



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	June 15, 2021
SUBJECT/REPORT NO:	Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 179, 181, 183, 185, 187, and 189 Catharine Street North, Hamilton (PED21119) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Daniel Barnett (905) 546-2424 Ext. 4445
SUBMITTED BY:	Stephen Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Amended Official Plan Amendment application UHOPA-20-015 by IBI Group (c/o Mike Crough), Agent, on behalf of Woven Quarter Properties Inc. (c/o Brendan Morley), Applicant, and Kathy and Zdenko Pokupec, Roman Acquisitions, and Alice Fam, Owners,** to redesignate the subject lands from the “Low Density Residential” to “Medium Density Residential 1” with a Site Specific Policy Area on Schedule M-2: General Land Use of the West Harbour (Setting Sail) Secondary Plan in the City of Hamilton Official Plan, to permit three multiple dwellings containing a maximum of 45 units, and the adaptive re-use of the existing semi detached dwelling to contain a maximum of four dwelling units, for a total of 49 units on the subject lands with a maximum residential density of 155 units per gross hectare, for lands located at 179, 181, 183, 185, 187 and 189 Catharine Street North, as shown on Appendix “A” to Report PED21119, be **APPROVED** on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED21119, be adopted by City Council;

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- (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan for the Greater Golden Horseshoe 2019, as amended.
- (b) That **Amended Zoning By-law Amendment application ZAC-20-027 by IBI Group (c/o Mike Crough), Agent, on behalf of Woven Quarter Properties Inc. (c/o Brendan Morley), Applicant, and Stanley, Kathy and Zdenko Pokupec, Roman Acquisitions, and Alice Fam, Owners**, for a change in zoning from the “L-mr-2” (Planned Development) District to the “E-1/S-1809” – ‘H’ (Multiple Dwelling, Lodges, Clubs, etc.) District, Modified, Holding, to permit three multiple dwellings containing a maximum of 45 units, the conversion the existing semi detached dwelling into a 4 unit multiple dwellings for a total of 49 units on the subject lands with 43 underground parking spaces, for lands located at 179, 181, 183, 185, 187 and 189 Catharine Street North, as shown on Appendix “A” to Report PED21119, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED21119, 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 PED21119, be added to District Map No. E3 of Zoning By-law No. 6593 as “E-1/S-1809” – ‘H’;
 - (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and complies with the City of Hamilton Official Plan upon approval of Official Plan Amendment No. ____; and,
 - (iv) That the amending By-law apply the Holding Provision of section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol ‘H’ as a suffix to the proposed zoning for the following:
 - a. The Owner submit and receive completion of a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MECP) or enters into a conditional building permit agreement with respect to completing a Record of Site Conditions to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MECP, and submission of the City of Hamilton’s current RSC administration fee.

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- b. The Owner agrees in a Site Plan Agreement to implement all required noise mitigation measures identified in the Acoustical Study dated June 30, 2020 by IBI Group and updated December 22, 2020, to the satisfaction of the Director of Planning and Chief Planner.
 - c. The Owner agrees in a Site Plan Agreement, to provide notice to any subsequent owner, as well as any prospective purchasers or tenants that the dwellings are located in a Class 4 area, and to agree to register this notice and any / all warning clauses on title, and include them in any purchase and sale and in any lease or rental agreement, to the satisfaction of the Director of Planning and Chief Planner.
 - d. That a Conservation Plan for 187 - 189 Catharine Street North, Hamilton be submitted, approved and implemented through a Site Plan Agreement, all to the satisfaction of the Director of Planning and Chief Planner.
- (c) That Council deem the lands at 179, 181, 183, 185, 187 and 189 Catharine Street North (see Appendix “A” attached to Report PED21119) as a Class 4 Area pursuant to the Ministry of the Environment, Conservation and Parks’ (MECP) Noise Guidelines NPC-300 (Stationary and Transportation Sources – Approval and Planning), and that the Class 4 area designation apply only to the development proposal attached as Appendix “D” attached to Report PED21119 with the requirement that all noise mitigation and warning clauses be secured through the Holding Provision attached to the implementing Zoning By-law as specified in Section iv) b) and c) outlined above.
- (d) That upon finalization of the amending By-law, the subject lands be redesignated from “Single and Double” and “Medium Density Apartments” to “Low Density Housing” in the Beasley Neighbourhood Plan.

EXECUTIVE SUMMARY

The subject property is municipally known as 179, 181, 183, 185, 187 and 189 Catharine Street North. IBI Group (c/o Mike Crough) on behalf of Woven Quarter Properties Inc., (c/o Brendan Morley), Stanley, Kathy and Zdenko Pokupec, Roman Acquisitions, and Alice Fam, Owners, has applied for amendments to the City of Hamilton Official Plan and Zoning By-law No. 6593 to permit a total of 49 units with 43 underground parking spaces. The applicant is proposing three new multiple dwellings containing 45 units and the conversion of the existing semi-detached dwelling into a four unit multiple dwelling.

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The purpose of the Official Plan Amendment application is to redesignate the lands from “Low Density Residential” to “Medium Density Residential 1” and establish a Site Specific Policy Area within the West Harbour (Setting Sail) Secondary Plan to permit a maximum residential density of 155 units per gross hectare for the proposed 49 unit residential development.

The purpose of the Zoning By-law Amendment is for a change in zoning from the “L-mr-2” (Planned Development) District to the “E-1/S-1809” – ‘H’ (Multiple Dwelling, Lodges, Clubs, etc.) District, Modified, Holding. Modifications to the “E-1” District are required to restrict building height to 15.0 metres and permit reduced side yards and front yards and increase the required rear yard depth. Additional modifications are required to reduce the parking requirement and establish minimum bicycle parking requirements, allow for permeable paving, and require the adaptive reuse of the existing semi detached dwelling. The concept plan is attached as Appendix “D” to Report PED21119.

