

Hamilton

CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

Table with 2 columns: Field Name (TO, COMMITTEE DATE, SUBJECT/REPORT NO, WARD(S) AFFECTED, PREPARED BY, SUBMITTED BY, SIGNATURE) and Field Value (Chair and Members Planning Committee, September 22, 2020, Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 282 MacNab Street North, Hamilton (PED19071(a)) (Ward 2), Ward 2, Mark Kehler (905) 546-2424 Ext. 4148, Stephen Robichaud Director, Planning and Chief Planner Planning and Economic Development Department, Handwritten signature of Stephen Robichaud)

RECOMMENDATION

- (a) That Revised Official Plan Amendment Application UHOPA-18-015, by St. Jean Properties Inc. and Durand Development Corporation, Owner, to establish a Special Policy Area on Schedule "M-2" - General Land Use Plan of the West Harbour (Setting Sail) Secondary Plan in the former City of Hamilton Official Plan to permit the development of a ten storey, 89 unit multiple dwelling with a maximum residential density of 688 units per gross hectare, for lands located at 282 MacNab Street North, Hamilton as shown on Appendix "A" to Report PED19071(a), be APPROVED on the following basis:
(i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED19071(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow Plan (2019).

- (b) That **Revised Zoning By-law Amendment Application ZAC-18-037, by, St. Jean Properties Inc. and Durand Development Corporation, Owner**, for a change in zoning from the "J" (Light and Limited Heavy Industry, Etc.) District to the "E/S-1799-H" (Multiple Dwellings, Lodges, Clubs, Etc.) District, Holding, Modified to permit a ten storey (33.0 m), 89 unit multiple dwelling with 66 parking spaces, for lands located at 282 MacNab Street North, Hamilton, as shown on Appendix "A" to Report PED19071(a), be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix "C" to Report PED19071(a), 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 PED19071(a) be added to District Map W3 of Zoning By-law No. 6593 as "E/S-1799-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 "E/S-1799-H" (Multiple Dwellings, Lodges, Clubs, Etc.) District, Holding, Modified, be removed conditional upon:

- (1) 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 MOECP, and submission of the City of Hamilton's current RSC administration fee.
- (2) The Owner shall investigate the noise levels on the site and determine and implement the noise control measures based on the detailed building design in consultation with Canadian National Railways and Metrolinx that are satisfactory to the City of Hamilton, in meeting the Ministry of the Environment, Conservation and Parks recommended sound level limits. An updated acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the Director of Planning and Chief Planner.

Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner/applicant and shall be submitted to the satisfaction of the Director of Planning and Chief Planner.

- (3) That the Owner establish an easement registered on title to provide maintenance access to the ground floor of the north and east main walls of the building from the abutting Metrolinx property (353 James Street North) and provides legal documentation to the City of the easement, to the satisfaction of the Director of Planning and Chief Planner.
- (iv) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow Plan (2019) and will comply with the City of Hamilton Official Plan upon finalization of Official Plan Amendment No. XX.
- (c) That Item 19R respecting the public meeting for proposed Official Plan and Zoning By-law Amendment applications for 282 MacNab Street North be identified as complete and removed from the Planning Committee Outstanding Business List.

EXECUTIVE SUMMARY

The Owner, St. Jean Properties Inc. and Durand Development Corporation, has amended their applications for an Official Plan Amendment and Zoning By-law Amendment such that the revised proposal is to permit a ten storey (33.0 m), 89 unit multiple dwelling with 66 parking spaces on lands located at 282 MacNab Street North, Hamilton.

The purpose of the revised Official Plan Amendment application is to establish a Special Policy Area on Schedule "M-2" – General Land Use Plan of the West Harbour (Setting Sail) Secondary Plan to permit the development of a ten storey multiple dwelling with a maximum residential density of 688 units per gross hectare.

The purpose of the revised Zoning By-law Amendment application is for a change in zoning from the "J" (Light and Limited Heavy Industry, Etc.) District to the "E/S-1799-H" (Multiple Dwellings, Lodges, Clubs, Etc.) District, Holding, Modified to permit a ten storey (33.0 m), 89 unit multiple dwelling with 66 parking spaces. Modifications to the "E" District are proposed to permit an increased building height, reduced front, side and rear yard setbacks, eliminate the floor area ratio and landscape requirements and increase balcony encroachment into a required rear yard. Modifications to the parking

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requirements of Zoning By-law No. 6593 are proposed to permit a reduced parking rate, eliminate visitor parking requirements, modify the parking space and loading space dimensions, and an added requirement for short term and long term bicycle parking.

A previous version of the proposal for a 13 storey (43.5 m), 110 unit multiple dwelling with 51 parking spaces was brought forward to Planning Committee on April 2, 2019. Staff recommended denial of the applications. Planning Committee tabled the matter to allow the Ward Councillor and staff to work with the applicant on a revised proposal.

The revised applications have merit and can be supported as the proposal is consistent with the Provincial Policy Statement (2020), conforms to the A Place to Grow Plan (2019), and will comply with the West Harbour (Setting Sail) Secondary Plan upon finalization of the Official Plan Amendment. The proposed development represents an appropriate level of intensification at this location, adjacent to Downtown Hamilton and the West Harbour GO Station, that respects the scale and character of adjacent development.

Alternatives for Consideration – See Page 34

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. A Public Meeting was held on April 2, 2019. The matter was tabled to allow the Ward Councillor and staff to work with the applicant on a revised proposal. The Public Meeting was recessed and remains open.

HISTORICAL BACKGROUND

The original application for a 13 storey (43.5 m) multiple dwelling with 110 dwelling units and 51 parking spaces was brought forward to Planning Committee on April 2, 2019. Staff recommended denial on the basis that the original proposal did not comply with the City of Hamilton Official Plan and the West Harbour (Setting Sail) Secondary Plan with regards to matters including, but not limited to, building height, massing, built form, and compatibility with the existing character of the surrounding neighbourhood. The original proposal featured full lot coverage and massing that located the tallest portion of the building at the southern portion of the site. Planning Committee tabled their

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consideration of the application and recessed the Public Meeting to allow the Ward Councillor and staff to work with the applicant on a revised proposal.

Staff received informal revised concept plan submissions on April 11, 2019 and June 5, 2019 and provided high level feedback to the applicant. On December 13, 2019 and May 26, 2020, the applicant made formal submissions in response to staff comments.

The following changes, amongst others have been made to the proposal:

	Original Proposal	Revised Proposal
Building Height	Thirteen storeys (43.5 m)	Ten storeys (33.0 m)
Residential Units	110	89
Parking Spaces	51 (0.46 per unit)	66 (0.74 per unit)
Coverage and ground floor setbacks	Full lot coverage with 0 m ground floor setbacks to all lot lines.	The revised proposal includes the following ground floor setbacks: <ul style="list-style-type: none"> • A minimum 0 m front yard setback with an increased 6.0 m front setback provided for the southernmost 14.4 m of the building and a 9.7 m front setback provided for the southernmost 4.0 m of the building; • A minimum 0.7 m south side yard setback; • A 0 m to 1.2 m north side yard setback; and, • A 0 m rear yard setback.
Building setbacks above the ground floor	The original proposal included the following building setbacks above the ground floor: <ul style="list-style-type: none"> • At the west (front) lot line, a 1.3 m setback for floors two to eight, a 5.3 m setback for floors nine to eleven and an 	The revised proposal includes the following building setbacks above the ground floor: <ul style="list-style-type: none"> • At the west (front) lot line, a 1.5 m setback for floors six to eight and a 3.0 m setback for floors nine and ten;

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	<p>8.1 m setback for floors twelve and thirteen;</p> <ul style="list-style-type: none"> • At the south lot line, a 5.0 m setback for floors two to thirteen; • At the north lot line, a 1.3 m for floors two to eight, a 2.9 metre setback for floors nine to eleven and a 4.3 m setback for floors twelve and thirteen; and, • At the east (rear) lot line, a 5.1 m setback for floors two to eleven and a 6.8 m setback for floors twelve and thirteen. 	<ul style="list-style-type: none"> • At the south lot line, a 4.0 m setback for floors two to eight and an 8.8 m setback for floors nine and ten; • At the north lot line, a 1.2 m setback for floors two to six and a 4.2 m setback for floors seven to ten; and, • At the east (rear) lot line, a 6.3 m setback for floors two to ten.
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Report Fact Sheet

Application Details	
Applicant/Owner:	St. Jean Properties Inc. and Durand Development Corporation
File Number:	UHOPA-18-015 and ZAC-18-037
Type of Application:	Official Plan Amendment and Zoning By-law Amendment
Proposal:	To permit a ten storey (33.0 m) multiple dwelling with 89 dwelling units and 66 vehicle parking spaces for residents provided on the ground level and within two levels of underground parking.
Property Details	
Municipal Address:	282 MacNab Street North
Lot Area:	1,294 sq m (0.129 ha)
Servicing:	Existing Municipal Services

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Existing Use:	Vacant property
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS.
A Place to Grow:	The proposal conforms with A Place to Grow.
Official Plan Existing:	Urban Area (Hamilton Wentworth Official Plan) and Medium Density Residential 1 in the West Harbour (Setting Sail) Secondary Plan in the former City of Hamilton Official Plan
Official Plan Proposed:	Medium Density Residential 1 with a Site Specific Policy Area to permit: <ul style="list-style-type: none"> • A maximum building height of ten storeys; and, • A maximum residential density of 688 units per gross hectare.
Zoning Existing:	“J” (Light and Limited Heavy Industry, Etc.) District
Zoning Proposed:	“E/S-1799-H” (Multiple Dwellings, Lodges, Clubs, Etc.) District, Holding, Modified
Modifications Proposed:	<ul style="list-style-type: none"> • Increased building height; • Reduced front yard depth; • Reduced side yard width; • Reduced rear yard depth; • Eliminated floor area ratio requirements; • Eliminated landscaped area requirements; • Increased balcony projections into the required rear yard; • Reduced parking rate; • Eliminated requirement for visitor parking; • Reduced parking space dimensions; • Reduced loading space dimensions; and, • To require short term and long term bicycle parking.
Processing Details	
Received:	July 3, 2018

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Deemed Incomplete:	July 25, 2018
Deemed Complete:	September 25, 2018
Notice of Complete Application:	Sent to 184 property owners within 120 m of the subject property on October 9, 2018.
Public Notice Sign:	Posted on October 9, 2018 and updated with the public meeting date on August 26, 2020.
Notice of Public Meeting:	Notice of Public Meeting for the original application sent on March 15, 2019. The Public Meeting was recessed on April 2, 2019 and Notice of Public Meeting for the revised proposal sent on September 4, 2020.
Public Consultation:	Applicant public open house held on November 21, 2018. Approximately 34 people were in attendance.
Public Comments:	Six letters of concern, one letter in support, a petition in opposition from the Romanian Orthodox Church (205 signatures) and an online petition.
Processing Time:	728 days (from complete application)

Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Property:</u>	Vacant	"J" (Light and Limited Heavy Industry, Etc.) District

Surrounding Lands:

North	West Harbour Go Station	Utility (U2) Zone
East	West Harbour Go Station and place of worship	Utility (U2) Zone and Neighbourhood Institutional (I1) Zone

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	(Romanian Orthodox Church)	
South	Place of worship (Romanian Orthodox Church)	Neighbourhood Institutional (I1) Zone
West	Single detached dwellings and a one storey commercial building	"D" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District and "J" (Light and Limited Heavy Industry, Etc.) District

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2020) (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. As of May 1, 2020, the policies of the PPS (2020) apply to planning decisions. 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.
- 1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:
- a) efficiently use land and resources;
 - b) 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;
 - e) support active transportation;
 - f) are transit-supportive, where transit is planned, exists or may be developed;

Land use patterns within settlement areas shall also be based on 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.

- 1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.”

The subject property is located within a settlement area as defined by the PPS. The proposed multiple dwelling 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 adjacent to the West Harbour GO Station.

Cultural Heritage and Archaeology

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

- “2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.
- 2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas 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 three of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential. 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 will be required at the Site Plan Control stage.

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A Cultural Heritage Impact Assessment (CHIA) was submitted with the original application as part of the Urban Design Brief dated June 2018 completed by McCallum Sather. Staff reviewed the CHIA and forwarded it to the Policy and Design Working Group of the Hamilton Municipal Heritage Committee for comment. The Working Group expressed concern that the proposed 13 storey building height was not in keeping with the character of the neighbourhood, including the Romanian Orthodox Church to the south. The church is included in the City's Inventory of Buildings of Architectural and / or Historical Interest.

Staff have reviewed the revised proposal that includes a lower ten storey building height and step backs adjacent to the inventoried place of worship to the south. Staff are satisfied that concerns expressed by the Working Group have been addressed and have no further concerns related to built heritage.

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 revised Noise Impact Assessment prepared by WSP dated December 11, 2019 for the subject proposal. WSP determined that vehicular traffic on MacNab Street North, Bay Street North, Barton Street West and James Street North and rail traffic on the railway corridor (Canadian National (CN), Southern Ontario Railway (SOR) and GO Transit) to be the dominant transportation sources of sound affecting the proposed development. The Stuart Street Rail Yard is also a significant stationary noise source. Based on the results of the Assessment, noise mitigation measures including upgraded exterior wall and glazing materials, warning clauses and central air conditioning are required to meet MOECP guidelines. A vibration assessment was included in the Noise Impact Assessment that determined vibration levels would not exceed guidelines from CN Rail and The Federation of Canadian Municipalities / The Railway Association of Canada.

Due to the site's location adjacent to the West Harbour GO Station, the assessment was forwarded to Metrolinx for review. Metrolinx staff expressed concerns that the assessment did not include analysis of the stationary noise from GO Bus operations at the West Harbour GO Station. In response, the applicant submitted an addendum letter prepared by WSP dated June 25, 2020 clarifying that the noise impact of adjacent GO

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bus operations would require no additional noise remediation. Metrolinx staff have reviewed the addendum and have no further concerns.

Staff require the Noise Study to be updated based on the detailed design in consultation with CN Rail and Metrolinx as a condition of Holding Removal to satisfaction of the City of Hamilton. Required noise mitigation measures and warning clauses will be implemented at the Site Plan Control stage.

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 industrial / commercial purposes. As a result, the property is subject to environmental review to allow for the proposed multiple dwelling use. The applicant has undergone a Phase I and II Environmental Site Assessment (ESA). The Phase I ESA identified a number of potential environmental concerns including abandoned underground storage tanks, fuel lines and an out of service fuel pump, previous use as a vehicle repair garage, and the presence of poor quality fill. Further concerns were identified due to the potential migration of contaminants from off-site sources including a former CN Rail yard to the north, former street car maintenance activities to the east and potential historical fuel oil use to the south. The Phase II ESA identified contaminated surface soil fill throughout the site and gasoline / fuel contamination near the former fuel lines and pump. The Owner will be responsible for ensuring a Record of Site Condition (RSC) has been filed appropriately satisfying the MOECP. Staff have included a Holding Provision requiring the provision of a Notice of Acknowledgment letter from the MOECP for the RSC or a conditional building permit agreement.

Based on the forgoing, 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 Forecasted growth to the horizon of this Plan will be allocated based on the following:

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- 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*;
- 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 City of Hamilton urban boundary and are fully serviced by municipal water and wastewater infrastructure. The proposal expands housing options within the neighbourhood at a convenient location adjacent to Downtown Hamilton with access to local stores and services (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 at the West Harbour GO Station and on James Street North.

