoning By-law No. 6593 as “H/S-1783-H”;
- (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 lands by introducing the Holding symbol ‘H’ as a suffix to the proposed zoning.

The Holding Provision “H/S-1783-H” (Community Shopping and Commercial, etc.) District, Holding, Modified, be removed conditional upon:

- (1) The Owner entering into a conditional building permit agreement with respect to completing a Record of Site Condition (RSC); or,
 - (2) A signed RSC being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP). The 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.
- (iv) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to A Place to Grow Plan (Growth Plan) (2019) and will comply with the City of Hamilton Official Plan upon finalization of Official Plan Amendment No. XX.

EXECUTIVE SUMMARY

The Owner, PM (600 James St N) Inc. has applied for an Official Plan Amendment and a Zoning By-law Amendment to permit a nine storey (27.5 metres) mixed use building with 55 dwelling units, 153.0 square metres of commercial space and 32 parking spaces

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provided using a parking stacker system within the proposed building on lands located at 600 James Street North, Hamilton.

The purpose of the Official Plan Amendment application is for a change in building height permissions on Schedule “M-4” of Setting Sail in the former City of Hamilton Official Plan to permit the development of a nine storey (27.5 metre) mixed use building. Schedule “M-4” currently permits building heights of three to five storeys for the subject lands.

The purpose of the Zoning By-Law Amendment application is for a change in zoning from the “H/S-182” (Community Shopping and Commercial, Etc.) District, Modified to the “H/S-1783-H” (Community Shopping and Commercial, Etc.) District, Holding, Modified. Modifications to the “H” District are required to permit a multiple dwelling use in conjunction with a permitted commercial use with an increased maximum permitted building height of 27.5 metres or nine storeys. Reduced minimum front, side and rear yards are proposed with step backs at upper storeys to transition to adjacent residential uses and address the width of adjacent right of ways. Modifications to the parking and loading requirements are required to permit parking located within a parking stacker system, and reduced parking space width and length, number of parking spaces for a multiple dwelling and loading space length and width.

The applications have merit and can be supported as the proposal is consistent with the Provincial Policy Statement (2014), conforms to the A Place to Grow Plan (2019), and will comply with Setting Sail upon finalization of the Official Plan Amendment. The proposed mixed use building maintains the intended retail function of the James Street North corridor and represents an appropriate level of intensification at this location that respects the scale and character of adjacent development.

Alternatives for Consideration – See Page 36

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 at the northeast corner of James Street North and Burlington Street East in the North End Neighbourhood. The property has a lot area of 0.1022 hectares (1,022 square metres) and is municipally known as 600 James Street North.

The property is currently occupied by a one storey commercial building with an associated surface parking lot. The existing building is currently vacant and was previously occupied by a financial establishment which will be demolished to accommodate the proposed development.

The applicant is proposing to construct a nine storey (27.5 metres) high mixed use building with:

- 55 dwelling units;
- 153.0 square metres of commercial space at the ground floor and second level;
- 32 parking spaces provided at grade and within a stacker system located within the building and screened from view by garage doors; and,
- 55 long term and 6 short term bicycle parking spaces.

The commercial space is proposed to be located at the corner of James Street North and Burlington Street East and pedestrian access to the multiple dwelling is proposed on Burlington Street East. Two dwelling units with access at grade are proposed facing Burlington Street East. Vehicle access to the driveway for the parking stackers is proposed from James Street North at the northwest corner of the site. Amenity space is proposed through balconies for individual units, an indoor amenity space at the ninth storey and outdoor amenity space at the ninth storey and roof level.

The applicant has applied to amend the Setting Sail Secondary Plan in the former City of Hamilton Official Plan to change the building height permissions on Schedule "M-4" to permit the development of a nine storey building. The Secondary Plan currently permits a maximum building height of three to five storeys for the subject lands.

The applicant has applied for a change in zoning from the "H/S-182" (Community Shopping and Commercial, Etc.) District, Modified to the "H/S-1783-H" (Community Shopping and Commercial, Etc.) District, Holding, Modified. The existing "H/S-182" District zoning permits a one storey commercial building with associated parking and landscaped areas. Modifications to the "H" District are required to permit a multiple dwelling use in conjunction with a permitted commercial use with an increased

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maximum permitted building height of 27.5 metres or nine storeys. Reduced minimum front, side and rear yards are proposed with step backs at upper storeys to transition to adjacent residential uses and address the width of adjacent right of ways. Modifications to the parking and loading requirements are required to permit parking located within a parking stacking system, and reduced parking space width and length, number of parking spaces for a multiple dwelling and loading space length and width.

First Submission

The original application, submitted on March 29, 2018, proposed a nine storey (27.5 metre) mixed use building with 60 dwelling units, 134 square metres of commercial space and 33 parking spaces located within a parking stacker system. The initial proposal provided no setback to the east abutting residential property with step backs at the seventh and eighth storeys. No setbacks were provided to the James Street North and Burlington Street East property lines with step backs at the seventh and ninth storeys. Parking was proposed within a parking stacker system consisting of six elevating devices, each containing three levels and accessed separately via garage doors facing a driveway along the north portion of the site.

Second Submission

On November 21, 2018, the applicant submitted a revised concept plan and Zoning By-law Amendment in response to staff comments. The revised proposal included an increased east side yard setback abutting a residential district of 2.0 metres to 3.0 metres, whereas 0.0 metres was initially proposed. A step back was added to achieve a minimum 6.5 metre setback from the east property line above the fifth storey and 1.5 metre step backs were added at the seventh storey and 3.0 metres at the ninth storey along the James Street North and Burlington Street East frontages. The revised proposal included an increase in the number of dwelling units from 60 to 63, an increase in commercial floor area from 134.0 square metres to 152.0 square metres and an increase in the number of bicycle parking spaces from 40 to 48, including 32 long term and 16 short term bicycle parking spaces.