Based on the subject property being located in proximity to stationary noise sources the applicant is seeking to have the subject property classified a Class 4 area pursuant to the MECP Noise Guidelines NPC-300.

The proposal has merit and can be supported for the following reasons:

- It is consistent with the Provincial Policy Statement (2020) (PPS);
- It conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended (Growth Plan);
- It complies with the general intent of the City of Hamilton Official Plan and West Harbour (Setting Sail) Secondary Plan; and,
- The proposed development is compatible with existing land uses in the immediate area and represents good planning by, among other things, increasing the supply of housing units, making efficient use of existing infrastructure within the urban boundary, and supporting public transit.

Alternatives for Consideration – See Page 42

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.

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HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Applicant/Owner:	IBI Group (c/o Mike Crough), Agent, on behalf of Woven Quarter Properties Inc. (c/o Brendan Morley), Applicant, Stanley, Kathy and Zdenko Pokupek, Roman Acquisitions, and Alice Fam (Owners)
File Number:	UHOPA-20-015 and ZAC-20-027
Type of Application:	City of Hamilton Official Plan Amendment and Zoning By-law Amendment
Proposal (as amended):	<p>A revised design was submitted on November 25, 2020 to address concerns, including but not limited too, overlook impacts on adjacent lands as a result of the initial circulation of the applications..</p> <p>The Official Plan Amendment was amended by the applicant for a change in designation from “Low Density Residential” to “Medium Density Residential 1” with a Site Specific Policy Area to recognize a density of 155 units per gross hectare.</p> <p>The revised Concept Plan is attached as Appendix “D” to Report PED21119 and included the following revisions from the original development concept:</p> <ul style="list-style-type: none"> • Change in the proposed design of Building C, specifically with respect to the setback and height of the southerly most portion of the building and to eliminate windows from the southerly façade; • Relocate the proposed parking ramp to the underground garage to the north side of Building B; • Increase the number of units by one for a total of 49; • Reduction in the amount of landscaped area from 935.2 square metres to 746.7 square metres of which a minimum of 50% will be comprised of natural space (grass, trees, planting beds, etc.); • Relocation of the loading space to the rear of Building A to serve as a flexible hardscape and replaces the centralized

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	<p>landscape areas that were previously proposed;</p> <ul style="list-style-type: none"> • Decrease in the total parking spaces from 45 to 43 parking spaces (42 standard parking spaces and one barrier free space); • Inclusion of a lift from the underground parking garage to the ground level for residents; and, • Provision of five short term bicycle parking spaces and 28 long term bicycle parking spaces.
Property Details	
Municipal Address:	179, 181, 183, 185, 187 and 189 Catharine Street North
Lot Area:	2,700 square metres (0.27 hectares)
Servicing:	Existing full municipal services.
Existing Use:	<p>Multiple properties which include the following:</p> <ul style="list-style-type: none"> • 179 Catharine Street North is a vacant lot; • 181 Catharine Street North contains a single detached dwelling (to be demolished); • 183 Catharine Street North contains a commercial vehicle repair and service shop (to be demolished); • 185 Catharine Street North is a vacant lot at the rear of 187 and 189 Catharine Street North; and, • 187 and 189 Catharine Street North contains a semi detached dwelling (to be retained and converted to contain four units).
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS.
A Place to Grow:	The proposal conforms to the Growth Plan.
Official Plan Existing:	<p>“Urban Area” in the Hamilton-Wentworth Official Plan. “West Harbour” in the City of Hamilton Official Plan. “Low Density Residential” in the West Harbour (Setting Sail) Secondary Plan.</p>

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Official Plan Proposed:	“Medium Density Residential 1” designation with a Site Specific Policy Area to establish a maximum density of 155 units per gross hectare.
Zoning Existing:	“L-mr-2” (Planned Development) District
Zoning Proposed:	“E-1/S-1809” – ‘H’ (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified, Holding
Modifications Proposed:	<p>The following modifications apply to the entire site (Blocks 1, 2, 3 and 4, refer to Appendix A to Report PED21119):</p> <ul style="list-style-type: none"> • To define how grade will be measured for the purpose of calculating building height; • To restrict the maximum number of dwelling units to 49 units; • To reduce the maximum building height from 26.0 metres to 15.0 metres; • To reduce the minimum number of required parking spaces from 1 parking space per dwelling unit (49) to 0.8 parking spaces per dwelling unit (40), and to not require any visitor parking; • To establish a requirement that a minimum of one required parking space be a barrier free parking space; • To reduce the length of a loading space from 18 metres to 9 metres and require that the loading space be comprised of permeable pavers; • To permit a reduced parking stall size, from a minimum size of 2.7 metres by 6.0 metres to 2.7 metres by 5.8 metres; • To establish a minimum parking stall size for a barrier free parking space of 4.4 metres wide by 5.8 metres long; • To permit a maximum of 10% of parking spaces to be for a small car with minimum parking space size dimensions of 2.6 metres by 5.5 metres; • To permit a parking area, manoeuvring space, loading, space and access driveway to be comprised of permeable pavers and brick, in addition to asphalt and concrete; • To require a minimum of five short term bicycle parking spaces; and, • To require a minimum of 0.57 bicycle parking spaces per dwelling unit.