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 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 apply 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 others, 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:

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- Growth can be accommodated by building on vacant or redeveloped land, without taking up agricultural lands or natural areas;
- Higher density development can reduce per capita servicing costs and makes more efficient use of existing services;
- Efficient and affordable public transit systems can be established;
- Effective community design can ensure people are close to recreation, natural areas, shopping and their workplace; and,
- A compact community makes walking and bicycling viable options for movement.”

The proposal complies with the above policy direction to encourage redevelopment of the subject lands for compact development within the Urban Area. The proposed multiple dwelling would provide for efficient use of services. As such, the proposal complies with the policies of the Hamilton-Wentworth Official Plan.

City of Hamilton Official Plan

The subject lands are not included within the UHOP as they are part of Non-Decision No. 113. As a result, the policies of the City of Hamilton Official Plan remain in effect. Schedule A of the City of Hamilton Official Plan designates the subject lands “West Harbour.” The policies of the West Harbour (Setting Sail) Secondary Plan provide more detailed designations and policy framework for this area. The following City of Hamilton Official Plan policies, amongst others, apply to the proposal.

“Subsection B.2.1 – Water Distribution

B.2.1.1 In accordance with the Regional Official Plan, Council will encourage the Region to maintain and, where necessary, improve water supply in the City. New development and / or redevelopment will only be permitted where the water supply is deemed to be adequate by the Region.

Subsection B.2.2 – Sewage Disposal

B.2.2.1 Council will encourage the Region to ensure that all new development in the City be effectively serviced by the SEWAGE DISPOSAL System. In this regard, Council will encourage the appropriate agencies to ensure that necessary improvements to, or extension of, the SEWAGE DISPOSAL System, expansions to the capacity of the Woodward Avenue Sewage

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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. Stormwater management, geotechnical and hydrogeological studies will be required 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.”

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

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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 multiple dwelling complies with Policies C.7.3 ix) and xii) by increasing the availability of residential units in the neighbourhood and increasing residential densities adjacent to the West Harbour GO Station.

To limit the impact of the proposed ten storey building height and to respect the scale and character of the existing residential area to the south, the massing of the proposed building has been shifted towards the north of the site (see Appendix "E" to Report PED19071(a)). The proposed building steps back 4.0 m from the south property line at the second storey and 8.8 m at the ninth storey. A ground level setback of 0.7 m at the south property line is proposed for maintenance access and there will be no windows at the ground level eliminating issues of privacy and overlook. To recognize existing setbacks adjacent to the site, the south portion of the front façade has been shifted from 0 m to between 6.0 m and 9.7 m from the front property line to align with the place of worship to the south. Based on the foregoing, the proposal complies with Policies C.7.3 iii) and v).

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

The West Harbour (Setting Sail) Secondary Plan was approved by Council in 2005. Due to appeals to the Ontario Municipal Board (OMB), the Secondary Plan was not deemed to be in effect until the OMB issued its final decision in 2012. This decision

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added the Secondary Plan to the former City of Hamilton Official Plan as that was the Official Plan in effect for the former City of Hamilton at that time.

When the UHOP was brought into effect by the OMB in 2013, all 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 against the proposed development are those policies in the West Harbour (Setting Sail) Secondary Plan OPA No. 198 instead of the UHOP (Volume 2).

The subject property is identified as "Stable Areas" on Schedule "M-1" – Planning Area and Sub-Areas and is designated "Medium Density Residential 1" on Schedule "M-2" – General Land Use and is located within the "Zone of Noise Influence" on Schedule "M-3" – Zone of Noise Influence. The application proposes to establish a Special Policy Area on Schedule "M-2" to permit increased building height and residential density. The following policies, amongst others, apply to the proposal.

Planning Principles

"A.6.3.2.2 Strengthen existing neighbourhoods;

- i) ensure new development respects and enhances the character of the neighbourhood;
- ii) relocate heavy industrial uses and clean-up contaminated sites;
- iii) encourage compatible development on abandoned, vacant and under-utilized land;

Stable Areas:

A.6.3.7 Stable Areas

The Stable Areas are identified on Schedule "M-1". They comprise the generally low density neighbourhoods that define the residential character of West Harbour. Significant physical change is not anticipated in Stable Areas. The intent of the policies in this section is to maintain and reinforce the character of existing neighbourhoods and to encourage the replacement of inappropriate industrial and commercial uses with sensitively-designed residential development.

A.6.3.7.1 Land Use

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

Consistent with Policies A.6.3.2.2 (ii) and A.6.3.7, the proposed development represents an opportunity to redevelop a contaminated former industrial / commercial site.

Policies A.6.3.7 and A.6.3.7.1.1 establish that “Stable Areas” as identified on Schedule M-1 of Setting Sail are predominantly low density in character. As per Policies A.6.3.2.2 and A.6.3.7, the intent of the Setting Sail Secondary Plan is to ensure new development respects, enhances and reinforces the character of existing neighbourhoods. The proposed ten storey building would be located at the northern edge of the neighbourhood located south of the railway tracks, adjacent to a commercial building to the west, the West Harbour GO Station to the north and east and a place of worship to the south. The lands are designated Medium Density Residential 1 in Setting Sail, indicating that they are an appropriate location for mid-rise development. To ensure the development is sensitive to adjacent residential uses to the south, the building includes a 4.0 m setback from the south property line at the second storey and an 8.8 m setback at the ninth storey (see Appendix “E” to Report PED19071(a)). Staff are satisfied that the proposal meets the intent of the “Stable Areas” policies in Setting Sail despite technical amendments required to permit the proposed increased height and density.

Medium Density Residential 1

“A.6.3.3.1.13 In Medium Density Residential 1 areas:

- i) multiple dwellings are permitted;
- ii) the density of development shall be in the range of 60 – 150 units per gross hectare;
- iii) the height of buildings shall range from 3 to 5 storeys;
- v) front yard setbacks shall be generally consistent with the setbacks of adjacent buildings;
- vii) parking areas generally shall be provided at the rear of sites or underground, with access from public streets or laneways;
- ix) the main entrances to buildings shall face public streets;

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- x) private amenity space shall be provided on balconies and terraces, at the front or rear of individual ground-floor units, and/or within internal courtyards outdoors and indoors;
- xi) common amenity space shall be consolidated on the site to create useable spaces;
- xii) the design and massing of buildings shall minimize shadow and wind impacts on the public realm; and
- xiii) the design of new developments shall have respect for the light, views and privacy enjoyed by residents in adjacent buildings and areas.”

As per Policy A.6.3.3.1.13 i), the proposed multiple dwelling use is permitted in the Medium Density Residential 1 designation. The proposed parking within the ground floor and underground levels accessible from MacNab Street North complies with Policy A.6.3.3.1.13 vii). As required by Policies A.6.3.3.1.13 x) and xi), private amenity space is proposed within individual balconies. The proposed primary building entrance faces MacNab Street North and complies with Policy A.6.3.3.1.13 ix). To meet Policy A.6.3.3.1.13 v), the revised proposal includes an increased front yard setback for the south portion of the building to align with the adjacent place of worship.

In response to Policy A.6.3.3.1.13 xii), the original submission included a Sun Shadow Analysis prepared by McCallum Sather, dated June 2018 and a Pedestrian Wind Assessment prepared by Novus Environmental dated June 27, 2018. Staff are satisfied that the shadow impacts of the development would be minimal as they would occur at low usage times during the day, for limited duration, primarily over the railway lands to the north. Limited shadow impacts are expected in the summer months. The revised proposal has a lower building height, further reducing shadow. The Pedestrian Wind Assessment prepared by SLR Consulting (Canada) Ltd. dated June 27, 2018 determined that wind conditions on MacNab Street North and Stuart Street adjacent to the development would be suitable for standing or leisurely walking year round. An addendum prepared by SLR dated June 10, 2020, confirmed that the revised proposal that includes a lower building height and reduced building mass would not create additional pedestrian level wind impacts. In the opinion of staff, the development complies with Policy A.6.3.3.1.13 xii).

A Special Policy Area is required to permit the proposed ten storey building height, whereas Policy A.6.3.3.1.13 iii) of the Medium Density Residential 1 designation permits a maximum building height of three to five storeys. As per Policy A.6.3.3.1.13 xiii), staff are satisfied that the proposed building height is appropriate based on design features,

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including step backs at the second and ninth storeys at the south property line, that limit impacts on privacy (see Appendix “E” to Report PED19071(a)). The proposal will not have shadow impacts on residential properties to the south and will not impact any key views or vistas as identified in Schedule M-5: Public Realm of the West Harbour Secondary Plan.

In addition, a special policy is required to permit a maximum density of development of 688 units per gross hectare, whereas Policy A.6.3.3.1.13 permits a density of development in the range of 60 – 150 units per gross hectare. Staff are satisfied that the proposed increase in density is justified based on the location of the site adjacent to the West Harbour GO Station and Downtown Hamilton. In the opinion of staff, adequate parking and amenity are proposed for residents and the density can be accommodated in an appropriate built form.

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;”

The proposal complies with Policies A.6.3.3.4.1 iv) by providing a street oriented building with ground floor glazing and a building entrance facing the street. Parking is provided within the ground floor and below grade, out of view from the public realm, and therefore meets the intent of Policy A.6.3.3.4.1 iii). As required by Policy A.6.3.3.4.1 ii), staff are satisfied that the scale, massing and height of the proposal respects existing uses by shifting the bulk of the building mass to the northwest corner of the site away from the residential uses to the south. The lands to the south are designated Medium Density Residential 1 in Setting Sail and the proposed ten storey mid-rise building would be compatible with this anticipated future use.

Therefore, the proposal complies with the Setting Sail Secondary Plan subject to the Official Plan Amendment.

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 in The Big Move transportation plan for the GTHA and 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.

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.”

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The proposal is consistent with the recommended Guiding Principles 3 and 7 as it is a street-oriented building that will increase the availability of housing adjacent to the West Harbour GO Station.

The subject lands are located within the Primary Zone of the Mobility Hub and within Focus Area C – Station Area. The Primary Zone is the area with the greatest potential for change through redevelopment and includes the lands directly associated with the West Harbour GO Station (Focus Area C).

The Study describes the Station Area as being defined by its historic architecture and proximity to adjacent stable residential neighbourhoods. It recommends the design and massing of new development respect this character while integrating opportunities for greater density where appropriate.

The Study supports increased density in the Station Area. Guiding Principles 4 and 5 recommend that appropriate development occur in proximity to transit while protecting existing stable residential neighbourhoods. The subject lands are located at an appropriate location for increased density within the neighbourhood, directly adjacent to the West Harbour GO Station. The revised proposal protects the existing stable residential area to the south by creating minimal shadow impacts and locating the bulk of the building mass at the northwest corner of the site.

City of Hamilton Zoning By-law No. 6593

The subject property is currently zoned “J” (Light and Limited Heavy Industry, Etc.) District in Zoning By-law No. 6593. The “J” District permits primarily industrial and some commercial uses.

The proposed Zoning By-law Amendment is for a change in zoning from the “J” (Light and Limited Heavy Industry, Etc.) District to the “E/S-1799-H” (Multiple Dwellings, Lodges, Clubs, Etc.) District, Holding, Modified to permit a ten storey (33.0 m), 89 unit multiple dwelling with 66 parking spaces. Staff note that the existing “J” District zoning for the site does not reflect the uses permitted in the Medium Density Residential 1 designation in Setting Sail which permits multiple dwellings. The proposed “E” District zoning permits a multiple dwelling and more closely aligns with Setting Sail. Site specific modifications to the “E” District have been requested to implement the subject proposal and are discussed in greater detail in Appendix “D” to Report PED19071(a). The required ‘H’ provisions are discussed in the Analysis and Rationale for Recommendation section of this report.

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RELEVANT CONSULTATION

Departments and Agencies		
<ul style="list-style-type: none"> • Strategic Planning Division, Public Works Department; • Transit Division, Public Works Department; and, • Alectra Utilities (formerly Horizon Utilities Corporation). 		No Comment
	Comment	Staff Response
CN Rail	<ul style="list-style-type: none"> • Have concerns regarding developing / densifying residential uses abutting their railway right of way. The applicant is advised to refer to CN's guidelines for the development of sensitive uses in proximity to railways. • CN intends to review the applicant's noise study. As of the writing of this report, the results of this review have not been received by Planning staff. Staff have followed up multiple times requesting comment and have not received a response from CN. 	<ul style="list-style-type: none"> • CN Rail will be circulated at Site Plan control stage for further comment regarding the development of a sensitive use in proximity to the railway corridor. • An updated Noise Impact Study based on the detailed building design will be required as a condition of Holding Removal and will be circulated to CN Rail. • All requirements related to sound and vibration due to proximity to the railway corridor, as identified in the applicant's noise study, will be implemented at Site Plan Control stage.
Metrolinx	<ul style="list-style-type: none"> • The Noise Impact Assessment does not include an analysis on the stationary noise from GO Bus operations at the West Harbour GO Station and should be updated. 	<ul style="list-style-type: none"> • An addendum to the Noise Impact Assessment was submitted identifying no further noise mitigation required due to GO Bus operations. • An updated Noise Impact Study based on the

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	<ul style="list-style-type: none"> • Concerns with building separation and the development viability of the Metrolinx lands. • The proponent shall demonstrate how maintenance of the future development (i.e. window washing, landscaping, etc.) will be carried out without encroaching onto Metrolinx lands. • Metrolinx requires a minimum 1.2 m to 2.5 m tower separation setback for floors two to six on the north side of the building to ensure future maintenance (i.e. window cleaning) for the development will not encroach into Metrolinx airspace. • A drainage report shall be provided to the satisfaction of Metrolinx. • A standard 1.83 m high security fence is required along the shared property line. • The Owner shall grant Metrolinx an environmental easement for operational emissions. • Construction shall be coordinated to ensure pedestrian access to the West Harbour GO Station. 	<p>detailed building design will be required as a condition of Holding Removal and will be circulated to Metrolinx.</p> <ul style="list-style-type: none"> • The portions of the ground floor located 0 m from the Metrolinx lands will be clad with a durable material requiring limited maintenance. An easement to provide maintenance access to the ground floor is required as a condition of Holding Removal. • A minimum 1.2 m setback is proposed above the ground floor at the north lot line abutting the Metrolinx lands to provide maintenance access. Metrolinx staff have reviewed and have no further concerns with the proposed setbacks. • Grading and drainage, fencing, easements and construction management will be coordinated with Metrolinx at Site Plan Control stage.
<p>Healthy Environments Division, Public Health Services</p>	<ul style="list-style-type: none"> • Require submission of a Pest Control Plan. 	<ul style="list-style-type: none"> • A Pest Control Plan will be required as a condition of Site Plan approval.