Third Submission

On March 25, 2019, the applicant submitted a further revised concept plan and Zoning By-law Amendment in response to staff comments. The revised proposal included additional step backs to generally achieve a 45 degree angular plane measured from the east property line, beginning at height of 11.0 metres. With the exception of a portion of the ninth storey and the mechanical penthouse, the remainder of the building fell under the 45 degree angular plane. The revised proposal included transparent cladding material at the northwest corner of the building and the elimination of one

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stacked parking space to allow visibility for vehicles exiting the access driveway onto James Street North and to achieve the required 3.0 metre by 3.0 metre visibility triangles. The revised proposal includes a total of 55 dwelling units, 153.0 square metres of commercial space and 32 parking spaces.

Fourth Submission (Attached as Appendix “E” to Report PED19151)

On July 19, 2019, the applicant submitted a revised concept plan at the request of staff that provides an additional east side step back at the ninth storey so that no portion of the building will project into the 45 degree angular plane measured from the east property line, beginning at a height of 11.0 metres. The ninth storey setbacks facing James Street North and Burlington Street East are also increased to eliminate projection into the 45 degree angular planes measured from 100 percent of the right of way widths. In addition, the applicant revised the design of the mechanical penthouse so that it does not project into the east side angular plane and the 45 degree angular planes measured from the right of way widths of James Street North and Burlington Street East. The proposed parking stacker system is revised to include two elevating devices, one with eight parking spaces and one with 23 parking spaces, with platforms that move both vertically and horizontally to accommodate three levels of vehicle parking. Due to the change in the proposed parking stacker system, the ground level plan is revised so that one of the proposed parking spaces is at ground level rather than within a parking stacker and the number of short term bicycle parking spaces is reduced from 16 to 6. At the request of staff, the number of long term bicycle parking spaces has been increased from 32 to 55. The final proposal continues to provide 55 dwelling units, 153.0 square metres of commercial space and 32 parking spaces.

Staff Amendments

At the request of staff, the applicant has incorporated the proposed upper level building step backs adjacent to the front, side and rear lot lines into the design of the building and are reflected in the amending by-law. In addition, staff have amended the by-law to remove permission for an automobile service station, repair garage or car wash and required that a multiple dwelling use be permitted only in the same building as a permitted commercial use. Staff added a requirement to provide a minimum of 1.0 long term bicycle parking space per dwelling unit.

Chronology:

December 6, 2017: Applicant attendance and presentation at the North End Neighbourhood Association meeting.

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March 29, 2018: Submission of Official Plan Amendment Application UHOPA-18-008 and Zoning By-law Amendment Application ZAC-18-024.

April 18, 2018: Applications UHOPA-18-008 and ZAC-18-024 deemed complete.

May 1, 2018: Notice of Complete Application and Preliminary Circulation was sent to 350 property owners within 120 metres of the subject lands.

May 9, 2018: Public Notice Sign installed on the subject lands.

July 25, 2018: Applicant public open house.

November 21, 2018: Second revised concept plan and Zoning By-law Amendment submitted in response to staff comments.

March 25, 2019: Third revised concept plan and Zoning By-law Amendment submitted in response to staff comments.

July 19, 2019: Fourth revised concept plan submitted in response to staff comments.

August 7, 2019: Notice Sign updated with the Public Meeting date.

August 16, 2019: Circulation of the Notice of Public Meeting to 350 property owners within 120 m of the subject lands.

Details of Submitted Applications:

Owner: PM (600 James St N) Inc. (c/o Eli Turkiewicz)

Agent: Bousfields Inc. (c/o David Falletta)

Location: 600 James Street North, Hamilton (see Appendix "A" to Report PED19151).

Property Description: Lot Frontage: 15.7 m
Lot Depth: 43.4 m

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Lot Area: 1,022 sq m (0.1022 ha)

Servicing: Existing full municipal services

Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Property:</u>	One storey commercial building formerly occupied by a bank and a surface parking lot	“H/S-182” (Community Shopping and Commercial, Etc.) District, Modified

Surrounding Land Uses:

North	Six storey multiple dwelling	“E/S-843” (Multiple Dwellings, Lodges, Clubs, Etc.) District, Modified
East	Two and a half storey detached dwelling	“D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District
South	One storey commercial plaza	“G/S-902” (Neighbourhood Shopping Centre, Etc.) District, Modified
West	Six storey office building (Hamilton Port Authority)	“D” (Urban Protected Residential – One and Two Family Dwellings, 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 policies apply:

“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 nine 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 existing bus routes on James Street North and Burlington Street East and providing secure bicycle parking spaces on site. The lands are located approximately 800 metres from the West Harbour GO Station and were included within the boundaries of the City of Hamilton James Street North Mobility Hub Study.

Cultural Heritage and Archaeology

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

“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.”

The subject property is located adjacent to the following properties included in the City’s Inventory of Buildings of Architectural and / or Historical Interest:

- 2 Guise Street; and,
- 605 James Street North.

Staff are of the opinion that the proposed building massing and design are appropriate for the existing and planned context and will not impact the heritage value of adjacent properties.

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

1. Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
2. In areas of pioneer EuroCanadian settlement; and,
3. Along historic transportation routes.

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

Noise

Regarding noise, the following PPS policies apply:

“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 Gradient Wind Engineering Inc. dated March 19, 2018 for the subject proposal and an addendum dated November

9, 2018. The Study assessed the impact of roadway traffic noise from James Street North and Burlington Street East on the proposed residential development using noise criteria from the Ministry of the Environment, Conservation and Parks (MOECP) NPC-300 guidelines. No significant stationary noise sources were identified.