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	<p>The following modifications apply to specific blocks:</p> <p>Existing Building - Block 1</p> <ul style="list-style-type: none">• To permit a multiple dwelling only within the building existing on the date of the passing of the By-law;• To recognize the existing front yard setback of 2.7 metres;• To recognize the existing northerly side yard setback of 2.3 metres;• To reduce the minimum side yard setback for an enclosed stairway from 1.5 metres to 1.2 metres;• To reduce the minimum side yard setback for an underground parking ramp from 1.5 metres to 0.7 metres;• To increase the maximum front yard encroachment for a porch and stairs:<ul style="list-style-type: none">- from a maximum encroachment of 3 metres and minimum setback of 1.5 metres from the front lot line, to a minimum setback of 1.4 metres for a porch from the front lot line; and,- from a maximum encroachment of 3 metres and minimum setback of 1.5 metres from the front lot line, to a minimum setback of 0 metres for stairway from the front lot line. <p>Building A – Block 2</p> <ul style="list-style-type: none">• To reduce to minimum the front yard setback, from 3.0 metres to 2.7 metres;• To reduce the minimum side yard setback from a minimum setback of 3.0 metres for a principal building containing windows facing the side lot line to a minimum 2.3 metre setback from the side lot line for a principal building containing windows facing the side lot line;• To increase the maximum front yard encroachment for stairs:<ul style="list-style-type: none">- from a maximum encroachment of 3 metres and minimum setback of 1.5 metres from the front lot line, to a minimum setback of 0 metres for a stairway from the front lot line.
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	<p>Building B – Block 3</p> <ul style="list-style-type: none">• To reduce the minimum side yard setback for an underground parking ramp from 1.5 metres to 0.7 metres;• To increase the minimum rear yard setback from 3.5 metres to 5.0 metres, except for the following:<ul style="list-style-type: none">- 0 metres for the wall of a parking ramp;• To reduce the minimum setback for stairs from a rear lot line from a minimum 1.0 metres to 0.5 metres;• To increase the maximum rear yard encroachment of a porch and stairway:<ul style="list-style-type: none">- from a maximum encroachment of 3.0 metres and minimum setback of 1.5 metres from the rear lot line, to a minimum setback of 1.85 metres for a porch and stairway; and,- from a maximum encroachment of 3.0 metres; and, minimum setback of 1.5 metres from the rear lot line, to a minimum setback of 0 metres for an above grade patio.• To reduce the minimum distance between multiple dwelling buildings from 7.05 metres to 3 metres; <p>Building C – Block 4</p> <ul style="list-style-type: none">• To reduce the maximum building height for the southerly portion of Building C from 26.0 metres to 8.75 metres;• To establish a minimum 8.0 metre side yard setback from the easterly side lot line for the southerly portion of Building C;• To increase the minimum rear yard setback from 3.5 metres to 5.0 metres, except for the following:<ul style="list-style-type: none">- 3.0 metres for the southerly portion of Building C;• To increase the maximum rear yard encroachment of a porch and stairway:<ul style="list-style-type: none">- from a maximum encroachment of 3.0 metres and minimum setback of 1.5 metres from the rear lot line, to a minimum setback of 1.85 metres for a porch and stairway; and,- from a maximum encroachment of 3.0 metres and minimum setback of 1.5 metres from the rear lot line, to a minimum setback of 0.9 metres for a below grade walkout patio from the rear lot line;• To establish a minimum setback of 4.3 metres from the
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	<p>easterly side lot line for a porch and stairway; and,</p> <ul style="list-style-type: none"> To reduce the minimum distance between multiple dwelling buildings from 7.05 metres to 3 metres. <p>Staff have also included Holding Provisions in the amending Zoning By-law related to the requirements for a Record of Site Condition, noise mitigation measures, warning clauses and Heritage Conservation Plan. These requirements are discussed in detail in the Analysis and Rationale for Recommendation section of this Report.</p>
Processing Details	
Received:	July 2, 2020
Deemed Complete:	July 22, 2020
Notice of Complete Application:	Sent to 154 property owners within 120 metres of the subject property on July 31, 2020.
Public Notice Sign:	Posted August 7, 2020 and updated with public meeting date on May 5, 2021.
Notice of Public Meeting:	Sent to 154 property owners within 120 metres of the subject property on May 14, 2021.
Public Consultation:	The applicant organized a virtual Neighbourhood Open House on September 24, 2020, with invitations sent to 138 properties within the area. Six interested parties participated in the Neighbourhood Open House, and comments were provided to the applicant by way of the Neighbourhood Open House. The comments received during the Open House are summarized in the Relevant Consultation Section of Report PED21119.
Public Comments:	One letter was received expressing interest in learning more about the project and requested being included in any ongoing updates.
Processing Time:	348 days from date of receipt of initial application. 202 day from receipt of revised development proposal.

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Existing Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Property:	Vacant Lot, Single detached dwelling, Vehicle Repair and Service Shop, and Semi Detached Dwelling	“L-mr-2” (Planned Development) District

Surrounding Land Uses:

North	Single detached and Semi detached dwellings	“L-mr-2” (Planned Development) District
East	Warehouse	“J/S-378” (Light and Limited Heavy Industrial, Etc.) District, Modified
South	Single detached dwellings	“L-mr-2” (Planned Development) District
West	Municipal Park, three family dwelling and rooming house	Neighbourhood Park (P1) Zone, “L-mr-2” (Planned Development) District, and Neighbourhood Institutional (I1) Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (2020) (PPS). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The following policies, amongst others apply to the proposal.

“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:

- a) Efficiently use land and resources;

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- 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 uneconomic expansion;
 - e) Support active transportation; and,
 - f) Are transit-supportive, where transit is planned, exists or may be development; and,
- 1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.”

The proposed development is located within a settlement area and represents a compatible form of intensification that efficiently uses land, existing infrastructure and is supported by existing public transit. The proposed development facilitates intensification and redevelopment and is a compact form of development that is appropriate in scale for the area.

Cultural Heritage and Archaeology

The City of Hamilton Official Plan has not been updated with respect to the cultural heritage policies of the PPS. The following policies, amongst others, of the PPS 2020 apply.