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<p>Forestry and Horticulture Section, Public Works Department</p>	<ul style="list-style-type: none"> • There are no municipal tree assets on the subject property. • A Landscape Plan for any street trees is required. 	<ul style="list-style-type: none"> • A Landscape Plan will be required as a condition of Site Plan approval.
<p>Recycling & Waste Disposal, Operations Division, Public Works Department</p>	<ul style="list-style-type: none"> • The development is eligible for municipal waste collection service subject to meeting the City's requirements. • A private waste hauler will be required if the property will be generating more than the allowable waste collection limit. 	<ul style="list-style-type: none"> • Waste storage and collection will be reviewed in detail at Site Plan Control stage.
<p>Transportation Planning Section, Planning and Economic Development Department</p>	<ul style="list-style-type: none"> • Advised that the development may not have a significant negative effect on the area road network based on estimated site traffic volume. Notwithstanding errors found in the traffic study, clearance can be provided for the TIS. • Based on the original proposal for 0.46 parking space per unit, it was the opinion of Transportation Planning that justification for the reduction in parking with no provision for visitor parking was of concern. • Appropriate visibility triangles are necessary, including a 3.0 m by 3.0 m visibility triangle for the access driveway and a visibility triangle adjacent to the GO Bus Terminal. • A 6.0 m long clearance from the ultimate property line to the overhead garage door is 	<ul style="list-style-type: none"> • The revised proposal includes an increased parking rate of 0.74 parking spaces per unit from 0.46 parking spaces per unit. Residential visitors would have access to metered parking on James Street North and on-street parking subject to time limit restrictions. • The revised proposal provides 3.0 m by 3.0 m visibility triangles at the access driveway and adjacent to the access driveway for the GO Bus Terminal. • The required 6.0 m long clearance to the overhead garage door is identified on the site plan. • A minimum 0.05 short term and 0.5 long term bicycle parking spaces are

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	<p>required to provide vehicle stacking.</p> <ul style="list-style-type: none"> • Transportation Planning staff support the proposed driveway width of 6.0 m, with 6.0 curb radii. • Transportation Planning staff can support the proposed loading space location and dimensions. • Long term bicycle parking shall be provided to meet the guidelines of 0.5 to 1.25 spaces per unit. • Short term bicycle parking shall be provided to meet the guideline of 0.05 to 0.2 spaces per unit. 	required in the proposed amending By-law.
Public Consultation		
Comment	Staff Response	
Parking	There are concerns that the proposed parking is insufficient to meet the needs of the development and will result in overflow parking onto adjacent residential streets. Staff are satisfied that the proposed parking rate of 0.74 parking spaces per unit is appropriate for the site based on its location adjacent to Downtown Hamilton with convenient access to transit at the West Harbour GO Station and on James Street North.	
Traffic	There are concerns that the development will result in increased vehicle traffic on surrounding streets. Transportation Planning staff have reviewed the Transportation Impact Study submitted with the application and had no concerns based on the estimated traffic volumes.	
Infrastructure	There are concerns that existing infrastructure is insufficient to meet the needs of the development. Development Engineering Approvals staff have reviewed the Functional Servicing Report provided by the applicant and have no concerns with the Zoning	

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	By-law Amendment application proceeding from a servicing perspective.
Building Height	There were concerns based on the original 13 storey proposal that the proposed building was too high and would have adverse impacts on adjacent buildings. Staff are satisfied that the proposed building, at its reduced height, is appropriate with the proposed setbacks and step backs that provide for transition to adjacent properties.
Views	There are concerns that the proposed building would inhibit views and disrupt the skyline. The proposed ten storey building would not impact any key view or vista as identified on Schedule M-5: Public Realm of the Setting Sail Secondary Plan.
Compatibility with Adjacent Neighbourhood	There are concerns that the proposal is not compatible with the prevailing low density residential character of the neighbourhood. The proposed development is located at an appropriate location in the neighbourhood adjacent to the West Harbour GO Station and provides setbacks and step backs to the place of worship and residential uses to the south.
Precedent	There is concern that approval of the original proposed 13 storey multiple dwelling would set a precedent leading to the overdevelopment of the West Harbour area. The subject lands are identified as an appropriate location for medium density development in Setting Sail. Staff are satisfied that the intent of Setting Sail and the Mobility Hub Study have been met by the reduced height and the incorporation of setbacks and step backs to provide a transition to adjacent uses. Future development proposals within the West Harbour area will be evaluated on their own merits.
Structural Damage Due to Construction	There is concern from the adjacent Romanian Orthodox Church that vibration resulting from the construction of the proposed multiple dwelling would cause damage to their existing church building. Construction Vibration is not a criterion used to assess modifications to the Zoning By-law as it can occur for any proposed development.
Shadow	There is a concern that the proposal would result in shadow impacts on nearby dwellings and on the Workers Arts and

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	Heritage Centre. A Shadow Study submitted in support of the applications demonstrated that the shadows generated by the proposed development will occur primarily over the railway lands to the north, with limited impacts on adjacent buildings.
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Design Review Panel (DRP)

The development proposal was presented to the City's Design Review Panel (DRP) on December 13, 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 acknowledged that the site is a good candidate for some density due to the proximity to the GO station, but the current proposal is too high and too dense for the neighbourhood.
- The building's footprint is too large, and its mass is too bulky; it does not adequately transition to the existing neighbourhood.
- The panel acknowledged that the site has some constraints due to the size of the land parcel and its surroundings; however, the panel agreed that the current proposal is too tight, squeezing too many elements into a small area.
- The front façade of the building should align with the row of existing buildings on MacNab Street North to define the street edge and achieve a consistent setback.
- The podium should have a height of two or three storeys before stepping back, for a more prominent street wall that reflects the heights of other buildings in the neighbourhood.

Applicant's Response to DRP Advice:

The revised proposal includes a reduced building height from 13 storeys to ten storeys, and a reduced density from 110 residential units to 89 residential units. The proposed massing has been reduced and shifted towards the northwest corner of the site to improve the transition to the existing residential uses to the south. To align with the existing place of worship to the south, the southerly portion of the front façade has been shifted further from the property line. Staff are satisfied that the proposed design that

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does not include a two - three storey podium is appropriate as the building is not located along a pedestrian focused commercial corridor with a consistent street wall.

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 184 property owners within 120 m of the subject property on October 9, 2018. A Public Notice sign was posted on the property on October 9, 2018 and updated with the public meeting date on July 15, 2020. Finally, Notice of the Public Meeting was mailed to 184 property owners within 120 m of the subject lands on July 24, 2020.

To date, six letters of concern, one letter of support, a petition in opposition to the proposal with 205 signatures and an online petition have been submitted (refer to Appendix "C" of Report PED19071(a)). The concerns raised are summarized in the above chart.

Public Consultation Strategy

In accordance with their submitted Public Consultation Strategy, the applicant held a public open house on November 21st, 2018. Invitations to the open house were mailed to residents within 120 m of the subject lands. Approximately 35 residents attended the meeting expressing concerns related to affordability, parking, scale and massing and vibration. Two City staff members and the Ward Councillor attended the open house.

ANALYSIS AND RATIONALE FOR RECOMMENDATIONS

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the PPS (2020) 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 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 providing for the development of a complete community, making efficient use of existing infrastructure within the urban boundary, and supporting public transit including the West Harbour GO Station adjacent to the site.

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2. Official Plan Amendment

The proposed multiple dwelling is a permitted use in the existing Medium Density Residential 1 designation in the Setting Sail Secondary Plan. However, the existing designation permits a maximum building height of three to five storeys and a maximum density of development in the range of 60 – 150 units per gross hectare. A Special Policy Area is proposed to permit a maximum building height of ten storeys and a maximum density of 688 units per gross hectare.

The intent of the “Stable Areas” policies in the Setting Sail Secondary Plan is to ensure new development respects and enhances the character of existing neighbourhoods. The proposed multiple dwelling would be located at an appropriate location within the neighbourhood adjacent to the West Harbour GO Station to the north and east, a commercial building to the west and a place of worship to the south. Staff are satisfied that adequate parking and amenity space is proposed to accommodate the proposed residential density. To respect the character of the stable residential area to the south and southwest, the bulk of the proposed building mass has been shifted to the northwest corner of the site, providing a 4.0 m setback from the south property line at the second storey and an 8.8 m setback at the ninth storey. In addition, an increased setback is proposed for the south portion of the front façade to align with the adjacent place of worship.

Based on the forgoing, staff are satisfied that the intent the “Stable Areas” Policies has been met and the proposed Official Plan Amendment to increase the permitted building height and density in the Medium Density Residential 1 designation can be supported.

3. Zoning By-law Amendment

The subject lands are currently zoned “J” (Light and Limited Heavy Industry, Etc.) District. To permit the proposed ten storey (33.0 m) mixed use building, a change in zoning to a site specific “E” (Multiple Dwellings, Lodges, Clubs, Etc.) District is required to align with the Medium Density Residential 1 designation in Setting Sail.

Built form and massing

The subject lands are an appropriate location for a mid-rise building, being at the northern edge of the neighbourhood adjacent to the West Harbour GO Station. The proposed ten storey (33.0 m) building incorporates the following setbacks and step backs (see Appendix “E” to Report PED19071(a)):

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- At the north property line, a 0 m setback for the ground floor, a minimum 1.2 m setback for floors two to six and a minimum 4.2 m setback for floors seven to ten.
- At the east (rear) property line, a 0 m setback for the ground floor, and a minimum 6.3 m setback for floors two to ten.
- At the south property line, a minimum 0.7 m setback at the ground floor, a minimum 4.0 m setback for floors two to eight and a minimum 8.8 m setback for the ninth and tenth floors.
- At the west (front) property line abutting MacNab Street North, a minimum 0 m setback for floors one to five, a 1.5 m setback for floors six to eight and a 3.0 m setback for floors nine and ten.
- An increased 9.7 m front setback is provided for the southernmost 4.0 m of the building and a 6.0 m front setback is provided for the southernmost 14.4 m of the building.

Except for the front façade and a portion of the north façade, the ground level will be occupied by parking, with no windows facing adjacent properties, limiting issues of overlook. Where a 0 m setback is proposed to adjacent properties, the ground floor façade will be clad with durable material to limit the need for maintenance access. Upper storeys with windows and balconies would be maintained using a swing stage. As per comments received from Metrolinx, a minimum 1.2 m setback is required from the north lot line above the ground level.

The revised proposal provides for transition to the stable residential area to the south and southwest by locating the bulk of the building mass towards the northwest corner of the site. The increased front setback for the southerly portion of the building aligns with the adjacent place of worship.

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 provides adequate access for maintenance.

Parking

The revised proposal includes a minimum parking rate of 0.74 parking spaces per unit, whereas a minimum 1.25 parking spaces per unit, including 0.25 parking spaces per unit for visitors, are required under Zoning By-law No. 6593. Residents of the proposed multiple dwelling would have convenient access to

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**SUBJECT: Applications for Official Plan Amendment and Zoning By-law
Amendment for lands located at 282 MacNab Street North, Hamilton
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transit, including the West Harbour GO Station directly to the north of the site and HSR routes on James Street North approximately 75 m to the east.

Transportation Demand Management measures including short term and long term bicycle parking will be included in the site specific by-law. Visitors would have access to metered parking on James Street North and parking on local streets subject to time limit restrictions. Residents of the multiple dwelling will not be eligible for time limit exemptions or on street parking permits. The subject lands are located adjacent to Downtown Hamilton and the proposed parking rate is higher than the rate applicable to a multiple dwelling in the Downtown Zones.

The applicant has requested modifications to the parking space dimensions from 2.7 m by 6.0 m to 2.8 m by 5.8 m. The proposed parking space dimensions are consistent with the Zoning By-law No. 05-200 parking space requirements approved by Council on November 8, 2017 through By-law No. 17-240 where parking is in a parking structure or underground garage. The portion of By-law No. 17-240 dealing with parking stall size remains under appeal to the LPAT. The proposed parking stall size does not include a 0.3 m increased width where a parking stall abuts a wall or column as required by the Council approved regulations to provide room for door swings. Based on the submitted underground parking plans, the parking spaces primarily abut columns located at the front of the parking spaces providing room for door swings between the column and the back wall of the parking garage. A loading space with a dimension of 3.0 m by 7.5 m is proposed to accommodate moving vehicles.

The proposed modifications to the "E" District are included in Appendix "C" to Report PED19071(a) and further analysis of all modifications is provided in Appendix "D" to Report PED19071(a).

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).

In addition, an "H" Holding Provision is required for an updated Noise Impact Study based on the detailed building design to be submitted at the Site Plan Control stage. The updated study is to be completed in consultation with CN Rail

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SUBJECT: Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 282 MacNab Street North, Hamilton (PED19071(a)) (Ward 2) - Page 34 of 35

and Metrolinx and shall demonstrate compliance with MOECP noise criteria to the satisfaction of the Director of Planning and Chief Planner.

Finally, an "H" Holding Provision is required ensuring the applicant establishes an easement registered on title to provide maintenance access to the ground floor of the north and east main walls of the building from the abutting West Harbour GO Station property. The easement is required as portions of the ground floor are located 0 metres from the north and east property lines so can not be accessed from within the property.

5. Existing servicing for the site includes a 450 mm combined storm and sanitary sewer, 750 mm storm sewer, 200 mm watermain and 1650 mm sanitary sewer on MacNab Street North.

Development Engineering staff have reviewed the Functional Servicing Report provided by the applicant and have no concerns with the Rezoning proceeding from a servicing perspective. During the Site Plan Control process, the applicant will be required to demonstrate that appropriate sewer servicing, water servicing stormwater management, grading, and erosion and sediment control measures are undertaken to the satisfaction of City staff.

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 "J" (Light and Limited Heavy Industry, Etc.) District) District which permits light industrial and some commercial uses.

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.

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**SUBJECT: Applications for Official Plan Amendment and Zoning By-law
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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