The Study concludes that noise mitigation measures are required to meet MOECP guidelines, including the provision for central air conditioning allowing windows to remain closed. Upgraded building components will be required on the south and west façades where traffic noise levels are the highest. Staff are satisfied with the report for rezoning purposes, and will require that the noise control measures recommended in the Study be implemented at the Site Plan Control stage. In addition, staff will require that the noise study be updated at Site Plan Control stage to demonstrate that the noise impact of the proposed parking stacker system and mechanical equipment on adjacent residential uses will be in accordance with provincial and municipal requirements.

Human-Made Hazards

“3.2.2 Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.”

The subject property is recognized as a potentially contaminated site due to the past use of the property for commercial purposes. As a result, the property is subject to environmental review to allow for the proposed multiple dwelling. The applicant has undergone a Phase One Environmental Site Assessment (ESA) dated June 28, 2017 by Pinchin. The ESA documented three potentially contaminating activities on site including a former gasoline underground storage tank associated with a retail fuel outlet that operated on site in the 1960s (removed in 2016 and 2017), granular fill material of unknown quality, and a pole-mounted, oil-cooled hydro-electric transformer located on the northwest portion of the site. A further 24 potentially contaminating activities were identified within the Phase One Study Area outside of the subject site. The ESA recommends that a Phase Two ESA be conducted prior to the filing of a Record of Site Condition (RSC).

The Owner will be responsible for ensuring an RSC has been filed appropriately satisfying the MOECP. A Holding Provision has been included in the amending Zoning By-law (attached as Appendix “C” to Report PED19151). Removal of the Holding Provision will be required pending a conditional building permit agreement with respect to completing an RSC or receipt of a Notice of Acknowledgement letter from the MOECP that the RSC has been filed.

Therefore, the proposal is consistent with the PPS.

A Place to Grow: Growth plan for the Greater Golden Horseshoe (Growth Plan) (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;”

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The subject lands are located within the City of Hamilton urban boundary and are fully serviced by municipal water and wastewater infrastructure. The proposal complements the community by providing commercial uses and expanding housing options within the neighbourhood (Policy 2.2.1.4 a) and c)). Consistent with the growth management policies of the Growth Plan, the proposal represents a form of residential intensification within the built up area, in proximity to existing transit routes on James Street North and Burlington Street East. The lands are located within 800 metres of the West Harbour GO Station and are within the boundaries of the City initiated James Street North Mobility Hub Study.

Based on the foregoing, 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 Setting Sail 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 Setting Sail. 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 along a commercial corridor, in close proximity to Bayfront Park. The proposed mixed use, higher density building would provide for efficient use of services, including existing transit. As such, the proposal complies with the applicable 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 Setting Sail provide more detailed designations and policy

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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. Water and wastewater servicing and storm drainage will be further reviewed at the Site Plan Control stage.

“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.”

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The proposed mixed use development is eligible for municipal waste collection subject to the requirements of the City's Solid Waste Management By-law. 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 building complies with Policies C.7.3 ix) and xii) by increasing the availability of apartment style dwellings in the neighbourhood and increasing residential densities in proximity to public transit.

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The proposal addresses Policies C.7.2 and C.7.3 iii) and v) by locating the proposed infill mid-rise building at the northern edge of the neighbourhood and incorporating design features that provide for appropriate transition in massing and scale to adjacent residential areas. The subject site is located near the northern terminus of James Street North adjacent to a six storey multiple dwelling to the north and a six storey office building to the west. A 17 storey multiple dwelling is located further to the west at the northeast corner of MacNab Street North and Burlington Street West. The proposal recognizes and complements the lower density residential area to the east by locating the bulk of the building mass towards the James Street North frontage. Additionally, a 2.0 metre to 3.0 metre easterly side yard setback and step backs at the sixth, seventh, eighth, ninth and mechanical levels achieve a 45 degree angular plane from the east property line beginning at a height of 11.0 metres. To limit privacy and overview impacts, proposed balconies are setback a minimum 3.0 metres from the east property line and there are no windows proposed on the east façade for the first five storeys. The proposed building is adjacent to an existing surface parking area for the abutting multiple dwelling to the north, limiting privacy and overview impacts.

The proposed building will occupy an existing lot and will make efficient use of available infrastructure. No setbacks are provided adjacent to the James Street North and Burlington Street East right of ways, however there is a landscaped boulevard adjacent to the property that will provide opportunities for street trees and streetscape improvements. The existing boulevard is wider than the existing boulevards for adjacent properties as 3.0 metre widenings and a corner widening with a radius of 12.19 metres were previously secured by the City along both James Street North and Burlington Street East. Amenity areas are proposed on individual balconies and shared indoor and outdoor amenity space on the eight floor, ninth floor and rooftop level.

Based on the forgoing, the proposal complies with the applicable policies of the City of Hamilton Official Plan.

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

Setting Sail was approved by Council in 2005. Due to appeals to the LPAT the Secondary Plan was not deemed to be in effect until the LPAT 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 Setting Sail 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 Setting Sail OPA No. 198 instead of the UHOP (Volume 2).

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The subject lands are located along a Corridor of Gradual Change (James Street North) as identified on Schedule “M-1” of Setting Sail and are designated Prime Retail on Schedule “M-2.” Schedule “M-4” of Setting Sail permits a maximum building height of three to five storeys for the subject lands.

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 James Street

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.”

The proposal maintains the primary retail function of James Street as required by Policy A.6.3.6.5.1 by providing a 153.0 square metre commercial space at the corner of James Street North and Burlington Street East. As per Policy A.6.3.6.1.4, the proposal respects the scale and character of existing development in the Stable Area to the east by providing an appropriate transition in height and massing in the form of a 2.0 metre to 3.0 metre setback and step backs at the sixth, seventh, eighth, ninth and mechanical levels. Parking for the multiple dwelling is proposed to be provided using a parking stacker system and one at grade parking space located within the building and screened from view. Loading and service areas are proposed to be located on site and within the building, limiting traffic impacts and screening loading and service facilities from view.