- “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 two of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) for determining archaeological potential:

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

Notwithstanding current surface conditions the criteria define the property as having archaeological potential. Staff will require that a written caution note be added to the site plan drawings for the future Site Plan Control application.

The subject property is comprised of 181 and 183 Catharine Street North which are included in the City's Inventory of Buildings of Architectural and / or Historical Interest and 187 and 189 Catharine Street North which are included on the City's Register of Property of Cultural Heritage Value or Interest. The building existing at 187 and 189 Catharine Street North is a pre-confederation semi detached dwelling potentially constructed between 1842 and 1853. The inclusion of 187 and 189 Catharine Street North on the City's Register of Property of Cultural Heritage Value or Interest was undertaken as a result of the Cultural Heritage Impact Assessment (CHIA) submitted for these applications.

A CHIA by ASI, dated July 2020 was submitted assessing the impact of the proposed redevelopment on 187 and 189 Catharine Street North and also on the adjacent lands at 179 and 183 Catharine Street North. The CHIA was reviewed by the Policy and Design Working Group of the Hamilton Municipal Heritage Committee (HMHC) on August 17, 2020. Based on the review, the Policy and Design Working Group of the HMHC provided the following comments:

- The pre-confederation property at 187 and 189 Catharine Street North should be reviewed at the next Inventory and Research Working Group (IRWG) meeting of the HMHC for further consideration for potential inclusion on the municipal heritage register and/or for potential designation. (These lands were added to the Register in 2020 (see below)).
- Consideration should be given towards providing additional research for the properties at 181 – 183 Catharine Street North to more completely assess their potential heritage value.
- Concern was raised that with the possible mothballing of the pre-confederation property at 187 and 189 Catharine Street North that there could be pressure to demolish the building after the rest of the property is redeveloped. This property should be renovated and reused at the same time that the rest of the property is developed to avoid it being neglected. The group would be opposed to the demolition of this pre-confederation building.
- The Beasley Neighbourhood Association should be consulted on the proposal.

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The CHIA submitted with the application is comprehensive and complete and staff are satisfied. Staff are of the opinion that the proposed adaptive reuse of the semi detached, pre-confederation dwelling at 187 and 189 Catharine Street North is acceptable and requires a conservation strategy for this heritage resource. Consultation with the Beasley Neighbourhood Association was undertaken as part of the applicant's Public Consultation Strategy.

At the August 24, 2020 meeting of the IRWG, the lands located at 187 and 189 Catharine Street North were recommended for inclusion on the Municipal Heritage Register. This recommendation was approved on October 30, 2020 by the HMHC and approved by Planning Committee on November 3, 2020 and Council on November 11, 2020.

The CHIA recommendations included a conservation plan for the property's heritage attributes, and which will also identify areas for repair and maintenance to ensure the long term conservation of the semi detached building. An 'H' Holding Provision will be applied to the Zoning By-law Amendment requiring the completion of a Conservation Plan for 187 and 189 Catharine Street North. In addition, the Zoning By-law Amendment will incorporate the adaptive re-use of the existing building as part of the proposed zoning approvals.

Noise

"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 subject lands are close to existing transportation noise sources and existing stationary noise sources in the area. An Acoustical Study based on MECP requirements was prepared by IBI Group dated June 30, 2020 and updated December 22, 2020 and submitted with the applications.

The Acoustical Study identified four potential transportation noise sources: Catharine Street North, Cannon Street East, John Street North, and Robert Street, and six stationary noise sources (existing commercial and industrial type activities).

The Acoustical Study identified that the daytime and night time noise levels from the transportation noise sources are less than 65 dBA and 60 dBA respectively.

Therefore, enhanced building materials and methods of constructions are not required but will require noise warning clauses.

The proposed rooftop outdoor living areas that have full exposure to Cannon Street East and John Street North have noise levels between 55 dBA and 60 dBA and therefore physical mitigation in the form of roof top noise barriers or a warning clause is required and will be implemented at the Site Plan Control stage.

The Acoustical Study identifies that the daytime and night time noise levels exceed 50 dBA and 45 dBA criteria for certain portions of the proposed buildings:

- The southern portion of Building A measured at the third floor at the exterior plane of the window; and,
- The southern portion of Building C measured at the first, second and third floors at the exterior wall of the building;

Additionally, the noise levels associated with the following Outdoor Living Areas exceed 50 dBA:

- The Outdoor Living Area on the roof of Building A; and,
- The Outdoor Living Area on the roof of Building C.

The noise mitigation measures that will be implemented for the proposed development respecting both transportation noise sources and stationary noise sources are as follows:

- Standard Building materials, required under the Ontario Building Code for windows and exterior walls;
- Centralized air conditioning will need to be provided in order to allow windows to remain closed and centralized air conditioning will need to be provided;
- A 1.2 metre high parapet wall at the perimeter of the roof top amenity area for the proposed new buildings (Buildings A, B and C);
- A warning clause advising prospective purchasers and tenants that sound levels due to increased road traffic may exceed the MECF requirements;
- A warning clause advising prospective purchasers and tenants that centralized air conditioning is being established in order to allow windows and exterior doors to remain closed;
- A warning clause advising prospective purchasers and tenants that the property has been deemed a Class 4 area; and,
- A warning clause advising prospective purchasers and tenants that the noise levels for the roof top patios may exceed 50 dBA.

The implementation of noise mitigation measures related to transportation and stationary noise sources will be undertaken through the Site Plan Control application.