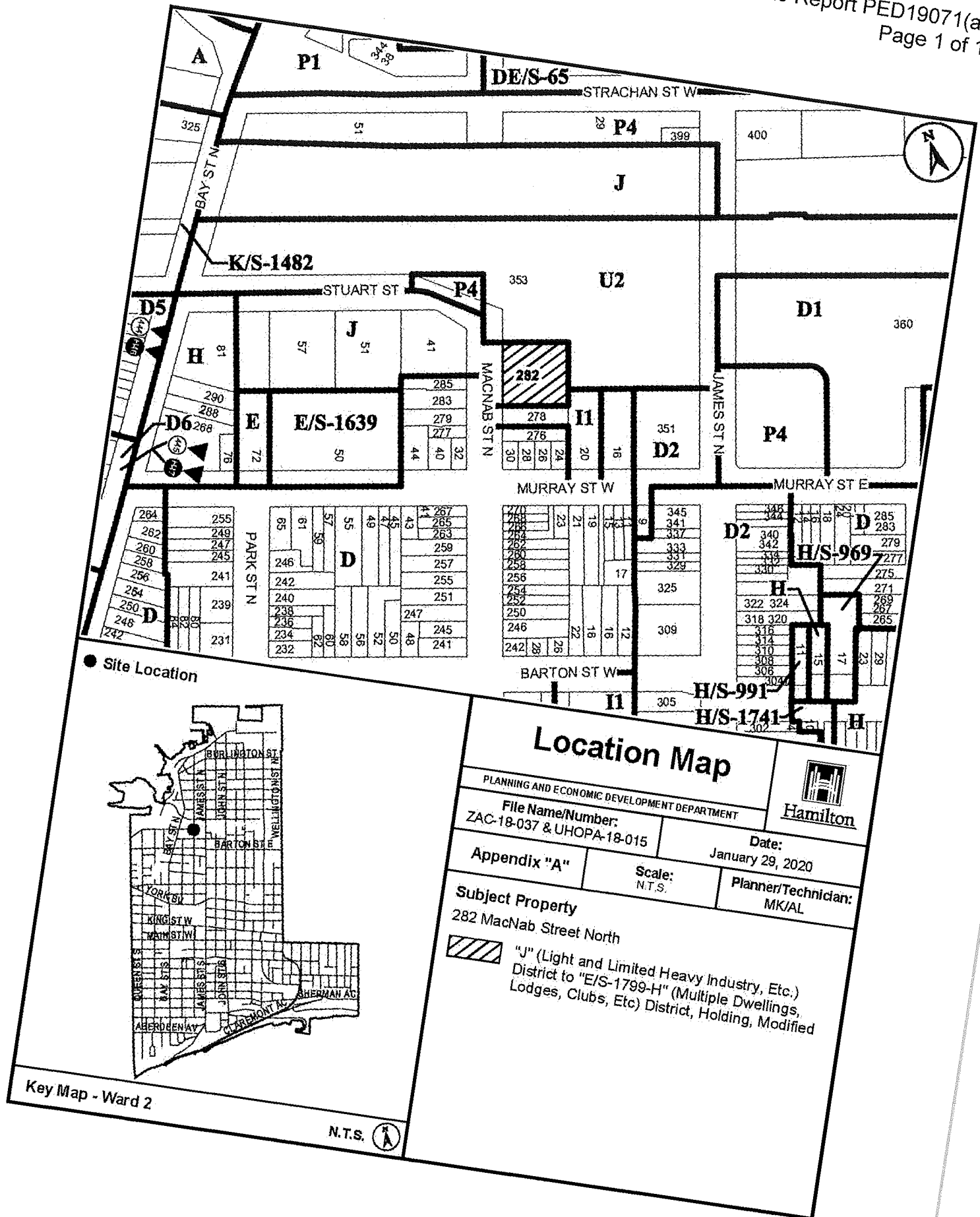
Appendix "E" – Concept Plan

Appendix "F" – Public Submissions

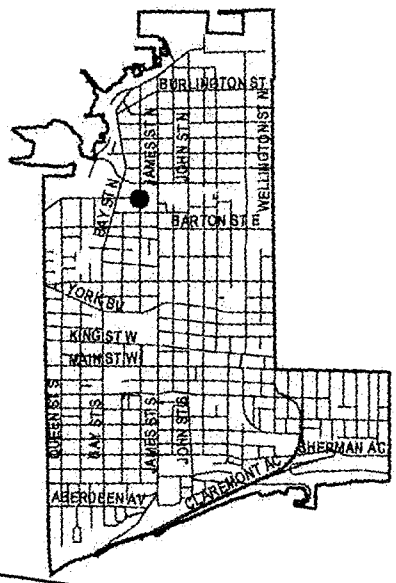
OUR Vision: To be the best place to raise a child and age successfully.

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● Site Location



Key Map - Ward 2

N.T.S.

Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT			
File Name/Number: ZAC-18-037 & UHOPA-18-015		Date: January 29, 2020	
Appendix "A"	Scale: N.T.S.	Planner/Technician: MK/AL	

Subject Property
282 MacNab Street North

"J" (Light and Limited Heavy Industry, Etc.)
District to "E/S-1799-H" (Multiple Dwellings,
Lodges, Clubs, Etc) District, Holding, Modified

Schedule "1"

Amendment
to the
City of Hamilton Official Plan

The following text, together with Appendix "A", attached hereto, constitutes Official Plan Amendment No. XXX of the City of Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to amend the West Harbour (Setting Sail) Secondary Plan by establishing a Special Policy Area to permit a 10-storey multiple dwelling with a residential density of 688 units per gross hectare.

2.0 Location:

The lands affected by this Amendment are located at 282 MacNab Street North in the City of Hamilton.

3.0 Basis:

The basis for permitting the Amendment is as follows:

- The proposed development efficiently utilizes existing infrastructure, positively contributes to the streetscape and makes use of a vacant lot;
- The proposed development implements the vision of the West Harbour (Setting Sail) Secondary Plan in providing intensification at a form and scale that is in keeping with the character of the surrounding neighbourhood and is in proximity to existing transit; and,
- The Amendment is consistent with the Provincial Policy Statement, 2020 and the A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019.

4.0 Changes:

4.1 Text Changes:

4.1.1 That a new Special Policy Area be added, to read as follows:

"A.6.3.3.1.13.X The following policies shall apply to lands known municipally as 282 MacNab Street North, designated Medium Density Residential 1 and identified as Special Policy Area X:

- i) Notwithstanding Policy A.6.3.3.1.13 ii), an 89 unit multiple dwelling with a maximum residential density of 688 units per gross hectare shall be permitted,
- ii) Notwithstanding Policy A.6.3.3.1.13 iii), the height of buildings shall range from 3 to 10 storeys.

4.2 Schedule Changes:

4.2.1 That Schedule "M-2": General Land Use, of the West Harbour (Setting Sail) Secondary Plan is amended by:

- a) identifying the lands as "Special Policy Area X", as shown on Appendix "A" to this Amendment.

5.0 Implementation:

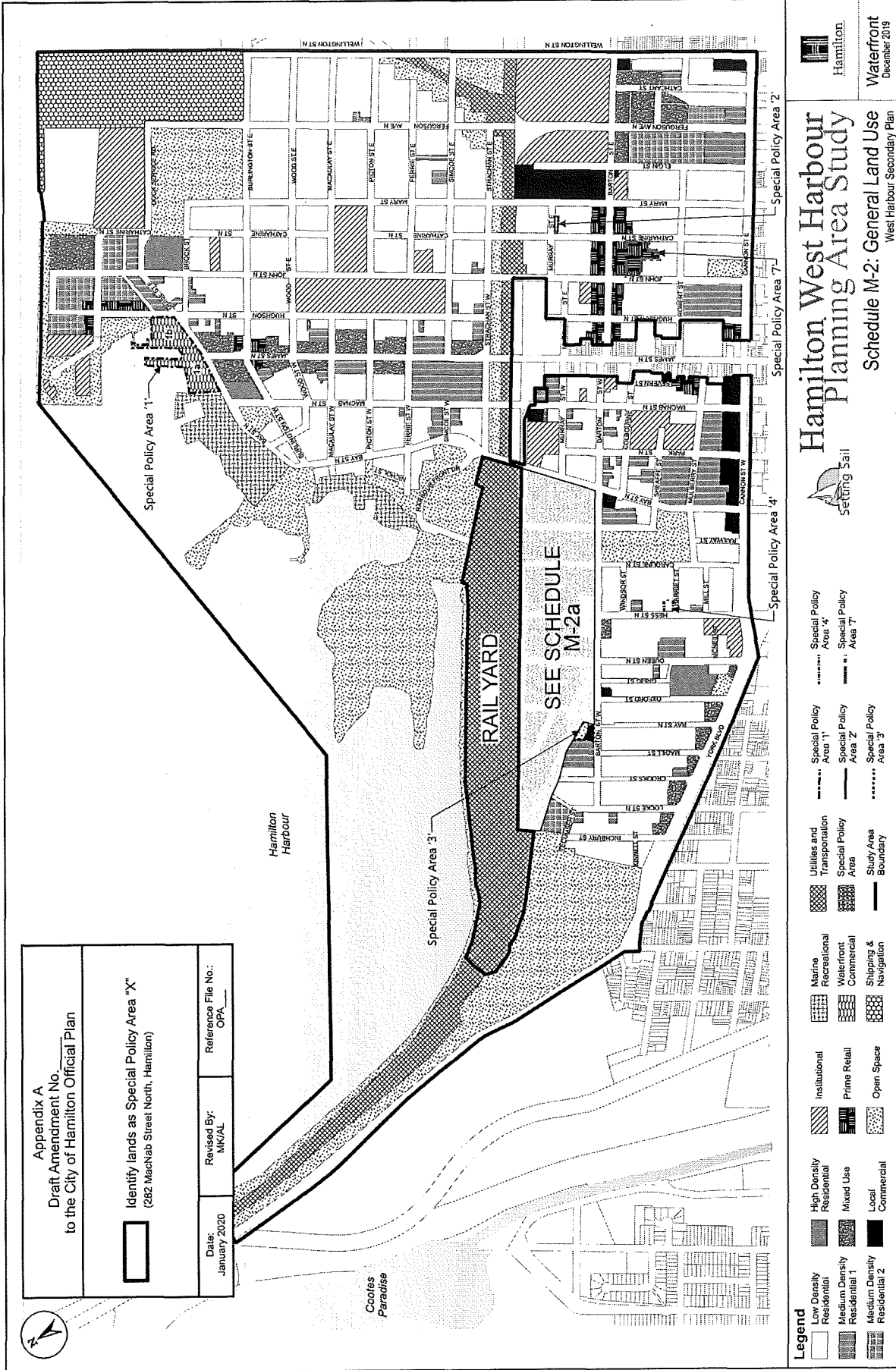
An implementing Zoning By-law Amendment and Site Plan Control will give effect to the intended uses on the subject lands.

This is Schedule "1" to By-law No. ____ passed on the day of ____, 2020.

**The
City of Hamilton**

F. Eisenberger
MAYOR

A. Holland
CITY CLERK



Authority:
Ward 2
Bill No.

CITY OF HAMILTON
BY-LAW NO.

**To Amend Zoning By-law No. 6593 Respecting Lands Located at 282 MacNab
Street North, Hamilton**

WHEREAS the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Schedule C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the "The Corporation of the City of Hamilton" and is the successor to the former regional municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

AND WHEREAS the *City of Hamilton Act, 1999* provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in full force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951(File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Item _____ of Report 20-_____ of the Planning Committee, at its meeting held on the XX day of XX 2020, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided; and,

AND WHEREAS this By-law is in conformity with the City of Hamilton Official Plan of the City of Hamilton upon finalization of OPA No. XX.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Sheet No. W3 of the District Maps appended is amended to and forming part of Zoning By-law No. 6593 (Hamilton), is amended by changing the zoning from the "J" (Light and Limited Heavy Industry, Etc.) District, Modified to the "E/S-1799-H" (Multiple Dwellings, Lodges, Clubs, Etc.) District, Holding, Modified; the extent and boundaries of which are shown on a plan here to annexed as Schedule "A".

To Amend Zoning By-law No. 6593 Respecting Lands Located at 282 MacNab Street
North, Hamilton

2. That the "E" (Multiple Dwellings, Lodges, Clubs, Etc.) District provisions, as contained in Section 11 of Zoning By-law No. 6593 be modified to include the following special requirements:
- a) Notwithstanding Section 11(1)(xii)(i), the Accessory and Incidental Uses listed in Section 11(1)(xii) shall be permitted.
 - b) Section 11(1)(xii)(j) shall not apply.
 - c) Notwithstanding Section 11(2)(ii), no building or structure shall exceed ten storeys or 33.0 metres in height.
 - d) Notwithstanding Section 11(3)(i)(b), a front yard depth not less than 0 metres, except that:
 - i) For any portion of the building with a height greater than 16.8 metres, a front yard depth not less than 1.5 metres; and,
 - ii) For any portion of the building with a height greater than 25.8 metres, a front yard depth not less than 3.0 metres.
 - e) Notwithstanding Section 11(3)(ii)(b):
 - i) A southerly side yard width not less than 0.7 metres, except that:
 - 1. For any portion of the building with a height greater than 4.8 metres, a southerly side yard width not less than 4.0 metres; and,
 - 2. For any portion of the building with a height greater than 25.8 metres, a southerly side yard width not less than 8.8 metres.
 - ii) A northerly side yard width not less than 0 metres, except that:
 - 1. For any portion of the building with a height greater than 4.8 metres, a northerly side yard width not less than 1.2 metres; and,
 - 2. For any portion of the building with a height greater than 19.8 metres, a northerly side yard width not less than 4.0 metres.
 - f) Notwithstanding Section 11(3)(iii)(b), a rear yard depth not less than 0 metres, except that:

To Amend Zoning By-law No. 6593 Respecting Lands Located at 282 MacNab Street
North, Hamilton

- i) For any portion of the building with a height greater than 4.8 metres, a rear yard depth not less than 6.3 metres.
 - g) Section 11(5) shall not apply.
 - h) Section 11(6) shall not apply.
 - i) Notwithstanding Section 18(3)(vi)(b)(i), a canopy, cornice, eave or gutter may project into a required front yard up to 0 metres from a street line.
 - j) Notwithstanding Section 18(3)(vi)(cc)(i), a bay, balcony or dormer may project into a required front yard up to 0 metres from a street line.
 - k) Notwithstanding Section 18(3)(vi)(cc)(ii), a bay, balcony or dormer may project into a required rear yard not more than 2.4 metres.
 - l) Notwithstanding Section 18A(7), every required parking space, other than a parallel parking space, shall have dimensions not less than 2.8 metres wide and 5.8 metres long.
 - m) Notwithstanding Section 18A Table 1 1.(g), a minimum 0.74 parking spaces per Class A dwelling unit.
 - n) Section 18A(1)(b) shall not apply.
 - o) Notwithstanding Section 18A(1)(c), one loading space shall be provided with a minimum size of:
 - i) Length: 7.0 m
 - ii) Width: 3.0 m
 - iii) Height: 4.3 m
 - p) A minimum 0.05 short term bicycle parking spaces per Class A dwelling Unit shall be required.
 - q) A minimum 0.5 long term bicycle parking spaces per Class A dwelling unit shall be required within a secure facility.
3. That the 'H' symbol applicable to the lands referred to in Section 1 of this By-law, shall be removed conditional upon:
- 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

To Amend Zoning By-law No. 6593 Respecting Lands Located at 282 MacNab Street
North, Hamilton

the Environment, Conservation and Parks (MOECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton's current RSC administration fee.

- b) The Owner shall investigate the noise levels on the site and determine and implement the noise control measures based on the detailed design in consultation with Canadian National Railways and Metrolinx that are satisfactory to the City of Hamilton, in meeting the Ministry of the Environment, Conservation and Parks recommended sound level limits. An updated acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the Director of Planning and Chief Planner.

Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner/applicant and shall be submitted to the satisfaction of the Director of Planning and Chief Planner.

- c) That the Owner establish an easement registered on title to provide maintenance access to the ground floor of the north and east main walls of the building from the abutting Metrolinx property (353 James Street North) and provides legal documentation to the City of the easement, to the satisfaction of the Director of Planning and Chief Planner.
4. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "E" (Multiple Dwellings, Lodges, Clubs, Etc.) District provisions, subject to the special requirements referred to in Sections 2 and 3 of this By-law.
5. That Sheet No. W3 of the District Maps is amended by marking the lands referred to in Section 1 of the By-law as "E/S-1799-H".
6. That By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-1799.
7. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

To Amend Zoning By-law No. 6593 Respecting Lands Located at 282 MacNab Street
North, Hamilton

PASSED this ___ day of _____, 2020.