As per Policy A.6.3.6.5.2, no parking is required for the proposed 153.0 square metre commercial space. This will eliminate the need for surface parking that could interrupt the character of the street that includes a consistent street wall with active uses at grade.

Prime Retail

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

- i) mixed use developments with ground-floor, street-related commercial and community uses are permitted and encouraged;
- 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 buildings 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”;
- vii) 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.”

The proposed mixed use building complies with Policies A.6.3.3.1.18 i), ii) and iv) by providing ground-floor, street related commercial space at the corner of James Street North and Burlington Street East, with residential uses on the upper floors. The proposed commercial space is two storeys, as permitted in Policy A.6.3.3.1.18 iv).

In accordance with Policies A.6.3.3.1.18 iii), vii) and ix), the proposed building will be built at the front and west side property lines abutting James Street North and Burlington Street East with windows and doors opening onto the street contributing to an interesting pedestrian experience. There is an existing landscaped boulevard in front of the subject property and transparent building materials are proposed at the northwest corner of the building where vehicles will exit onto James Street North, ensuring adequate sightlines are maintained. Ground floor access to the proposed commercial unit, multiple dwelling and ground floor dwellings will be at grade, allowing for barrier free access. As per Policy A.6.3.3.1.18 x), parking is proposed within the building with access off of James Street North at the rear of the site.

Policy A.6.3.3.1.18 vi) requires development to comply with the maximum heights identified on Schedule “M-4” of Setting Sail. The proposed nine storey (27.5 metres) building does not comply with Schedule “M-4” that permits a maximum building height of three to five storeys for the subject lands. Therefore, the applicant has applied to amend Setting Sail to allow a maximum building height of nine storeys. Staff are satisfied that the proposed building height is appropriate based on the proposed massing that responds in scale to the width of adjacent right of ways and provides adequate transition to adjacent residential areas.

Adjacent to the James Street North and Burlington Street East right of ways, the proposal provides a six storey (18.5 metre) building base that conforms to a 45 degree angular plane measured from 80 percent of the right of way width. A minimum 1.5 metre step back at the seventh and eighth storeys, a 4.2 metre step back at the ninth storey and a 7.7 metre step back at the mechanical penthouse are proposed so that the building conforms to a 45 degree angular plane measured from 100 percent of the right of way widths. The massing adjacent to James Street North and Burlington Street East appropriately frames the street and reduces the visual impact of the upper three storeys.

The applicant has incorporated building setbacks and step backs that provide for adequate transition in building height to the six storey multiple dwelling to the north and the single detached dwelling to the east. The building is set back 3.0 metres from the

north property adjacent to the surface parking area for the abutting multiple dwelling. To transition to the single detached dwelling to the east, the proposal provides a 3.0 metre easterly side yard setback reduced to 2.0 metres at the rear to accommodate the parking stackers. Step backs are proposed at the sixth, seventh, eighth, ninth and mechanical levels to achieve a 45 degree angular plane measured from the east property line at a height of 11.0 metres. The 11.0 metre height is consistent with the height of a two and a half storey detached dwelling. In the opinion of staff, the proposed setbacks and step backs adequately reduce the visual impact of the increased building height on adjacent residential areas.

The translation of storeys to metres for determining height permissions for mixed use buildings in City of Hamilton Zoning By-law 05-200 is based on a 4.5 metre height for the ground floor and a 3.5 metre height for subsequent floors. Using this methodology, the proposed 27.5 metre building height is 1.5 metres lower in height than an eight storey building (29.0 metres). The subject lands have not been brought into Zoning By-law 05-200, however staff consider the height calculation to be informative as it is the Council approved practice applied to mixed use developments elsewhere in the City.

The three to five storey building height category on Schedule "M-4" applies to the properties on the southeast, southwest and northeast corners of James Street North and Burlington Street East. The northwest corner of James Street North and Burlington Street East permits a height of four to six storeys. The permitted heights at the intersection of James Street North and Burlington Street East are higher than along the remainder of James Street North to the south of the site and north of Barton Street (two to four storeys), indicating that the area should be considered an appropriate location for additional height and density.

In response to Policies A.6.3.3.1.18 xi) and xii), the applicant submitted a revised Shadow Study prepared by RAW Design dated March 19, 2019. The Shadow Study demonstrates shadowing on the public realm within the James Street North right of way on March 21st, June 21st and September 21st. Westerly shadows would be longest in the morning impacting sidewalks on both sides of James Street North at 9:18 am and 10:18 am at all three study dates. A portion of the westerly sidewalk would be impacted on March 21st and September 21st at 11:18 am, with only the easterly sidewalk experiencing shadows at 12:18 pm for all three study dates. There are no shadow impacts on the public realm in the afternoon and no impacts within the Burlington Street East right of way. Shadows would extend to the Hughson Street North right of way in the evening on March 21st and September 21st, but would not have a significant impact as the sidewalks are already shadowed by existing dwellings. Staff are satisfied the findings of the Study that the shadow impact on the public realm, limited to the James Street North right of way in the morning hours, is acceptable for the site that is identified in Setting Sail as an appropriate location for a mid-rise building.

The proposed building would be separated from the existing multiple dwelling to the north by a surface parking lot located on adjacent lands limiting issues of privacy and overlook. All shadows cast on the north abutting property would be over the surface parking area. To address privacy and overlook impacts on the east abutting detached dwelling, the proposal includes a 2.0 metre to 3.0 metre east side yard setback and no windows facing east for the first five storeys closest to the property line. The building steps back at the sixth, seventh, eighth and ninth storeys, reducing overlook associated with balconies and windows located above the fifth storey.