While the applicant is proposing to include a number of mitigation measures for the proposed development to address transportation and stationary noise sources the measures will not achieve compliance with respect to a Class 1 area requirements for stationary noise sources. The Study advised that noise mitigation at the source, while preferred is not feasible, as these noise sources are located off-site and would be difficult to implement. To meet the MECP requirements for the exterior façade of the building a noise barrier or window wall equivalent to the height of the proposed building would be required between the proposed building and the stationary sources. The study determined that it is not practical to eliminate the noise from the façade of those buildings which exceed the maximum permitted noise levels, given geometry of the site and the building orientation.

Parapet walls of a height of 1.8 metres to 2 metres in height would be required to mitigate stationary noise sources for the Outdoor Living Area. The provision of parapet walls of this height would increase the visual impact and perceived height of the proposed buildings. The proposed development includes a parapet wall of 1.2 metres in height which will provide some noise attenuation but will not bring noise levels into conformity with the requirements for a Class 1 area, therefore, the change in classification from Class 1 to Class 4 is recommended.

Given the extent of the mitigation measures required to achieve compliance with the MECP based on a Class 1 area for stationary noise sources, staff are in agreement that it is not practical to eliminate the noise from the façade of the building, and also agree that higher parapet walls for the Outdoor Living Area are not appropriate.

Therefore, the Study recommended for those portions of the subject lands where it is not possible to comply with the MECP requirements, the lands be re-classified from a Class 1 area to a Class 4 area in accordance with the Environmental Noise Guideline – Stationary and Transportation Sources – Approval and Planning (NPC-300) from the MECP.

Site Contamination

The PPS provides the following policy direction:

“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.”

Part of the subject lands were previously used for a vehicle repair and servicing shop and the applicant is proposing to establish a sensitive land use (i.e. residential) on-site. As there is potential for site contamination an assessment through a Record of Site Condition (RSC) needs to be undertaken. An 'H' Holding Provision will be applied to the Zoning By-law Amendment requiring completion of an RSC or for the applicant to enter into a conditional building permit and must be satisfied prior to final Site Plan approval.

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

Growth Plan for the Greater Golden Horseshoe 2019, as amended

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

- “2.2.1.2 a) Forecasted growth to the horizon of this Plan will be allocated based on the following:
- a) the vast majority of growth will be directed to *settlement areas* that:
 - i. have a *delineated built boundary*;
 - ii. have existing or planned *municipal water and wastewater systems*; and
 - iii. can support the achievement of *complete communities*;
- 2.2.1.2 c) within *settlement areas*, growth will be focused in:
- i. delineated built-up areas;
 - ii. strategic growth areas;
 - iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and,
 - iv. areas with existing or planned public service facilities;

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

- c) provide a diverse range and mix of housing options, including second units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;”

The subject lands are located within the Hamilton urban boundary and are fully serviced by municipal water and wastewater infrastructure. The proposal contributes toward providing a diverse range and mix of housing options and makes use of existing municipal services. The proposal represents a form of residential intensification within the built up area, in proximity to existing transit routes along Cannon Street East, John Street North and Barton Street East.

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) Second Plan. Should the applications be approved, staff would request that the proposed Official Plan Amendment be included in the Secondary Plan at the time when the Ministry deals with the non-decision.

Hamilton-Wentworth Official Plan

The subject lands are not included within the UHOP as they are part of Non-Decision No. 113. As a result, the policies of the Hamilton-Wentworth Official Plan that are applicable to the subject lands remain in effect. In this regard, the subject lands are within the Urban Area of the Hamilton-Wentworth Official Plan and the following policies, amongst other, apply to the proposal.

Urban Area

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“C.3.1 A wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. These areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020. Accordingly, the Plan establishes a land use strategy for the Urban Area that consists of:

- Compact urban form, including mixed use areas.

C.3.1.1 A compact higher density form, with mixed use development in identified Regional and Municipal centres and along corridors, best meets the environmental, economic principles of sustainable development. Mixed forms of development within an Urban Area is preferable to widespread, low density residential development and scattered rural development, because:

- Growth can be accommodated by building on vacant or redeveloped lands, without taking up agricultural 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 direction to encourage redevelopment of the subject lands for compact development within the Urban Area. The proposed 45 multiple dwelling units and the adaptive re-use of the existing semi detached dwelling for four dwelling units would provide for an efficient use of existing services, adds residential units close to existing recreation, shopping and workplaces, and contributes to a compact community.

Based on the foregoing, the proposal complies with the policies of the Hamilton-Wentworth Official Plan.

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City of Hamilton Official Plan

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

“Subsection B.2.1 – Water Distribution

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

Subsection B.2.2 – Sewage Disposal

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

Subsection B.2.3 – Storm Drainage

B.2.3.1 Council will require that all new development and / or redevelopment be connected to, and serviced by, a STORM DRAINAGE System or other appropriate system such as ditches, ‘zero run-off’, and any other technique acceptable to Council and the Conservation Authorities. Council will ensure that the extension of the STORM sewer System is at sufficient capacity to support future anticipated growth in the City. In this regard, Council will co-operate with the appropriate Conservation Authorities in any flood management studies or engineering works that may be undertaken from time to time to improve or maintain the DRAINAGE capacity of natural watercourses flowing through the City.”

There are existing services adjacent to the subject property including sanitary, storm sewers and watermain on Catharine Street North. A Functional Servicing Report dated July 2, 2020, by IBI Group, was submitted in support of the applications. While

no concerns were identified with respect to establishing the principal of the land use for the subject property, a revised Functional Servicing Report will be required to be prepared and implemented at the Site Plan Control stage to address the following: storm water management, water demand and required fire flow.

“Subsection B.2.4 - Solid Waste Disposal

B.2.4.5 All uses in the City will be served by a regularly-scheduled SOLID WASTE collection through the municipal DISPOSAL service, or in the case of certain uses, through individually-contracted collection service.”