Fred Eisenberger
Mayor

Andrea Holland
City Clerk

For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law

Is this by-law derived from the approval of a Committee Report? Yes

Committee: Chair and Members

Report No.: PED19071(a) Date:

Ward(s) or City Wide: Ward 2

(MM/DD/YYYY)

Prepared by: Mark Kehler, Planner I

Phone No: 905-546-2424 ext. 4148

For Office Use Only, this doesn't appear in the by-law

To Amend Zoning By-law No. 6593 Respecting Lands Located at 282 MacNab Street North, Hamilton



<p>This is Schedule "A" to By-law No. 20-</p> <p>Passed the day of, 2020</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<p>Schedule "A"</p> <p>Map Forming Part of By-law No. 20-_____</p> <p>to Amend By-law No. 6593</p>	<p>Subject Property 282 MacNab Street North</p> <p> "J" (Light and Limited Heavy Industry, Etc.) District to "E/S-1799-H" (Multiple Dwellings, Lodges, Clubs, Etc) District, Holding, Modified</p>
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<p>Scale: N.T.S.</p>	<p>File Name/Number: ZAC-18-037/UHOPA-18-015</p>	
<p>Date: Jan. 29, 2020</p>	<p>Planner/Technician: MK/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		<p>Hamilton</p>

Site Specific Modifications to the "E" (Multiple Dwellings, Lodges, Clubs, Etc.) District

Regulation	Required	Modification	Analysis
11(1)(xii)(i) and 11(1)(xii)(i) Accessory and Incidental Uses	Permits accessory and incidental uses only in multiple dwellings with greater than 100 dwelling units and permits access to accessory or incidental uses only from within the interior of the building.	To permit accessory and incidental uses in the proposed multiple dwelling that has less than 100 dwelling units and to permit access from outside the building.	<p>The "E" District permits accessory service and retail uses within a multiple dwelling containing greater than 100 dwelling units provided they are accessed only from within the building. The intent of the By-law is to provide convenient access to services and retail for residents without negatively impacting adjacent uses.</p> <p>Staff are satisfied that accessory service uses would be desirable for the proposed multiple dwelling containing less than 100 dwelling units and that access from the exterior of the building would be appropriate given the location of the site adjacent to the West Harbour GO Station.</p> <p>Based on the forgoing, staff support the modification to permit accessory and incidental uses.</p>
11(2)(ii) Building Height	No building or structure shall exceed eight storeys or 26.0 metres in height.	No building or structure shall exceed ten storeys or 33.0 metres in height.	<p>Staff are satisfied that the proposed ten storey building height is appropriate based on the proposed massing that includes setbacks and step backs to transition to adjacent uses. Shadows from the proposed development would occur primarily over the railway lands to the north.</p> <p>Therefore, staff support the proposed modification to building height.</p>
11(3)(i)(b) Front Yard Depth	A front yard depth of at least 7.5 metres.	A front yard depth not less than 0 m, except that: i) For any portion of the building with a height greater than	<p>The intent of the Zoning By-law is to provide a consistent streetscape and an interesting and comfortable pedestrian realm.</p> <p>The proposed 0 m front setback for the northerly portion of the building provides for a street-oriented building adjacent to the West Harbour GO Station. A 1.5 m step back at the sixth storey and a 3.0 m step back at the ninth storey are proposed to limit the visual impact</p>

Regulation	Required	Modification	Analysis
		<p>16.8 metres, a front yard depth not less than 1.5 metres; and,</p> <p>ii) For any portion of the building with a height greater than 25.8 metres, a front yard depth not less than 3.0 metres.</p>	<p>of the building from the street. The increased front setback for the southerly portion of the building aligns with the adjacent place of worship.</p> <p>Based on the forgoing, staff support the proposed modification to required front yard depth.</p>
<p>11(3)(ii)(b) Side Yard Width</p>	<p>A side yard width of at least 13.5 metres.</p>	<p>A southerly side yard width not less than 0.7 metres, except that:</p> <p>i) For any portion of the building with a height greater than 4.8 metres, a southerly side yard width not less than 4.0 metres; and,</p> <p>ii) For any portion of the building with a height greater than 25.8 metres, a</p>	<p>The intent of the Zoning By-law is to provide for transition to adjacent uses and allow sufficient room for maintenance access.</p> <p>At the southerly side lot line adjacent to the existing place of worship, a 0.7 m setback is provided at the ground level to allow for maintenance access. A 4.0 m setback for floors two to eight and an 8.8 m setback for floors nine and ten are proposed to provide for transition in height to the place of worship and the single detached residential dwellings further to the south.</p> <p>At the northerly side lot line adjacent to the West Harbour GO Station, a 0 m setback is proposed at the ground floor, a 1.2 m setback for floors two to six and a 4.0 m setback for floors seven to ten. The minimum 1.2 m setback above the ground level will ensure maintenance access to windows and balconies without any equipment encroaching over the adjacent Metrolinx lands. The ground floor is the exterior wall for the parking garage so does not contain any</p>

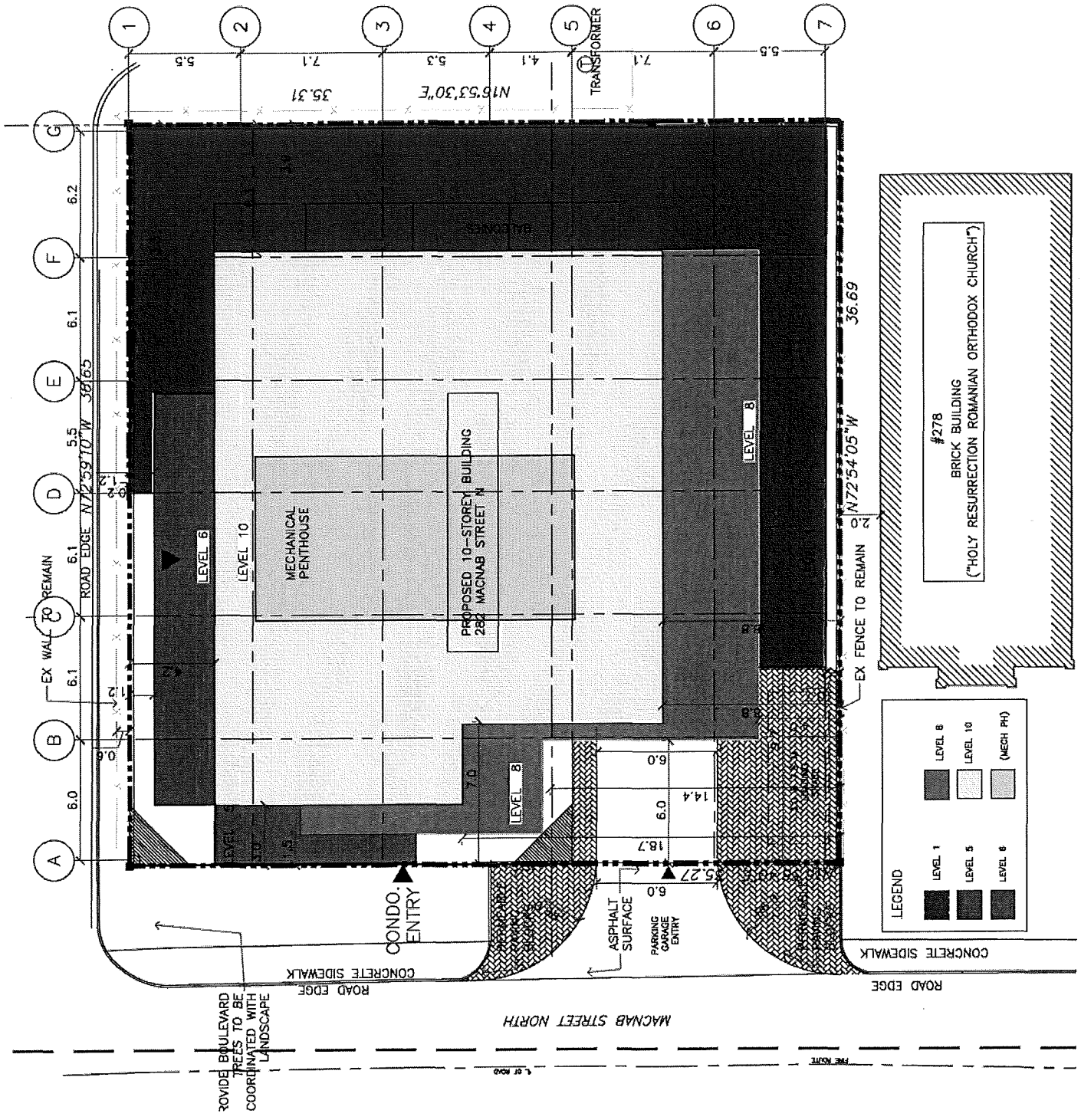
Regulation	Required	Modification	Analysis
		<p>southerly side yard width not less than 8.8 metres.</p> <p>A northerly side yard width not less than 0 metres, except that:</p> <p>i) For any portion of the building with a height greater than 4.8 metres, a northerly side yard width not less than 1.2 metres; and,</p> <p>ii) For any portion of the building with a height greater than 19.8 metres, a northerly side yard width not less than 4.0 metres.</p>	<p>windows or balconies and will therefore require limited access for maintenance.</p> <p>Based on the forgoing, staff support the proposed side yard modifications as amended.</p>
11(3)(iii)(b) Rear Yard Depth	A rear yard depth not less than 13.3 metres.	Notwithstanding Section 11(3)(iii)(b), a rear yard depth not less than 0 metres, except that:	<p>The intent of the Zoning By-law is to provide for transition to adjacent uses and allow sufficient room for maintenance access.</p> <p>A 0 m rear yard depth is proposed for the ground floor containing the above grade parking garage. There are no windows or balconies at the ground level, requiring limited maintenance access. To limit the</p>

Regulation	Required	Modification	Analysis
		<p>i) For any portion of the building with a height greater than 4.8 metres, a rear yard depth not less than 6.3 metres.</p>	<p>mass of the building, a 6.3 metre rear step back is proposed above the ground level.</p> <p>Based on the forgoing, staff support the proposed rear yard depth modifications.</p>
11(5) Gross Floor Area	No building or structure shall have a gross floor area greater than 2,209.98 square metres.	That Section 11(5) shall not apply.	<p>The intent of the Zoning By-law is to limit the scale and density of development by permitting a maximum gross floor area. The building envelope for the proposed development is limited by the required maximum building height and minimum setbacks and step backs.</p> <p>Staff are satisfied that a maximum permitted gross floor area requirement is not required and support the proposed modification.</p>
11(6) Landsaped Area	For every building or structure there shall be provided and maintained on the same lot within the district an amount not less than 25% of the area of the lot on which the building or structure is situate, as landscaped area.	That Section 11(6) shall not apply.	<p>The intent of the Zoning By-law is to provide a balance between developed area and soft landscaping on site, a buffer to adjacent uses, and at grade amenity space.</p> <p>Staff are satisfied that the built form provides for adequate transition to adjacent uses without additional buffering. Staff are satisfied that it is appropriate to provide limited on-site landscaping in order to achieve greater residential density due to the site's location adjacent to Downtown Hamilton and the West Harbour GO Station. There are opportunities for soft landscaping, including street trees, within the municipal boulevard adjacent to the site. Outdoor amenity space is proposed on balconies and residents would have access to public open spaces, including the nearby Bayfront Park.</p> <p>Therefore, staff support the proposed modification to landscaped area.</p>

Regulation	Required	Modification	Analysis
18(3)(vi)(b)(i) and 18(3)(vi)(cc)(i) Canopy, Cornice, Eave and Balcony Projections Abutting a Street Line	A canopy, cornice, eave, gutter, bay, dormer or balcony may project into a required front yard not more than 1.5 m from a street line.	A canopy, cornice, eave, gutter, bay, dormer or balcony may project 0 metres from a street line.	<p>The proposed building will be permitted to be located at the front property line, therefore any proposed balconies, eaves, cornices and canopies will be located 0 metres from the MacNab Street North property line.</p> <p>The boulevard adjacent to the property provides a buffer between the sidewalk and the proposed balconies and canopies. Encroachments will not be permitted into the boulevard without entering into an agreement with the City.</p> <p>Therefore, staff support this modification.</p>
18(3)(vi)(cc)(ii) Balcony Projection Into a Required Rear Yard	A bay, balcony or dormer may project into a required rear yard not more than 1.0 metre.	A bay, balcony or dormer may project into a required rear yard not more than 2.4 metres.	<p>The intent of the zoning by-law is to limit overlook impacts caused by balconies that encroach into the required rear yard.</p> <p>The rear yard for the proposal abuts the GO Bus Terminal and does not overlook any residential amenity space. A minimum 6.1 metre rear setback is required for the portion of the building containing balconies, further limiting overlook.</p> <p>Based on the foregoing, staff can support the proposal to permit increased balcony projections into the required rear yard.</p>
18A Table 1 1.(g) and 18A(1)(b) Parking Rate	A minimum of 1.25 parking spaces are required for a multiple dwelling, of which 0.25 shall be designated for visitors.	A minimum of 0.74 parking space per Class A dwelling unit, of which no parking will be designated for visitors.	<p>The intent of the Zoning By-law is to provide adequate parking to meet the needs of the development. Staff support the proposed parking reduction based on the location of the subject lands adjacent to Downtown Hamilton and the West Harbour GO Station. Additional TDM measures, including long term and short term bicycle parking will be required at Site Plan Control Stage. Further analysis of the parking requirements is provided in the Analysis and Rationale section of this</p>

Regulation	Required	Modification	Analysis
18A(1)(c) Loading Space	One loading space with a minimum length of 18.0 m, width of 3.7 m and height of 4.3 m.	One loading space with a minimum length of 7.0 m, width of 3.0 m and height of 4.3 m	<p>report.</p> <p>Based on the forgoing, the proposed reduced parking rate can be supported.</p> <p>The intent of the Zoning By-law is to provide adequate facilities to allow loading to occur on site.</p> <p>The applicant has proposed a loading space with a reduced length and width designed to accommodate moving vehicles. The proposed loading area has been reviewed and accepted by Transportation Planning staff.</p> <p>Therefore, staff can support the proposed modification.</p>
18A(7) Parking Space Dimensions	For any parking space other than a parallel parking space, a minimum width of 2.7 m and a minimum length of 6.0 m.	For any parking space other than a parallel parking space, a minimum width of 2.8 m and a minimum length of 5.8 m.	<p>The intent of the Zoning By-law is to provide adequate space within each parking stall for maneuvering and door swings. The parking area for the proposed development was designed using the parking stall size requirements for underground and structure parking approved by Council for Zoning By-law No. 05-200. The proposed parking stall size does not include a 0.3 m increased width where a parking stall abuts a wall or column as required by the Council approved regulations to provide room for door swings. Based on the submitted underground parking plans, the parking spaces primarily abut columns located at the front of the parking spaces providing room for door swings between the column and the back wall of the parking garage.</p> <p>To maximize parking on site, staff support the proposed modification to permit a minimum parking stall size of 2.8 m by 5.8 m.</p>

Regulation	Required	Modification	Analysis
Short Term and Long Term Bicycle Parking	No existing requirement	A minimum 0.05 short term and 0.5 long term bicycle parking spaces shall be required per Class A dwelling unit.	Transportation Demand measures, including bicycle parking, form part of the justification for the proposed parking reduction. Therefore, staff recommend the By-law include a requirement for a minimum 0.05 short term and 0.5 long term bicycle parking spaces as per the City of Hamilton TDM for Development Guidelines. Long term bicycle parking spaces will be required within a secured facility.