According to the Shadow Study, shadows would encroach into the rear amenity area for the east abutting detached dwelling after 3:18 pm on March 21st and September 21st and after 4:18 pm on June 21st. Easterly shadows would extend in the evening on March 21st and September 21st to impact the rear yards of five additional dwellings fronting Burlington Street East and Hughson Street North. Staff consider the shadow impact on the rear yard for the dwelling directly to the east to be the most impactful as it would occur earlier in the day and during the summer months. Staff have worked with the applicant to refine the building design to reduce the building mass and improve transition to the east abutting property. The shadow impact of the current design is similar to what would occur should the building height be reduced to five storeys (18.5 metres) as envisioned in Setting Sail.

Based on the foregoing, staff support the applicant's proposal to amend Schedule "M-4" of Setting Sail to permit a nine storey (27.5 metre) building height, and are satisfied that the proposal complies with all other policies of the Prime Retail designation.

Urban Design:

The following Urban Design policies, amongst others, apply to the proposal.

- "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.”

In accordance with Policies A.6.3.3.4.1 i), iv) and v), the proposal creates a comfortable and interesting environment by locating the building at the street with windows and entrances at grade, ensuring barrier free access. As per Policy A.6.3.3.4.1 iii), parking is located within the building, screening the parking facilities from view. The proposed building respects the design, scale, massing, setbacks, height and use of neighbouring buildings by locating the bulk of the mass at the corner of James Street North and Burlington Street East, and providing setbacks and step backs to transition to adjacent lower profile residential uses. With respect to Policy A.6.3.3.4.1 ii), the existing context includes a six storey multiple dwelling to the north, and a six storey office building and 17 storey multiple dwelling to the west. As shown on Schedule “M-4” of Setting Sail, the planned context for building height includes heights between three to six storeys at the intersection of James Street North and Burlington Street East compared to two to four storeys for the portion of James Street North further to the south, north of Barton Street East. In the opinion of staff, the subject site is an appropriate location for additional height and density given the existing and planned context.

Based on the forgoing, the proposal complies with the general intent of the Setting Sail Secondary Plan, subject to the proposed amendment to building height.

James Street North Mobility Hub Study

On September 24, 2014, Hamilton City Council adopted the James Street North Mobility Hub Study (the 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 in The Big Move transportation plan for the GTHA, as a key intersection in the regional transportation network intended to support transit access and high density development. Currently, 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 that will be incorporated into the Secondary Plan, Staff consider the Study to be informative when considering the development potential of the subject lands.

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The following Guiding Principles of the James Street North Mobility Hub Study, amongst others 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 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.
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 Guiding Principle Nos. 3 and 7 by providing a street-oriented mixed use building along the James Street North corridor that will support existing transit infrastructure.

The subject lands are located within the Primary Zone of the Mobility Hub and within Focus Area A – James Street North to the Waterfront. The Primary Zone is the area with the greatest potential for change through redevelopment and includes the lands on either side of James Street North between Strachan Street and the waterfront (Focus Area A). The study further identifies specific opportunity sites throughout the Mobility Hub, including Opportunity Sites 1 and 2 located directly to the southwest and south of the subject lands respectively.

The Study recommends that building heights along James Street North in Focus Area A be mid-rise in scale and should be determined based on a one to one ratio where the maximum building height is equivalent to the width of the right of way. The ability to achieve the maximum height is tempered by angular planes applied to the front and rear property lines. The proposed 27.5 metre (nine storey) building height exceeds the approximate 23.0 metre right of way width on James Street North and Burlington Street East, however the applicant has incorporated step backs along the James Street North

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and Burlington Street East facades at the seventh, ninth and mechanical levels to achieve a 45 degree angular plane measured from 100 percent of the right of way widths. Staff are of the opinion that the proposed step backs will reduce the perceived height of the building from the street, meeting the intent of the one to one height to right of way width ratio recommended in the Study. In addition, the proposal incorporates step backs adjacent to the low profile residential area to the east to achieve a 45 degree angular plane measured from the east property line beginning at a height of 11.0 metres, minimizing overlook, visual impact and shadow.

The study further recommends that a consistent street wall be created with a diversity of podium heights to create interest in the urban fabric. Podium heights up to three storeys are recommended that may be built up to the property line. Minimum 3.0 metre step backs are recommended along the James Street North frontage. The applicant has proposed a six storey (18.5 metre) podium built to the property line with a minimum 1.5 metre step back at the seventh storey and a minimum 4.2 metre step back at the ninth storey. Staff are satisfied that a higher podium height is appropriate for the site that is located at the northern end of James Street North adjacent to a six storey building to the north and a six storey building to the west. In addition, the applicant has designed the building so that the podium height conforms to a 45 degree angular plane measured from 80 percent of the James Street North and Burlington Street East right of way widths.

Based on the forgoing, the proposal aligns with Guiding Principle Nos. 4 and 5 by developing at an appropriate scale, form and density and incorporating building step backs to limit adverse impacts on adjacent neighbourhoods.

City of Hamilton Zoning By-law No. 6593

The subject property is currently zoned "H/S-182" (Community Shopping and Commercial, Etc.) District, Modified (By-law No. 71-32) which permits a one storey commercial building with associated surface parking and landscaped areas as per a site plan drawing attached to the site specific by-law. To implement the proposed nine storey (27.5 metre) mixed use building, a change in zoning to a site specific "H" (Community Shopping and Commercial, Etc.) District is required. An evaluation of the proposed modifications is included in Appendix "D" of Report PED19151.

RELEVANT CONSULTATION

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

- Recycling & Waste Disposal, Environmental Services Division, Public Works Department;
- Recreation Planning, Healthy and Safe Communities Department.
- Alectra Utilities; and,
- Strategic Planning Section, Public Works Department.

Transportation Planning Division, Planning and Economic Development Department, advised that the proposed 55 long term and 6 short term bicycle spaces are sufficient for the development. Staff have incorporated the proposed long-term bicycle parking rate in the amending zoning by-law attached as Appendix “C” to Report PED19151. Transportation Planning recommended that some of the short term bicycle parking be moved closer to the commercial portion of the development to enhance access and visibility. Bicycle parking location will be further reviewed at the Site Plan Control stage.