The proposed residential use is eligible for municipal waste collection City Services but is subject to meeting the requirements of the City’s Solid Waste Management By-law. The applicant has not demonstrated that the proposed site layout will meet the City’s requirements. Waste collection will be examined in greater detail at the Site Plan Control stage. Should the applicant be unable to meet the City’s requirements for municipal waste collection then waste collection will be required to be provided by way of a private waste hauler. If waste collection will be provided by way of a private waste hauler then prospective purchasers and tenants will be required to be notified through a warning clause included in all purchase and sale or lease and rental agreements and the owner will need to agree to include this warning clause in a signed undertaking as part of the Site Plan Control application.

“Subsection C.4 – Pollution

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

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

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

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

"Subsection C.7 – Residential Environmental and Housing Policy

- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.
- C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:
- ii) Promote the restoration and/or rehabilitation of housing structures exhibiting Architectural or Historical merit, subject to the provisions of Subsection C.6;
 - iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and / or physical infrastructure that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;
 - v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;

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- ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton Residents.
- xii) Encourage development at densities conducive to the efficient operation of Public Transit and which utilizes designs or construction techniques that are energy efficient.”

The proposed residential development, in the form of three multiple dwellings with a height of three and a half storeys and 15.0 metres, establishes a form of development that is consistent with the existing scale of development in the area which consists primarily of a low rise built form that ranges in height from one to three storeys (Policy C.7.3 iii) and v)).

The development proposes to convert the existing semi detached dwelling at 187 and 189 Catharine Street North which is included on the City’s Register of Property of Cultural Heritage Value or Interest. Therefore the proposal will rehabilitate existing housing structures exhibiting Architectural or Historical merit (Policy C.7.3 ii)).

The proposed development represents an intensification of the subject lands that makes more efficient use of both existing building stock and of the existing physical infrastructure, by adaptively reusing the existing semi detached dwelling and establishing a built form that is consistent with the scale and character of the area with respect to building height and massing, orientation and setbacks. The proposal will be consistent with the character of the area based on the proposed height and massing which is consistent with the low rise character of the area, and protect adjacent properties from privacy and overview impacts based on the orientation, height and setbacks of the proposed buildings. The setbacks will establish a built form that is compatible with existing building setbacks in the area and the setbacks and layout of the proposed development will establish a lot coverage, that while higher than properties in the area, can be supported by staff because the proposed development will be consistent with the scale of development in the area, while providing adequate landscaping and amenity space. As part of the proposed development a Vegetative Management and Tree Management Plan were submitted and reviewed, and staff are satisfied that the proposed development respects the character of the area with respect to natural vegetation (Policy C.7.3 iii) and v)).

The proposed development will establish new residential development that will provide a range of tenure options for the area and will contribute to providing a diversity of dwelling forms and housing options (Policy C.7.3 (ix)).

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The proposed development is located in proximity to existing public transit routes and will therefore establish a form of development that will be conducive to the efficient operation of public transit (Policy C.7.3 xii).

Based on the foregoing, the proposal complies with the City of Hamilton Official Plan with respect to the applicable policy direction from Sections B and C.

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

The West Harbour (Setting Sail) Secondary Plan was approved by Council in 2005. Due to appeals to the Ontario Municipal Board (OMB) (now Local Planning Appeal Tribunal (LPAT)), the Secondary Plan was not deemed to be in effect until the LPAT issued its final decision in 2012. This decision added the Secondary Plan to the former City of Hamilton Official Plan as that was the Official Plan in effect for the former City of Hamilton at that time.

When the UHOP was brought into effect by the LPAT in 2013, 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 Setting Sail Secondary Plan OPA No. 198, instead of the UHOP (Volume 2).

The subject property is designated “Low Density Residential” on Schedule M-2 – General Land Use in the West Harbour (Setting Sail) Secondary Plan. The following policies, among others, apply to the proposal.

General Policies

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

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

The proposed development of 45 multiple dwelling units within three buildings each three and a half storeys in height and four dwelling units within an existing one storey building will establish development and redevelopment that is respective of the type, scale and character of development in the surrounding neighbourhood and promotes a diversity of housing types.

Low Density Residential

“A.6.3.3.1.12 In Low Density Residential areas:

- i) The scale, type and character of new development shall generally reflect existing low density development in the neighbourhood;
- ii) Single detached, semi-detached and street townhouses are permitted;
- iii) The density of development shall range from 25 to 60 units per gross hectare;
- iv) Existing grid patterns of streets, blocks, and open space, and/or those proposed by this plan, shall be respected; and,
- v) Lot dimensions and building setbacks shall be generally consistent with other Low Density Residential properties in the neighbourhood.”

The proposed development does not comply with the range of uses permitted under policy A.6.3.3.1.12 ii) and the proposed 49 dwelling units establishes a residential density of approximately 153 units per gross hectare and therefore exceeds the maximum residential density of 60 units per gross hectare permitted for lands designated “Low Density Residential” (A.6.3.3.1.12 iii). Therefore, an Official Plan Amendment is required to change the designation of the subject lands from “Low Density Residential” to “Medium Density Residential 1” with a Special Policy Area to allow a residential density of 155 units per gross hectare. A residential density of 155 units per gross hectare is proposed rather than 153 unit per gross hectare in order to incorporate a degree of flexibility into the Special Policy Area with respect to maximum density.

The proposed change in designation facilitates a development that is three and a half storeys or 15.0 metres in height which constitutes a building height that is similar to the maximum building height that is typically permitted for various forms of low density development within the City of Hamilton Zoning By-law No. 6593 and which typically range between two and a half to three storeys or 10.5 metres to 14.0 metres in height.