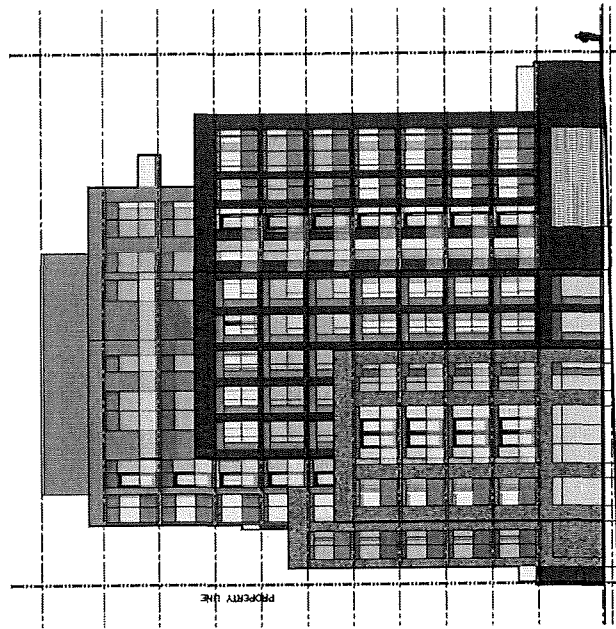


PROVIDE BOULEVARD TREES TO BE COORDINATED WITH LANDSCAPE

#278
 BRICK BUILDING
 ("HOLY RESURRECTION ROMANIAN ORTHODOX CHURCH")

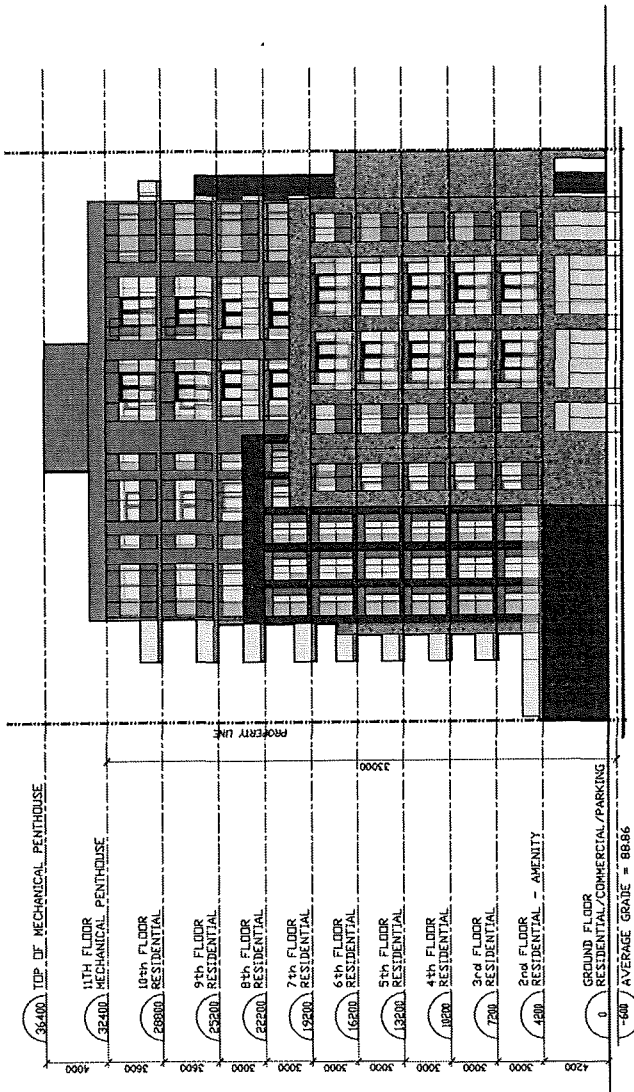
LEGEND

[Dark Grey Box]	LEVEL 1
[Medium Grey Box]	LEVEL 5
[Light Grey Box]	LEVEL 6
[White Box]	LEVEL 8
[Hatched Box]	LEVEL 10
[Diagonal Hatched Box]	(MECH PH)

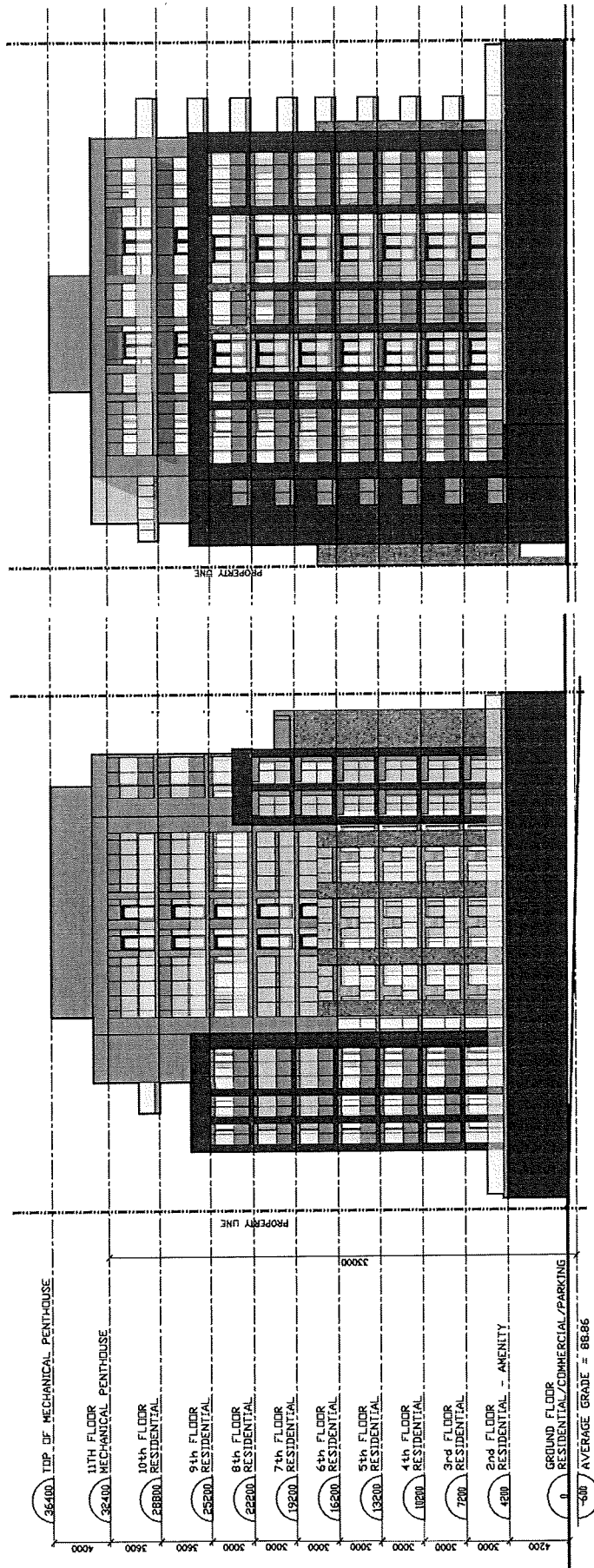


W/

WEST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION

EAST ELEVATION

GROUND FLOOR RESIDENTIAL/COMMERCIAL/PARKING
 -600 / AVERAGE GRADE = 86.86

Kehler, Mark

From: Lynda Dykstra [REDACTED]
Sent: December-07-18 10:34 AM
To: Kehler, Mark
Cc: bkhes@gspgroup.ca
Subject: 282 MacNab St N

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Mark,

We met briefly at the community open house for the site development of 282 MacNab St N two weeks ago, and you suggested I email you with my comments. I was the woman with the newborn who didn't have the opportunity to write my thoughts down on the comment sheets provided at that time.

Here are a few of my comments for your consideration:

- This will be the first building people arriving off of the Go train will see, giving them their first impressions of Hamilton. This makes the aesthetics of this building particularly important. I would think that something that incorporates the style of the neighbourhood would be appropriate: i.e. red brick, stone. There are some excellent examples of this in developments on James St N. Some setback from the road with room for trees and shrubs also would improve aesthetics.
- As you heard during the open house, parking is a major (!) issue in our neighbourhood. Incorporating visitor parking in the building is critical. Even if not every person in the building is expected to own a car, many of their visitors will and this will further complicate parking for local residents.
- Also stated at the open house, 13 storeys is exceptionally high for our neighbourhood. While I am pro density around transportation hubs, something more like the Witton lofts on Murray St with its 6 storeys and setback from the road would be much more appropriate.

Also, just for your information, it would be very helpful if developers communicated with the neighbours of their properties when work is being done on the site. During the demolition we received no communication, and the noise, dust, and vibrations had a major impact on us.

Please do let me know if you have any questions concerning my comments. Thank you for taking them into consideration, and for your work making Hamilton a wonderful place to live.

Lynda Dykstra
[REDACTED]

Kehler, Mark

From: Joy Parrott [REDACTED]
Sent: October-12-18 12:03 AM
To: Kehler, Mark
Cc: Dave Watson
Subject: 282 MacNab Street Development

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr. Kehler

Thank you for sending the notification for the re-zoning at 282 MacNab Street.

I am writing to express my concerns with the intended development. My partner David and I reside at 28 Murray Street West, around the corner from the proposed condo project. It states in the communication that the application for permit is to build a 13 storey building with 110 units and 51 parking spaces. From what we have been told, there is also another condo development proposed across the street from that address. I am extremely concerned about the amount of parking proposed for these buildings. The parking situation in this neighbourhood is already tight without having multi-level units without a corresponding number of parking spaces. Many houses on the streets around here have multiple cars. We are a one car family and often find it a challenge to get parking. Fifty one spaces is not nearly enough for 110 units, not to mention what is planned for the other building.

Re-examining the plans for this development is imperative in order to maintain manageable parking for the existing residents of the neighbourhood. I would be interested to attend any meeting that you hold in order to voice my concerns in person.

Sincerely,
Joy Parrott

Kehler, Mark

From: Simon Baruk [REDACTED]
Sent: November-04-18 9:58 PM
To: Kehler, Mark
Subject: UHOPA-18-15 and ZAC-18-037

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Mark,

In regards to File No. ZAC-18-037, I would like to comment that I am for the rezoning of the subject lands at 282 MacNab Street North from "J" to "E", however I do not agree with the proposed amendment of the Official Plan (File UHOPA-18-15) to permit the construction of a 13 storey building with a residential density over 800. A development of this size will greatly increase traffic in the area, will disrupt the skyline and undoubtedly stand out as an eyesore. There are areas with room for developments of this size in the City of Hamilton, but West Harbour is not one of them. I believe the height and density limitations set out in the Setting Sail Secondary Plan should be adhered to for this and any future developments in the West Harbour area.

Best regards,

Simon Baruk
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

PETITION

Re: Application for *Official Plan Amendment* and *Zoning By-Law Amendment* for Lands Located at 282 MacNab Street North, Hamilton (Ward 2)

To: Mark Kehler
Planning and Economic Development Department
Development Planning, Heritage and Design -Urban Team
71 Main St, West, 5th Floor, L8P 4Y5

From: The Romanian Orthodox Church of the Holy Resurrection
278 Mac Nab Street North, Hamilton, On, L8L 1K4

The issue:

We received notification about an application made by GSP Group Inc to the City of Hamilton for an **Official Plan Amendment (File No. UHOPA-18-15)** and a **Zoning By-Law Amendment (File No. ZAC -18 -037)** for Lands located at 282 MacNab Street North, Hamilton to:

- permit a 13 storey building with 110 multiple dwelling units with a residential density of 847 units per gross hectare
- Rezone the subject lands from "J" District to a site specific "ES -XXXX" (Multiple Dwellings, Lodges, Clubs, etc) District Modified to permit construction of a 13 storey, 110-unit multiple dwellings with 51 parking spaces.

The concerns:

We, the congregation of The Romanian Orthodox Church of the Holy Resurrection are presenting the City of Hamilton Planning and Economic Department with the following concerns:

- The proposed Official Plan Amendment fails to follow the land use designation general policies for stable areas as listed by the West Harbour (Setting Sail) Secondary Plan recently adopted by the Hamilton City Council.
- The proposed building height (13 storey) and residential density of 847 units per gross hectare is a gross deviation from the West Harbour (Setting Sail) Secondary Plan core planning principles as emerged from extensive public consultation undertaken by the City during the conception of this plan.
- The proposed Zoning By-Law Amendment is not clear with regards to the subject lands zoning designation under the "site specific" definition opening the possibility of land use designations incompatible with our religious activity.

We, the congregation of The Romanian Orthodox Church of the Holy Resurrection, petition the City of Hamilton to deny the request for Official Plan Amendment (File No. UHOPA-18-15) and Zoning By-Law Amendment (File No. ZAC -18-037) as the proposed development will negatively impact us.

#	Name	Signature	#	Name	Signature
1	Anna Nealeku	[Signature]	40	ALEXANDRA PREDESCU	[Signature]
2	G. Nedelcu	[Signature]	41	ANAMARIA BARBULESCU	[Signature]
3	AURE BOICAN	[Signature]	42	ANA PREDESCU	[Signature]
4	NEGIUTA BOICAN	[Signature]	43	TIP PREDESCU	[Signature]
5	DANIELA FOSTER	[Signature]	44	DRAGOS NEDESCU	[Signature]
6	DANIELA FOSTER	[Signature]	45	ANRICA POPHILICA	[Signature]
7	CORNELIA HARTEN	[Signature]	46	VIORICA PETCU	[Signature]
8	CRACIUN IONEL LUTU	[Signature]	47	Ioana FUSCASA	[Signature]
9	CRACIUN FLORICA	[Signature]	48	Simoneida Gildes	[Signature]
10	ECATERINA NEDELCU	[Signature]	49	Andrei Buscariu	[Signature]
11	MONICA PROTODIPESCU	[Signature]	50	Catalina Bolbocianu	[Signature]
12	NICK PROTODIPESCU	[Signature]	51	Ziviu Bolbocianu	[Signature]
13	ELENA STOISOR	[Signature]	52	George Andreea	[Signature]
14	ANDA PROTODIPESCU	[Signature]	53	ROBERTA FOSTER	[Signature]
15	PHILIP PAPADOPOULOS	[Signature]	54	Silvia Urban	[Signature]
16	RODAN STOLTOR	[Signature]	55	VIORICA VERBAN	[Signature]
17	VASIU MARIA	[Signature]	56	Stana Bogdan	[Signature]
18	VASIU VASILE	[Signature]	57	Adrian Bogdan	[Signature]
19	Ion P. Stoitor	[Signature]	58	Adrian Bogdan	[Signature]
20	MONICA	[Signature]	59	Patrușcu Anca	[Signature]
21	ADINA LUPEN	[Signature]	60	Patrușcu Anca	[Signature]
22	ALEXANDRU DOGHU	[Signature]	61	Bentia Silvano	[Signature]
23	ANA DOGHU	[Signature]	62	Aurica Bogdan	[Signature]
24	DANIELA CONSTANTINESCU	[Signature]	63	CRISTIAN BOGDAN	[Signature]
25	MIHAIL BUJOR	[Signature]	64	DAN MANOLESCU	[Signature]
26	EMILY BUJOR	[Signature]	65	CRISTIAN TRANDAFIL	[Signature]
27	Dragoslava Voica	[Signature]	66	MARIANA BOGDA	[Signature]
28	Cristina Voica	[Signature]	67	ANCA PENISOARA	[Signature]
29	Castor Voica	[Signature]	68	GEORGE FLUTU	[Signature]
30	Iulia Voica	[Signature]	69	Georgescu Mircea	[Signature]
31	Robert Voica	[Signature]	70	Georgescu SANDA	[Signature]
32	Sabrina Saracau	[Signature]	71	Mihela Flutu	[Signature]
33	Diana Saracau	[Signature]	72	Adrian Roman	[Signature]
34	Bogdan Stolo	[Signature]	73	VIORICA BOGDAN	[Signature]
35	Foster	[Signature]	74	Cristina Stoica	[Signature]
36	Foster	[Signature]	75	G. Constantin	[Signature]
37	Sandra Bogdan	[Signature]	76	ALICE TOMESCU	[Signature]
38	Sandra Bogdan	[Signature]	77	ION STOICA	[Signature]
39	Mirela Bratu	[Signature]	78	ORINA GHERGHEL	[Signature]

We, the congregation of The Romanian Orthodox Church of the Holy Resurrection, petition the City of Hamilton to deny the request for Official Plan Amendment (File No. UHOPA-18-15) and Zoning By-Law Amendment (File No. ZAC -18-037) as the proposed development will negatively impact us.