Transportation Planning Staff have reviewed the Transportation Impact Study (TIS) dated March 2018, prepared by Paradigm Transportation Solutions, and addendums dated November 20, 2018 and March 25, 2019. Transportation Planning staff advised that 3.0 metre by 3.0 metre visibility triangles are required at the property line for the access driveway. To accommodate the southern-most visibility triangle, the applicant has proposed transparent building materials at the northwest corner of the building and no parking will be permitted on the upper-most platform of the parking stacker closest to James Street North. The proposed driveway throat length is acceptable based on the internal queuing analysis provided in the TIS and the access driveway has been located as far north of the intersection of James Street North and Burlington Street East as possible.

Healthy Environments Division, Public Health Services indicated that a Pest Control Plan will be required at the Site Plan Control stage.

Forestry and Horticulture Section, Public Works Department advised that there are two municipal trees within the James Street North right of way to the north of the subject lands. A tree protection plan has been prepared and approved by the Forestry and Horticulture Section and will be implemented at the Site Plan Control Stage. In addition, a Landscape Plan will be required at the Site Plan Control stage showing the placement of street trees.

Design Review Panel (DRP)

The development proposal was presented to the City's Design Review Panel (DRP) on July 12, 2018 after submission of the Official Plan Amendment and Zoning By-law Amendment applications. The mandate of the DRP is to provide design advice to staff and the proponent.

The DRP provided a number of design recommendations to staff and the applicant, including the summarized comments below, amongst others:

- The panel applauded the proposed mid-rise built form but recommended that height and density be introduced carefully to ensure adequate transition to the adjacent neighbourhood. The panel unanimously agreed that the initial proposal did not adequately transition to the adjacent single detached dwelling to the east and recommended a 45 degree angular plane be applied beginning at a height of 12.0 metres from the east side property line. The panel recommended that the blank east façade be articulated using step backs and possibly a mural.
- The panel noted that the property is small for the type of development proposed and that the desire to provide parking with a stacker system rather than underground limits opportunities to provide active ground floor uses on James Street North.
- The panel recommended distinguishing the grade related (townhouse style) units from the retail portion of the building by giving the façade treatment a more residential character and providing an elevated front porch or patio area. Converting the units to live / work was suggested as a way to better integrate with the adjacent commercial uses along James Street North.
- The panel recommended a 3.0 metre setback be provided to the east and north property lines to buffer adjacent residential uses and provide room for trees.
- The panel recommended shifting the access driveway from James Street North to Burlington Street East to improve the pedestrian environment along James Street North.
- The panel noted that amenity space is lacking and recommended additional outdoor amenity space at a terrace level and a landscaped area at the ground level.

Applicant's Response to DRP Advice:

The applicant has addressed comments related to transition to the property to the east by incorporating step backs to achieve a 45 degree angular plane measured from the

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easterly side lot line from a height of 11.0 metres. A 3.0 metre easterly side setback has been added, decreased to 2.0 metres at the rear to accommodate the parking stackers. At the north property line, the building is setback 3.0 metres, except for balconies at the third level, which extend over the proposed access driveway.

Amenity area has been increased since the initial submission through the provision of outdoor terraces at the stepped back levels and on the roof. The size of the ground floor commercial use has been increased from 134.0 square metres to 153.0 square metres providing more room for active uses at grade facing James Street North. Comments related to façade treatment will be further considered at the Site Plan Control Stage.

The applicant has not relocated the access driveway from James Street North to Burlington Street East as recommended by the DRP. Staff are satisfied that the James Street North driveway location is acceptable from an urban design perspective as it is adjacent to the surface parking area for the north abutting multiple dwelling and does not interrupt the street wall and commercial character that begins south of Burlington Street East. Transportation Planning staff have reviewed and are satisfied with the proposed driveway location on James Street North.

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 350 property owners within 120 metres of the subject property on May 1, 2018. A Public Notice sign was posted on the property on May 9, 2018 and updated with the Public Meeting date on August 7, 2019. Finally, a Notice of Public Meeting was sent to 350 property owners within 120 metres of the subject property on August 16, 2019.

To date, five letters have been submitted expressing concerns with the proposed development (Appendix "F" of Report PED19151). The concerns raised include parking, traffic, height, neighbourhood character, shadow and overlook and are summarized in the Analysis and Rationale for Recommendation section of this Report.

Public Consultation Strategy

In accordance with their submitted Public Consultation Strategy, the applicant attended the December 6, 2017 meeting of the North End Neighbourhood Association prior to submission of the application and held a public open house on July 25, 2018 at Bennetto Community Centre.

The applicant mailed public open house invitations to all residents within 120 metres of the subject lands and emailed invitations to the North End Neighbourhood Association and the Guise Street Housing Cooperative Board of Directors. Approximately 33 residents attended the meeting (based on sign in sheets) raising concerns related to building height, parking, traffic, noise, storm water management, landscaping and trees. A response to the resident concerns is included in the Analysis and Rationale for Recommendation section of this report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - i) It is consistent with the PPS (2014) and conforms to A Place to Grow Plan (2019);
 - (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 Setting Sail 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. Official Plan Amendment

The proposed mixed use building is a permitted use in Setting Sail as the proposed development meets the criteria of the Prime Retail designation. However, A.6.3.3.1.18 vi) and Schedule “M-4” of Setting Sail permits a maximum building height of three to five storeys. To facilitate the proposed nine storey building height, a change in height permissions on Schedule “M-4” is required.

The intent of the Corridors of Gradual Change and Prime Retail policies in Setting Sail is to maintain the commercial function of James Street North while permitting residential development in a form that respects the scale and character of adjacent stable residential areas. The proposed development provides commercial space at the ground and second level fronting James Street North and incorporates building setbacks and step backs that provide for an adequate transition to adjacent residential areas. Therefore, in the opinion of staff, the proposal to increase the permitted building height can be supported.