The proposed change in designation from “Low Density Residential” to “Medium Density Residential 1” is appropriate as the subject lands are in proximity to the Downtown and in proximity to a minor arterial road, specifically Cannon Street East and existing transit routes along Cannon Street East, John Street North and Barton

Street East. The “Medium Density Residential 1” designation will facilitate intensification of the lands consistent with the Provincial policy direction outlined in the PPS and Growth Plan while also ensuring that the form of intensification remains compatible with the existing low rise scale and character of the area. Furthermore, the change in designation is being undertaken on a consolidated parcel of land which will be of sufficient size to accommodate an increase in density that will be of a size and scale that is compatible with the area and which can be designed to mitigate impacts on adjacent properties.

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;
- iv) Existing grid patterns of streets, blocks and open spaces, and/or those proposed by this plan shall be respected;
- 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;
- xii) The design and massing of buildings shall minimize shadow and wind impacts on the public realm; and,
- xiii) The design of new development shall have respect for the light, views and privacy enjoyed by residents in adjacent buildings and areas.”

The proposed new multiple dwellings (Buildings A, B and C) and the existing semi detached dwelling (existing building) which is to be adaptively reused to establish four dwelling units all constitute multiple dwellings and therefore represent a use permitted for lands designated “Medium Density Residential 1” (Policy A.6.3.3.1.13 i)). The proposed three and a half storey building height for Buildings A, B and C is consistent with Policy A.6.3.3.1.13 iii).

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Based on the gross lot area of approximately 3,200 square metres (approximately 2,700 square metres for the subject lands and approximately 500 square metres for half the road allowance) the proposed 49 dwelling units would have a residential density of approximately 153 units per gross hectare. Therefore, the proposed development would exceed the maximum density of 150 units per gross hectare as per policy A.6.3.3.1.13 ii) for lands designated “Medium Density Residential 1”, and a site specific policy area to establish a maximum residential density of 155 units per gross hectare is required.

The massing of the proposed three and a half storey multiple dwellings will maintain a size and scale that is consistent with the existing low rise development existing in the area and the three and a half storey buildings are not expected to have negative shadow or wind impacts on the public realm. The massing, orientation, setbacks and window placements of the proposed three and a half storey multiple dwellings will not negatively impact adjacent lands with respect to shadows or privacy overlook (Policies A.6.3.3.1.13 xii) and xiii)).

The existing grid patterns of the street, blocks and open spaces will not be altered as a result of the proposed development (Policy A.6.3.3.1.13 iv)).

The existing front yard setback for the semi detached dwelling building will be maintained and is consistent with the majority of buildings along Catharine Street North. The front yard setback for Building A will align with the existing semi detached dwelling and therefore a consistent front yard setback will be maintained (Policy A.6.3.3.1.13 v)).

Parking will be provided in the form of underground parking and the proposed loading area will be located to the rear of the Building A (Policy A.6.3.3.1.13 vii)).

“A.6.3.3.3.1 In accordance with the *Ontario Planning Act* and the *Ontario Heritage Act*, West Harbour will promote the conservation of significant built heritage resources and cultural heritage landscapes.”

The development proposes to adaptively re-use the existing building at 187 and 189 Catharine Street North, a building included on the City’s Register of Property of Cultural Heritage Value or Interest.

“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:

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- 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 of side of buildings;
- iv) Provide main entrances and windows on the street facing wall of buildings, with entrances at grade level;”

The proposed development creates a built form and internal pedestrian walkways that create a comfortable and interesting pedestrian environment (Policy A.6.3.3.4.1 i)).

The height, massing, orientation, and setbacks of the proposed three and a half storey multiple dwellings establishes a built form that is respective of and compatible with the existing and planned scale of development for the area (Policy A.6.3.3.4.1 ii)).

The development is not proposing surface parking but will provide parking underground, and the loading area which is located at the surface is proposed to be located to the rear of Building A (Policy A.6.3.3.4.1 iii)).

Existing and proposed windows are oriented towards Catharine Street North and the entrances for some of the proposed dwelling units are oriented towards Catharine Street North but are not located at grade level (Policy A.6.3.3.4.1 iv)).

Based on the foregoing, the proposal complies with the policies of the West Harbour (Setting Sail) Secondary Plan, subject to the change in designation from “Low Density Residential” to “Medium Density Residential 1” with a Site Specific Special Policy Area to permit an increase in the maximum density.

Beasley Neighbourhood Plan

The front portion of the subject lands and the portion of the land located to the rear of 173 Catharine Street North are designated “Single and Double” and the balance of the rear portion of the lands are designated “Medium Density Apartment” in the Beasley Neighbourhood Plan.

The Beasley Neighbourhood Plan identifies the subject lands as “Single and Double” (referred to as Single Detached and Semi Detached in the policies) and “Medium Density Apartments”. The following policies, among others, apply to the proposal.

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“4.3.1 Single Detached and Semi Detached

This designation covers most of the interior of Beasley Neighbourhood. It is intended to re-affirm the lower density character of Beasley Neighbourhood. This designation will promote greater stability by encouraging residential redevelopment on vacant parcels of land within the built-up low density blocks at low residential densities. Areas previously designated for high density residential are now designated Single Detached and Semi Detached. As well, the incompatible industrial and automotive-related uses have been designated Single-Detached and Semi-Detached.

Within the Single Detached and Semi-Detached designation, attached row housing will be permitted provided the lot width is similar to that of single- and semi-detached units, it is in a form compatible to adjacent dwellings and is oriented towards the street. Any new residential construction shall not exceed a height of two and a half storeys.

4.3.3 Low Density Apartments / Stacked Townhouses

This designation has been applied on several parcels adjacent to major roadways in close proximity to the downtown, e.g., Wellington Street, Cannon Street and King William Street. This designation is as well intended to recognize redevelopment potential for residential uses, but at slightly higher densities. In addition, this designation will also assist in achieving higher population levels in the immediate downtown area. Four storeys is the desirable maximum height for apartment buildings in this designation.