#	Name	Signature	#	Name	Signature
79	GHILOCEL DV	[Signature]	117	Balica Balasa	[Signature]
80	Rodica Protop	[Signature]	118	Florescu Dumitru	[Signature]
81	DRAGOS IVAN	[Signature]	119	mitch B. Holburn	[Signature]
82	CARMEN CIOCEA	[Signature]	120	VALERIU CERCEL	[Signature]
83	Lucian Balan	[Signature]	121	Manuel Popa	[Signature]
84	Bice Hostiuc	[Signature]	122	Mariana Popa	[Signature]
85	[Signature]	[Signature]	123	Monica Solo	[Signature]
86	GEORGESCU GEORGE	[Signature]	124	Anca Bulau	[Signature]
87	CRISTINA MEDGESCU	[Signature]	125	Balica Bulau	[Signature]
88	Schia Dolcea	[Signature]	126	GEORGE BIRSAU	[Signature]
89	Maria Bobu	[Signature]	127	Monica Petrescu	[Signature]
90	Diana Popa	[Signature]	128	Oana Stancla	[Signature]
91	ELEONORA BAIAN	[Signature]	129	Silvia Oprea	[Signature]
92	DIANA RUS	[Signature]	130	Anca & Gabriela	[Signature]
93	IVAN RUS	[Signature]	131	CLARA BAINBRIDGE	[Signature]
94	Antonia Sinca	[Signature]	132	VIKTOR ARDEJAN	[Signature]
95	Lukus Sinca	[Signature]	133	ROXANA MARIJA	[Signature]
96	LUCIAN SINCA	[Signature]	134	CRISTI MARIJA	[Signature]
97	Blanka Sinca	[Signature]	135	MARIANA CARMAC	[Signature]
98	BURDELIA POPELCA	[Signature]	136	Doriana Cimac	[Signature]
99	RUXANDRA BIRSAU	[Signature]	137	Darius Cimac	[Signature]
100	POLEACOV ELENA	[Signature]	138	MIRCEA DUMITRESCU	[Signature]
101	POLEACOV CRISTINA	[Signature]	139	Carmen Dumitrescu	[Signature]
102	Eugeniu Anghel	[Signature]	140	Jessica Arbour	[Signature]
103	MARCELINA ANGHIEL	[Signature]	141	Sebastian Dumitrescu	[Signature]
104	IONEL DRAGOMIR	[Signature]	142	Veronica Gogoras	[Signature]
105	DANIELA SUCIU	[Signature]	143	Mirela Gogoras	[Signature]
106	George Berthia	[Signature]	144	Leana Pascal	[Signature]
107	ANA PREDESCU	[Signature]	145	Marianne Cimac	[Signature]
108	PETRU SCURTU	[Signature]	146	capacino daniel	[Signature]
109	GEORGE FATU	[Signature]	147	Ciclei GEORGETA	[Signature]
110	MARIA FLORESCU	[Signature]	148	Cristi PETRIL	[Signature]
111	Valeriu Cercel	[Signature]	149	NECULIU BUNU	[Signature]
112	Priscilla Adler	[Signature]	150	Andrei Bunu	[Signature]
113	Jan Anghel	[Signature]	151	DAN SAURILIU	[Signature]
114	Lucian Sinca	[Signature]	152	Jany M...	[Signature]
115	Angelo Tanas	[Signature]	153	DAN PARVU	[Signature]
116	Zoltan Tanas	[Signature]	154	[Signature]	[Signature]

We, the congregation of The Romanian Orthodox Church of the Holy Resurrection, petition the City of Hamilton to deny the request for Official Plan Amendment (File No. UHOPA-18-15) and Zoning By-Law Amendment (File No. ZAC -18-037) as the proposed development will negatively impact us.

#	Name	Signature	#	Name	Signature
155	SORIN CRISTIAN SAVAC	[Signature]	193		
156	MIRELA SAVA	[Signature]	194		
157	RARES SAVA	[Signature]	195		
158	Corina E	[Signature]	196		
159	RAU MINO PEDI	[Signature]	197		
160	Cristofor Sava	[Signature]	198		
161	SUTA ALEX A.	[Signature]	199		
162	NECULAI ATANASOAI	[Signature]	200		
163	COLINT JUNT	[Signature]	201		
164	Hasan Teofil	[Signature]	202		
165	ROAN RODRIG	[Signature]	203		
166	Elena Alex Lotcu	[Signature]	204		
167	ALEX LATCU	[Signature]	205		
168	LULIAN COGICAN	[Signature]	206		
169	COPIA ALINA CAMERON	[Signature]	207		
170	Vasile Atanasoai	[Signature]	208		
171	Matt Derizon	[Signature]	209		
172	Aaliyah Ateha	[Signature]	210		
173	MIHAIL IGARCI	[Signature]	211		
174	Georgeta Nemeno	[Signature]	212		
175	Cristian Ciomara	[Signature]	213		
176	MARG HURHINSON	[Signature]	214		
177	SORIN PACOTA	[Signature]	215		
178	LUCIA KI PUSCARIU	[Signature]	216		
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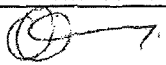
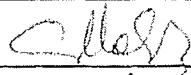
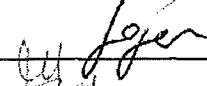
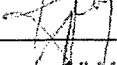
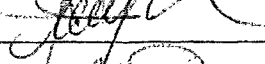
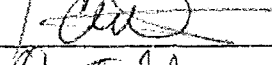
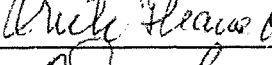

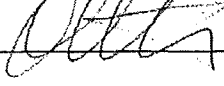
We, the congregation of The Romanian Orthodox Church of the Holy Resurrection, petition the City of Hamilton to deny the request for Official Plan Amendment (File No. UHOPA-18-15) and Zoning By-Law Amendment (File No. ZAC -18-037) as the proposed development will negatively impact us.

#	Name	Signature	#	Name	Signature
231	Lucian Stog		269		
232	Gaiana Blone		270		
233	FERSA NICOLITA		271		
234			272		
235			273		
236			274		
237			275		
238			276		
239			277		
240			278		
241			279		
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#	NAME	SIGNATURE
	Bogdan Bobin	B. Bobin
	Florian Bobin	F. Bobin
	Monica Adam	M. Adam
	Gabriel Adam	G. Adam
	Custina Picea	C. Picea
	AUREL TRAMBITAS	A. Trambitas
	IOANA TRAMBITAS	I. Trambitas
	CATHY IUGA	C. Iuga
	MARIA NIKOLICH	M. Nikolich
	TRAIAN NIKOLICH	T. Nikolich

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#	NAME	SIGNATURE
	Mihaela Oltean	
	Adina Manly	
	Liliana Lozer	
	RALUCA SOLOU	
	ROXANA GIRIF	
	DIANA CHIRU	
	ONETE ILEANA OLSA	
	OCTAVIAN ONETE	
	IRENE ONETE	

RECEIVED

OCT 31 2018

PETITION

Re: Application for *Official Plan Amendment* and *Zoning By-Law Amendment* for Lands Located at 282 MacNab Street North, Hamilton (Ward 2)

To: Mark Kehler
Planning and Economic Development Department
Development Planning, Heritage and Design -Urban Team
71 Main St, West, 5th Floor, L8P 4Y5

From:
The Romanian Orthodox Church of the Holy Resurrection
278 Mac Nab Street North, Hamilton, On, L8L 1K4

The issue:

We received notification about an application made by GSP Group Inc to the City of Hamilton for an **Official Plan Amendment (File No. UHOPA-18-15)** and a **Zoning By-Law Amendment (File No. ZAC -18 -037)** for Lands located at 282 MacNab Street North, Hamilton to:

- permit a 13 storey building with 110 multiple dwelling units with a residential density of 847 units per gross hectare
- Rezone the subject lands from "J" District to a site specific "ES -XXXX" (Multiple Dwellings, Lodges, Clubs, etc) District Modified to permit construction of a 13 storey, 110-unit multiple dwellings with 51 parking spaces.

The concerns:

We, the congregation of The Romanian Orthodox Church of the Holy Resurrection are presenting the City of Hamilton Planning and Economic Department with the following concerns:

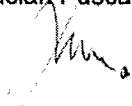
- The proposed Official Plan Amendment fails to follow the land use designation general policies for stable areas as listed by the West Harbour (Setting Sail) Secondary Plan recently adopted by the Hamilton City Council.
- The proposed building height (13 storey) and residential density of 847 units per gross hectare is a gross deviation from the West Harbour (Setting Sail) Secondary Plan core planning principles as emerged from extensive public consultation undertaken by the City during the conception of this plan.
- The proposed Zoning By-Law Amendment is not clear with regards to the subject lands zoning designation under the "site specific" definition opening the possibility of land use designations incompatible with our religious activity.

- The proposed development is adjacent to our Church and we are deeply concerned that our building will sustain structural damages caused by vibration during the excavations for the underground parking levels.
- The proposed development fails to provide the appropriate number of parking spaces in accordance with the current zoning By-Law. This will negatively impact our congregation by reducing the number of available on-street parking spaces in the area and prevent our members to attend religious services and events (i.e. baptism, weddings or funeral ceremonies) as our existing parking lot is very small (only 8 parking spaces) and there are no other off-street parking facilities available nearby.

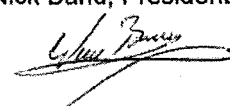
We, the Parish Council of The Romanian Orthodox Church of The Holy Resurrection, are asking the City of Hamilton Planning and Economic Development Department to deny the request for Official Plan Amendment (File No. UHOPA -18-15) and Zoning By-Law Amendment (File No. ZAC -18-037) and notify us with any decision on this regard.

Respectfully submitted on Wednesday, October 31'st by:

Rev. Lucian Puscaru, Parish Priest



Nick Bunu, President of Parish Council



Traian Pirvu, Secretary



c.c: Councilor Jason Farr, Ward 2

Shannon McKie, BES, MCIP, RPP, Senior Project Manager

S. Robichaud, Director of Planning and Chief Planner, Planning Division

A. Fabac, Manager, Development Planning, Heritage and Design

Kimberly Harrison-McMillan, Senior Project Manager, Development Planning, Heritage and Design



Mr. Mark Kehler, City of Hamilton
Planning and Economic Development Dept.
Development Planning
Heritage and Design – Urban Team
71 Main Street West, 5th Floor
Hamilton, ON, L8P 4Y5
Via Email: mark.kehler@hamilton.ca

Dear Mr. Kehler:

Re: UHOPA-18-15 and ZAC-18-037

I am writing on behalf of the Board of Directors of the Workers Arts and Heritage Centre (WAHC), located at 51 Stuart street, Hamilton to raise concerns related to files UHOPA-18-15 and ZAC-18-037 regarding the property at 282 MacNab St N.

We are located in a designated national historic building, and our property is adjacent to 282 MacNab St N on the west side. The proposed development would require the city of Hamilton to re-haul its planning vision for the area, as stated in the approved Land Use studies for the West Harbour area, which identifies Stuart Street as a "Corridor of Gradual Change" (Fig. 2, Preferred Land Use Strategy Report). These studies involved extensive public consultation, and the intent of the city's land use policies for such corridors is to "strengthen existing uses and encourage redevelopment that complements adjacent neighbourhoods and enhances the character of the street." The city has interpreted this to mean low to mid-rise apartment buildings, as evidenced by the only previous redevelopment in the immediate area – no. 50 Murray Street where the height was limited to six storeys.

The proposed development of 282 MacNab St N with an 13-storey tower is inappropriate for a number of reasons:

- it is contrary to the intent of the city's land use policies of encouraging redevelopment that complements adjacent neighbourhoods;
- it is out of character with the area in terms of scale and height, since an 13-storey tower is twice the prevalent height of any exiting building in the area, and the vast majority of properties are one or two storeys;
- it would have a detrimental impact on the continued enjoyment of programming in the 19th century heritage garden of our property, as well as neighbouring residential homes on Murray Street, due to the excessive shadowing that would result from the height of the building;
- given the 51 paking spaces for 110 units, it would lead to a high volume of vehicles, both resident and visitor, that will create street-parking issues for citizens visiting the WAHC; and
- it would create a dangerous precedent that would encourage high density redevelopment in the future, and negatively impact the continued stability of the nearby low density residential homes.

Further, we feel that the existence of a new GO station nearby should not call into question the city's land use goals and objectives by allowing excessive redevelopment.

W : wahc-museum.ca | T : 905.522.3003 | F: 905.522.5424 | E: staff@wahc-museum.ca
51 Stuart Street | Hamilton ON | L8L 1B5



While the Workers Arts and Heritage Centre is not opposed to the redevelopment of the application site, in principle, and in fact we would welcome the appropriate redevelopment of underutilized sites in terms of scale and height, this particular application is excessive and not in keeping with the character of the area nor the stated intent of the city's land use policies.

Yours very truly,

~~Per:~~ David Hauch
Chair,
Board of Directors of the Workers Arts and Heritage Centre

Contact person:
Florencia Berinstein
Executive Director,
Workers Arts and Heritage Centre
Email: florencia@wahcmuseum.ca

change.org

Recipient: Mark Kehler, Development Planning, Heritage and Design -Urban Team 71
Main St, West, 5th Floor, L8P 4Y5, City of Hamilton Planning and Economic
Department

Letter: Greetings,
Help preserve the core planning principles of our city now!