3. Zoning By-law Amendment

The subject lands are currently zoned “H/S-182” (Community Shopping and Commercial, Etc.) District, Modified.

To permit the proposed nine storey (27.5 metre) mixed use building, the applicant has applied to change the zoning to a site specific “H” (Community Shopping and Commercial, Etc.) District. The following site specific modifications to the “H” District are required to implement the proposal:

Applicant requested modifications

- To permit a rooftop terrace above the maximum permitted building height;
- To permit a multiple dwelling in the same building as a commercial use;
- Increased building height;
- Reduced front and rear yard depth and side yard width;
- Eliminated floor area ratio requirements;
- Eliminated landscape area requirements;
- To permit canopy and balcony encroachments to be located at a street line;
- To permit parking within a parking stacker system;
- Reduced parking rate;
- Eliminated visitor parking requirement;
- Modified loading space dimensions;
- Reduced parking space length and width for parking spaces within a parking stacker;
- Eliminated requirement for a buffer between an access driveway for a non-residential use and a residential district; and,
- To provide no surface markings or wheel barriers for parking spaces within a stacker system.

Staff requested modifications

- To require building step backs to achieve a 45 degree angular plane measured from east property line beginning at a height of 11 metres;
- To require building step backs to achieve a 45 degree angular plane measured from 80 percent of adjacent right of way widths for the building base and a 45 degree angular plane measured from 100 percent of the adjacent right of way widths for the overall building;
- To remove permission for an automobile service station, repair garage or car wash; and,
- Added requirement to provide long term bicycle parking.

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Staff support the proposed Zoning By-law Amendment application for the following reasons:

Built form and Massing

The proposed nine storey (27.5 metre) building is appropriate for the immediate context that includes a six storey multiple dwelling to the north and a six storey office building and 17 storey multiple dwelling to the west. The applicant has incorporated building setbacks and step backs to ensure the building height responds to adjacent street dimensions and transitions to existing residential uses to the north and east. The proposed building incorporates the following setbacks and step backs:

- At the east property line adjacent to an existing two and a half storey detached dwelling, the proposal includes a 3.0 metre side yard setback, reduced to 2.0 metres at the rear to accommodate the final row of parking stackers. Step backs are proposed at the sixth, seventh, eighth, ninth and mechanical levels to achieve a 45 degree angular plane measured from the east property line beginning at a height of 11.0 metres.
- At the north property line adjacent to the parking area for the abutting six storey multiple dwelling, the proposal includes a 3.0 metre setback, except for a terrace at the third level proposed to be built above the access driveway for the parking stackers.
- At the west property line adjacent to James Street North and the south property line adjacent to Burlington Street East, the proposed six storey (18.5 metre) building base is located at the property line and falls within a 45 degree angular plane measured from 80 percent of the right of way width. Step backs at the seventh, ninth and mechanical levels are proposed so that the building conforms to a 45 degree angular plane measured from 100 percent of the right of way width.

Staff are satisfied that the massing described above results in an appropriate mid-rise built form at this location that transitions to adjacent residential uses and responds in scale to the James Street North and Burlington Street East right of ways. To ensure the required setbacks and step backs are implemented in the final design, staff have incorporated them in the amending By-law (attached as Appendix "C" to Report PED19151).

Parking

The applicant has proposed an overall parking rate of 0.58 parking spaces per unit, whereas Zoning By-law No. 6593 requires 1.25 parking spaces per unit for a multiple dwelling. No parking spaces are proposed for visitors or for the proposed commercial unit. The parking is proposed to be provided primarily within a parking stacker system that rearranges parking platforms both vertically and horizontally to make available the requested platform at the required garage door. Two stacker systems are proposed, one to the east of the proposed loading area containing 23 parking spaces, and one to the west of the proposed loading area containing eight parking spaces. One surface parking space is proposed at grade, outside of the parking stacker system. The parking platforms within the stacker systems will be accessed via garage doors facing a driveway along the north portion of the site. Parking will not be permitted on the platform assigned to the portion of the west parking stacker located at grade adjacent to the west property line to allow visibility for vehicles existing onto James Street North. To accommodate the design of the parking stacker system, modifications to the minimum parking space length and width requirements are required. The proposed parking space dimension reductions are limited to those spaces within the parking stacker system.

In support of the proposed parking reduction, the applicant submitted a Parking Justification Study prepared by Paradigm Transportation Solutions dated March 2018, with addendums dated November 20, 2018 and March 25, 2019. The Parking Justification includes parking surveys for three multiple dwellings in the City of Hamilton, one close to Downtown Hamilton (187 Park Street South) and two near Eastgate Square (770 Queenston Road and 70 Glenburn Court). The surveys identified an average parking utilization of 0.50 parking spaces per unit.

Staff reviewed the Parking Justification Study and expressed concern that the parking survey for 187 Park Street South was completed in 2012 and did not include overnight hours between 10:00 pm and 7:00 am when parking demand may be highest. The surveys for 770 Queenston Road and 70 Glenburn Court were more recent (completed in June of 2016) but also did not include overnight hours. Staff expressed concern that none of the three sites are located in close proximity to the subject site. Therefore, staff requested that parking surveys be completed with different sites that more closely resemble the conditions of the proposed development. In response to staff concerns, Paradigm Transportation Solutions conducted a parking survey of 2 Guise Street directly to the north of the subject lands in January 2019 between the hours of 9:00 pm and 4:00 am. The survey identified a maximum parking utilization rate of 0.56 spaces per unit.