Signatures

Name	Location	Date
Dragos Predescu	Hamilton, Canada	2018-11-16
Johny Peterson	Waterloo, Canada	2018-11-16
Lucian Puscariu	Hamilton, Canada	2018-11-16
Mihaela Nicolae	Saint Catharines, Canada	2018-11-16
Rodica Pecheanu	Stoney Creek, Canada	2018-11-16
Lavinia Macdonald	Toronto, Canada	2018-11-16
Gabriel Adam	Oakville, Canada	2018-11-16
Florin Feloiu	Oakville, Canada	2018-11-16
Iulia Voica	Hamilton, Canada	2018-11-16
Alexandrina Plop	Welland, Canada	2018-11-16
Justin Stoicheci	Hamilton, Canada	2018-11-16
Ofelia Nicolau	Ottawa, Canada	2018-11-16
Gabriela Vasu	Burlington, Canada	2018-11-16
Bogdan Stoleru	Hamilton, Canada	2018-11-16
Bogdan Popazu	Hamilton, Canada	2018-11-16
Traian Pirvu	Hamilton, Canada	2018-11-16
Simona Crisan	Oakville, Canada	2018-11-16
Dan Zbarcea	Oakville, Canada	2018-11-16
Margaret Hutchinson	Hamilton, Canada	2018-11-16
Roxana Marica	Etobicoke, Canada	2018-11-16

Name	Location	Date
Julian Baciu	Hamilton, Canada	2018-11-16
Radu Mindreci	Hamilton, Canada	2018-11-16
LUCA LAZAR	Toronto, Canada	2018-11-16
Dumitru Aldea	Sharjah, United Arab Emirates	2018-11-16
Emilia Atanasoaei	Hamilton, Canada	2018-11-16
Stelian Fediuc	Stoney Creek, Canada	2018-11-16
Nick Bunu	Hamilton, Canada	2018-11-16
Michael Legris	Toronto, Canada	2018-11-16
Mariana Popa	Binbrook, Canada	2018-11-16
Nick Dobrera	Hamilton, Canada	2018-11-16
Daniela Corunga	Ancaster, Canada	2018-11-16
Juljeta Zahari	Saint Catharines, Canada	2018-11-16
MITCH HOLBURA	Hamilton, Canada	2018-11-16
Andrei Patrascanu	Romania	2018-11-16
Livia Patrascanu	Hamilton, Canada	2018-11-16
Cristian Huma	Burlington, Canada	2018-11-16
Lisa Popescu	Hamilton, Canada	2018-11-16
George Flutur	Etobicoke, Canada	2018-11-16
Liliana Stanciu	Oakville, Canada	2018-11-16
Mona Ilsa Bunu	Hamilton, Canada	2018-11-16
Mariana Bolba	Hamilton, Canada	2018-11-16
George Georgescu	Thornhill, Canada	2018-11-16

Name	Location	Date
Adrian Burlacu	Hamilton, Canada	2018-11-16
Corneliu Stanciu	Oakville, Canada	2018-11-16
Teodora Rusneac	Fort McMurray, Canada	2018-11-17
Aurel Cotiga	North York, Canada	2018-11-17
Crina Hodis	Oakville, Canada	2018-11-17
IONEL GURAU	North York, Canada	2018-11-17
Daniela Bordac	Waterdown, Canada	2018-11-17
Angela Tanacs	Saint Catharines, Canada	2018-11-17
Daniela Posirca	Stoney Creek, Canada	2018-11-17
Mariana Calmac	Hamilton, Canada	2018-11-17
MARIUS PANTEA	Hamilton, Canada	2018-11-17
Octavian Burtea	Roanoke, Texas, US	2018-11-17
Shell Perrone	Toronto, Canada	2018-11-17
Cosmina Dumitrescu	Grimsby, Canada	2018-11-17
Edward Ciobanu	Hamilton, Canada	2018-11-17
Ildiko Kereszturi	Hamilton, Canada	2018-11-17
Carolyn Lowes	Belleville, Canada	2018-11-17
Giulian Aileni	Toronto, Canada	2018-11-17
Domnica Melnic	Toronto, Canada	2018-11-17
George Partila	Stoney Creek, Canada	2018-11-17
Lora Gutierrez	Hamilton, Canada	2018-11-17
Calin Bisca	Ancaster, Canada	2018-11-17

Name	Location	Date
Ioan Sofonea	Stoney Creek, Canada	2018-11-17
Liviu Bolbocianu	North York, Canada	2018-11-17
Constantin Raznovan	Thornhill, Canada	2018-11-17
Carol Vaughan	Hermitage, Tennessee, US	2018-11-17
Nicolae Marius Pascu	Oakville, Canada	2018-11-17
Nicole Brosseau	Sudbury, Canada	2018-11-17
Geta Stan	Burlington, Canada	2018-11-17
Nichita Negruseri	Romania	2018-11-17
Adriana Iliescu	Ancaster, Canada	2018-11-17
Mihail Iordan	Barrie, Canada	2018-11-17
Tessy Marais	Repentigny, Canada	2018-11-17
Duta Bilan	Mulmur, Canada	2018-11-17
Marius Manea	Toronto, Canada	2018-11-17
Hannah Hamilton	Canada	2018-11-17
Ioana Icala	Hamilton, Canada	2018-11-17
Victor Icala	Hamilton, Canada	2018-11-17
Danny Bilan	Canada	2018-11-17
Paula Boanta	Binbrook, Canada	2018-11-17
Catalin George Bogdan	Hamilton, Canada	2018-11-17
Cabiria Bogdan	Oakville, Canada	2018-11-17
Diane DePasquale	Bethel Park, Pennsylvania, US	2018-11-17
Chuck Fodeles	Ancaster, Canada	2018-11-17

Name	Location	Date
Janet Laxamana	Prince Albert, Canada	2018-11-17
George Corbeanu	Hamilton, Canada	2018-11-17
Mya Green	Hamilton, Canada	2018-11-17
linda coza	Toronto, Canada	2018-11-17
Stanley Foshay	Lecanto, US	2018-11-17
Serena Ward	Springfield, US	2018-11-17
Liz Clarke	Courtright, Canada	2018-11-17
Rebeca Munteanu	Vienna, Austria	2018-11-17
Daniel Ifrim	Hamilton, Canada	2018-11-17
Lenore Black	Markham, Canada	2018-11-17
Joey Fields	Greensboro, US	2018-11-17
Stefan Mihai Rusneac	Fort McMurray, Canada	2018-11-18
Shebaz Khan	Stockton, US	2018-11-18
Aurelia Circiumaru	Stoney Creek, Canada	2018-11-18
carson kong	San Francisco, US	2018-11-18
Zoltan Tanacs	Saint Catharines, Canada	2018-11-18
Ionela Fablan	Hamilton, Canada	2018-11-18
Daniel Tehranpour	Toronto, Canada	2018-11-18
Jaden baird	Pickering, Canada	2018-11-18
Elizabeth Clarke	St. John's, Canada	2018-11-18
Marcus Bauer	Winnipeg, Canada	2018-11-18
Alexander Campbell	Cairo, Canada	2018-11-18

Name	Location	Date
Florin Patrau	Hamilton, Canada	2018-11-18
Alina Onose	North York, Canada	2018-11-18
Me Jahkesh53128	Winnipeg, Canada	2018-11-18
reina martinez	Nashua, US	2018-11-18
Sally Kim	Edmonton, Canada	2018-11-18
Cristian Dumitru	Dundas, Canada	2018-11-18
Tiffany Natasha	San Jose, US	2018-11-19
Maxine Gauvreau	Gatineau, Canada	2018-11-19
Mark Liao	Oakland, US	2018-11-19
irina Faria	Hamilton, Canada	2018-11-19
Melanie Larios	Fairfield, US	2018-11-19
Emahnee Cover	Canada	2018-11-19
Denisa Dumitru	Ancaster, Canada	2018-11-19
Diana Atienza	San Jose, US	2018-11-19
Justin Viado	Berkeley, US	2018-11-19
JESee Batres	Manteca, US	2018-11-19
Levai Levai	Toronto, Canada	2018-11-19
Cristina Iancu	Burlington, Canada	2018-11-19
Dulce Contreras	San Mateo, US	2018-11-19
Elena Dumitrescu	Stoney Creek, Canada	2018-11-19
Genevieve Garceau	Ottawa, Canada	2018-11-19
HELLYEAH NOW	Barrie, Canada	2018-11-19

Name	Location	Date
juliana walt	Burlington, Canada	2018-11-19
Fatima Muhidin	Edmonton, Canada	2018-11-19
Emaad Hussain	Edmonton, Canada	2018-11-19
Tegan Mackinnon	St.albert, Canada	2018-11-19
Dean Opheim	Camrose, Canada	2018-11-19
Devon Williams	Edmonton, Canada	2018-11-19
Emilla Turcu	Saint Catharines, Canada	2018-11-20
Steven Barton	T5y1b9 Edmonton, Canada	2018-11-20
Jayce Sandboe	Stony Plain, Canada	2018-11-20
Shadiya Abdi	Edmonton, Canada	2018-11-20
Angélique Saba	Saint-hyacinthe, Canada	2018-11-20
Amel Taliani	Edmonton, Canada	2018-11-20
Carlo Marano	Newtown, Connecticut, US	2018-11-20
Ryan Findlen	Wake Forest, US	2018-11-20
hossein ali dehghanian	esfahan, Iran	2018-11-20
Elena Buica	Ancaster, Canada	2018-11-24
Marius Gligor	Dundas, Canada	2018-11-25
Stefan Bogdan	Burlington, Canada	2018-11-26
Matei Burlea	Toronto, Canada	2018-11-28
Georgeta Stoica	Hamilton, Canada	2018-11-28
Lavinia Bica	Oakville, Canada	2018-11-29
Andrew Turkstra	Hamilton, Canada	2018-12-07

change.org

Recipient: Mark Kehler, Development Planning, Heritage and Design -Urban Team 71
Main St, West, 5th Floor, L8P 4Y5, City of Hamilton Planning and Economic
Department

Letter: Greetings,

Help preserve the core planning principles of our city now!



Subject: 282 MacNab St N Staff Recommendation Planning Committee Comments Tuesday April 02, 2019; 9:30AM

Hello,

My name is Chris and I have been involved in various things in the community around Hamilton. I attended McMaster University where I studied political science and geography, live at John St N and Barton, and work downtown Hamilton in Ward 2, and have a deep interest in urban planning and transit. I have a few comments about the recommendation by staff for denial of the project at 282 MacNab St N found here: <https://pub-hamilton.escribemeetings.com/Meeting.aspx?Id=9494c144-2d79-4379-a7c4-7a19032918ee&Agenda=Agenda&lang=English&Item=19>

1

The proposal at 282 MacNab St N has been recommended to be denied by city staff. While I completely respect the professional opinion of city staff and their recommendations, I have to disagree completely with their recommendation.

This development is exactly the type of development Hamilton should be encouraging. The city just made a complaint that Go service is being promised far too late considering the growth potential and interest in Hamilton. It also just declared a climate emergency, and is continuing to push for improved transit and cycling.

The best way to approach each of these above elements is to intensify around transit nodes and walkable areas. The development proposes bicycle parking and limited parking spaces. Exactly what developments downtown should be moving toward. I can understand that some would not consider this downtown, but I do since downtown is apparently 4 blocks across, and juts out into James St N which this development is less than 100 metres from. I find it interesting that rather than resolve issues of parking, such as requiring parking on streets near downtown have parking limits or require permits, the city would rather deny developments immediately adjacent to a Go Station.

This recommendation for denial feels like it stems from two things; an inability in Hamilton to actually resolve issues, pushing them to a future date, and pandering to a few loud voices. While the city suggests congestion, traffic and parking are major issues in this area, it works to approve mass suburbia that will require a car or multiple, rather than approve a development that will allow its residents to walk to work, walk to transit, walk to the waterfront, walk to First Ontario Centre, and walk to nightlife and cafes and restaurants. To reiterate the Go station is literally a 5 metre walk from this planned building. In addition to this, Go stations have a minimum people/jobs per hectare with no maximum for a reason, it is because going slightly higher than the minimum is considered to be acceptable.

As an advocate for cycling, may I add that the development is less than a minute away from 3 of the city's major bi-directional separated cycle tracks, and on top of a SoBi station.

It is irrational that a city like Hamilton would imagine the worst possible outcomes from this type of proposal. As if people living here would be absolute scumbags and take up street space to those who have been living here for years. Hamilton needs vision for the future that is less pessimistic. The city proudly touts how much value in developments were approved year over year, while denying medium density developments right beside the empty Go station and one of downtown's treasures; Jame St N and all its eventful days and nights.

Instead of working with the developer to get community benefits like public parking in the building because it is moderately taller than the official plan suggests, it requests additional parking, so as to encourage more cars, and less public parking. The Connolly was just approved with a parking ratio of 0.36 and with a downtown suggested parking ratio of 0.80 the Connolly has 45% the parking suggested by the city, while this has 63% within 5 metres of a Go Station, and within a few hundred metres of multiple bus lines, Jame St N, bicycle lanes, Bayfront park and various other amenities. If anywhere constitutes a beneficial location for reduced parking, it is here.

If the character of this neighbourhood was at stake because of new housing, let us not ignore the sleek, new, modern Go station immediately beside this proposal. Further to this point, this property is a vacant lot, and the city seems very quick to approve demolition of heritage buildings, schools and houses to approve condos, while denying seemingly everything on a vacant or pavement lot. Nearly every approved development in Hamilton has been where a building once stood; The Connolly, Platinum Condos, the Kresge site, Jamesville Lofts, 154 Main St E, 71 Rebecca, and the CIC Residence. At a certain height, I can see the character getting ruined, but this development, being adjacent to a Go station would hardly affect the neighbourhood character. If anything the design could have an impact, but then mention design, not other unnecessary points.

The city seems to be working backward, and trying to hurt itself, rather than move forward. A large portion of the city's core is surface parking lots and vacant properties. The city claims there is no infrastructure to handle these developments, but apparently fails to realize that bringing people and jobs to the city will increase the total tax revenue

to allow for more infrastructure to be built. Let's not deny respectful development creating homes for people that want to live in Hamilton, and those wanting to move to the city, and for those who want to downsize or buy a first home in the city who have lived here all their lives. I live around the corner from this proposal, and want nothing more for this to be approved, and that is my recommendation for council.

Regards,

Christopher Ritsma.

Jane and Murray Slote

Hamilton ON

City of Hamilton
Legislative Coordinator
Planning Committee
71 Main St. W., 1st Floor
Hamilton ON L8P 4Y5

Re: Urban Hamilton Official Plan Amendment (File No. UHOPA-18-15)
St. Jean Properties Inc. and Durand Development Corporation

As residents in the immediate area of the proposed 13 storey building located at 282 MacNab St. N., we would like to express our objections and concerns regarding parking spaces proposed and the excessive height that will tower over neighbouring properties.

At our Witton Lofts residence, we have 6 floors, 36 units and 36 parking spaces as well as 3 visitor spaces. As Superintendent of the building, I have information as to which cars are registered to the 36 specific parking spaces. In our 36 resident building, there are 46 vehicles registered since some owners have more than one vehicle. Only one resident does not have a vehicle at this time. Street parking for blocks is full with the extra vehicles as well as use by neighbours.

The proposed condo tower is 13 stories, 110 dwellings and 51 vehicle parking spaces = on site parking for only 46% of units. Using this formula, Witton Lofts would have only 17 parking spaces provided. Where would the other 29 vehicles park?

It is also true that if a resident is able to commute to work using the limited public transit, many still have a vehicle for personal after work use.

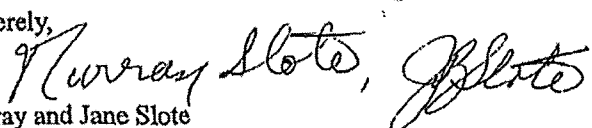
Hamilton is a great city with many special events that also greatly limits street parking.

The parking ratios of this development will negatively impact this neighbourhood and would set a unwelcome precedent for future buildings such as the one proposed on Stuart St., (directly across from 282 MacNab) which has similar parking ratios.

We would like to quote a small excerpt from the Hamilton Setting Sail Secondary Plan, which appears to have been abandoned. "Developments will preserve and maximize on street parking, respect design, scale, massing, setbacks, height and use of neighbouring buildings existing and anticipated." These issues are still very valid today, and ignoring the secondary plan undermines the extensive public input that helped form it.

We respectfully request that the City reconsiders this amendment regarding the proposed parking ratios.

Sincerely,


Murray and Jane Slote

Kehler, Mark

From: [REDACTED]
Sent: July 3, 2019 12:48 PM
To: Kehler, Mark
Subject: 282 MacNab St.

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Mark, thank you for the update.

It is our opinion that the proposal currently under review is far from what we were expected to see after the latest Committee meeting. We feel that the proponent failed to take in consideration our concerns expressed at the Committee meeting and in the successive letter sent to staff on April 15, 2019.

We trust that staff will diligently review this proposal and make the appropriate recommendation to deny the application for all the reasons expressed by us in our petition and letters to staff.

Please notify us as soon the staff report is available for circulation.

Sincerely,
Rev. Lucian Puscaru