In addition, the applicant has incorporated TDM measures in the development, including 55 long term and 6 short term bicycle parking spaces. The site is within reasonable walking distance of the West Harbour Go Station (approximately 800 metres), is located adjacent to HSR Bus service on James Street North and Burlington Street East, and has access to a nearby Sobi Bike Share station at James Street North and Guise Street.

Staff are satisfied that parking for the proposed 153.0 square metre commercial space and residential visitor parking can be accommodated off site. The applicant's Parking Justification Study identified 170 temporary on-street parking spaces within 300 metres of the subject land. Where time limit or permit only restrictions exists, on street parking may only be used for temporary visitor and commercial parking as residents of the multiple dwelling would not be eligible for on-street parking permits or time limit exemptions. Based on the foregoing, staff support the proposed parking rate of 0.58 parking spaces for the multiple dwelling with no on site parking for visitors or the proposed commercial unit.

The proposed modifications to parking space length and width are required due to the specifications of the parking stacker system proposed by the applicant. Within the parking stacker system, a minimum width of 2.5 metres, a length of 5.0 metres and a height of 1.75 metres will be available for each parking space platform.

The applicant submitted an analysis of vehicle dimensions demonstrating that the parking spaces within the proposed parking stacker system will be able to accommodate many of the most popular vehicle makes with space for door opening clearance. Staff are satisfied that the proposed parking stacker system can accommodate the residential parking needs of the development and support the proposed modifications to parking space size within a parking stacker system.

The proposed modifications to the "H" District are included in Appendix "C" to Report PED19151 and further analysis of all requested modifications is provided in Appendix "D" to Report PED19151.

4. An "H" Holding Provision is recommended to require the Owner to enter into a conditional building permit agreement with respect to completing a Record of Site Condition (RSC) or a signed RSC be submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP) for the subject property. 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. This is required to evaluate the impacts of the former commercial uses on the property given the proposed change to include residential uses (a sensitive land use).

5. The subject lands are currently subject to site specific By-law No. 71-32 that rezoned the lands to a "H/S-182" (Community Shopping and Commercial, Etc.) District, Modified. The "H/S-182" District zoning permits a one storey commercial building with associated surface parking and landscaped areas as per a site plan drawing attached to the site specific by-law. Staff recommend that By-law No. 71-32 be repealed.
6. Engineering Approvals staff reviewed the Functional Servicing Report (FSR) dated March 21, 2018, prepared by MTE Consultants Inc., with an addendum dated November 16, 2018 and have no concerns with the proposed OPA / Zoning By-law Amendment moving forward. At the Site Plan Control stage, Engineering Approvals staff advised that if dewatering is anticipated for construction activities and / or for underground parking, dewatering discharge must comply with City of Hamilton Sewer Use By-law standards. No permanent dewatering to the City sewer system will be allowed. Detailed design and review of grading and drainage, storm water management, servicing and construction management will occur at Site Plan Control stage.
7. The circulation of the application resulted in the submission of correspondence from five area residents (see Appendix "F" to Report PED19151). The issues identified are as follows:

Parking and Traffic

There is a concern about the number of parking spaces provided and the traffic generated by the proposal. The applicant submitted a Parking Justification Report in support of the proposed parking reduction and has incorporated Transportation Demand Management measures including 55 long term and 6 short term bicycle parking spaces. The site has access to HSR Transit on James Street North and Burlington Street East, and is within 800 metres of the West Harbour GO Station. Staff are satisfied that the proposed parking rate of 0.58 parking spaces per unit is adequate for the development. A Traffic Impact Study was submitted with the application and staff are of the opinion that the traffic generated by the proposal can be accommodated on area streets.

Height and Neighbourhood Character

There is a concern that the proposed building is too tall and does not respect the character of the neighbourhood. The applicant has incorporated building setbacks and step backs to provide appropriate transition to neighbouring buildings and a mid-rise scale that responds to the width of adjacent right of ways. Commercial space and residential entrances are provided at grade activating adjacent streets and maintaining the commercial function of James Street North. The proposed building height is appropriate for the location that includes a six storey multiple dwelling to the north and a six storey office building and 17 storey multiple dwelling to the west. Staff are of the opinion that the proposal respects the character of the neighbourhood.

Shadow and Overlook

There is a concern that the development will have shadow and overlook impacts on adjacent residential uses. The applicant has incorporated design features to limit issues of shadow and overlook, including setbacks and step backs adjacent to the residential uses to the north and east. The development abuts the surface parking area of the north abutting multiple dwelling, limiting shadow and overlook impacts. To the east, the applicant has provided step backs at the sixth, seventh, eighth and ninth storeys and are proposing no windows on the east façade for the first five storeys closest to the property line.

Noise

There is a concern that noise generated by the proposed parking stacker system and mechanical equipment will impact adjacent residents. Staff will require an addendum to the Noise Study at the Site Plan Control Stage demonstrating that noise generated by the proposed building will meet MOECP noise criteria.

Stormwater Management

There is a concern that the high lot coverage and limited setbacks will reduce water infiltration and impact the City's storm sewer capacity. Engineering Approvals staff have reviewed the Functional Servicing Report submitted with the application and are satisfied that the proposed development is feasible from a servicing perspective. Storm water management will be reviewed in greater detail at the Site Plan Control stage.

Landscaping and Trees

There is a concern that the concept plan submitted does not identify trees and landscaping within the Burlington Street East and James Street North right of ways. A landscape plan will be required at Site Plan Control stage, identifying suitable locations for trees within the municipal boulevard.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Official Plan Amendment and Zoning By-law Amendment be denied, the lands could be developed in accordance with the existing “H/S-182” (Community Shopping and Commercial, Etc.) District, Modified zoning which permits a one storey commercial building with a surface parking area as per the site plan attached to By-law No. 71-32.

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.

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" – Amendment to Zoning By-law No. 6593

Appendix "D" – Zoning Modification Table

Appendix "E" – Concept Plan

Appendix "F" – Public Submissions