4.3.4 Medium Density Apartments

This designation is applied to several parcels of land within Beasley Neighbourhood to recognize the existing residential use and is also applied in two locations near Ferguson Avenue and King William Street to recognize redevelopment potential. The application of this designation is consistent to the land use proposal suggested by the Ferguson Avenue Revitalization Advisory Committee as part of their work to rejuvenate Ferguson Avenue. Six to eight storeys is the desirable maximum height for apartment buildings in this designation.”

The proposed use of a multiple dwelling is not permitted on land designated “Single and Double” in the Beasley Neighbourhood Plan. In addition, a building height of six to eight storeys for lands designated “Medium Density Apartments” is not compatible with the existing scale and character of the area. Therefore,

the designation for the portions of the subject lands designated “Single and Double” and “Medium Density Apartments” will need to be changed to “Low Density Housing” (Low Density Apartments/Stacked Housing in the Neighbourhood Plan policies).”

The subject lands are located in close proximity to the Downtown and with a maximum building height of 15.0 metres will establish a height that does not exceed four storeys.

The size and scale of the proposed multiple dwellings will be generally consistent to that of a low rise form of development which is common in the area. Intensification of the subject lands in a form that is compatible with the surrounding area is desirable given the proximity of the subject lands to the Downtown and to existing transit routes.

Based on the foregoing, the proposal complies with the policies of the Beasley Neighbourhood Plan, subject to the change in designation from “Single and Double” and “Medium Density Residential” to “Low Density Housing” (Low Density Apartments/Stacked Housing in the Neighbourhood Plan policies) as outlined in the Recommendations section of Report PED21119.

City of Hamilton Zoning By-law No. 6593

The subject property is currently zoned “L-mr-2” (Planned Development) District which does not permit a multiple dwelling. To permit the proposed four units within the existing semi detached dwelling and to permit the construction of three multiple dwellings with a total of 45 units, a Zoning By-law Amendment is required. To implement the proposed development, the applicant is seeking to change the zoning of the subject lands from the “L-mr-2” (Planned Development) District to a site specific “E-1” (Multiple Dwelling, Lodges, Clubs, etc.) District. The site-specific modifications to accommodate the proposal are outlined in the Report Fact Sheet above and are discussed in detail in Appendix “E” of Report PED21119.

RELEVANT CONSULTATION

Departments and Agencies		
	Comment	Staff Response
<ul style="list-style-type: none"> • Strategic Planning Section, Public Works Department; • Alectra Utilities; 	No Comment or concern with the proposal.	

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<ul style="list-style-type: none"> • Canada Post; and, • French Public School Board. 		
<p>Development Engineering Approvals Section, Planning and Economic Development Department</p>	<p>Catharine Street North is classified as a local road which requires a road allowance right-of-way width of 20.1 metres and the existing width of Catharine Street North is approximately 20.1 metres adjacent to the property, therefore a right-of-way dedication is not required for the property.</p> <p>Any and all elements of the proposed shoring system (including but not limited to piles, shoring walls, tiebacks, etc) and excavation shall be contained entirely within private property. If it is demonstrated that it would not be feasible to contain these elements within private property and encroachment(s) onto the municipal right-of-way are unavoidable, any such encroachment will require approval from Development Engineering Approvals and Corridor Management and if approval is granted the owner will be required to enter into an Encroachment Agreement.</p> <p>A Functional Servicing Report and calculations for Water Demand and Required Fire Flow were submitted with the</p>	<p>A road widening dedication is not required for the proposed development.</p> <p>Detailed civil plans, reports and legal agreements, such as an encroachment agreement, will be required as part of the Site Plan Control application.</p>

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	<p>application and demonstrate that adequate services are available to support the proposed development.</p> <p>Detailed civil plans and reports pertaining to Erosion and Siltation Control, Grading and Drainage, Storm Water Management, Servicing, Shoring, Construction Management, Geotechnical and Hydrogeological reporting, amongst others will be required to be completed as part of the Site Plan Control application.</p>	
<p>Growth Planning Section, Planning and Economic Development, Department</p>	<p>The municipal addressing for the proposed development will be finalized as part of the Site Plan Control application.</p> <p>The municipal address will need to be affixed to the building or a sign near the driveway.</p> <p>The owner will need to provide a list of unit numbers for the proposed development.</p>	<p>The municipal addressing and requirement that the municipal address is affixed to the property or that signage is provided near the driveway as well as providing a list of unit numbers for the proposed development will be completed as part of the Site Plan Control application.</p>
<p>Forestry and Horticulture Section, Public Works Department</p>	<p>Forestry and Horticulture staff reviewed the Tree Management Plan and Landscape Plan submitted with the applications and are satisfied. Fees for loss of Tree Canopy, Street Tree Planting and permits are required to be paid.</p>	<p>The Tree Management Plan and Landscape Plan as well as all applicable permits and fees will be required as conditions of approval at the Site Plan Control stage.</p>

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<p>Transportation Planning Section, Planning and Economic Development, Department</p>	<p>Transportation Planning staff are supportive of the Official Plan Amendment and advise that the increased traffic volumes from the proposed development will have minimal negative impact on the area road network.</p> <p>Transportation Planning staff are supportive of the Zoning By-law Amendment but note there may be revisions required at the Site Plan Control stage which may affect the building envelope.</p> <p>A minimum internal sidewalk width of 1.5 metres is required and five short term bicycle parking spaces are to be provided.</p> <p>The 28 long term bicycle parking spaces shown on the plan are acceptable.</p> <p>A 3.0 metre by 3.0 metre visibility triangle for the driveway at the front property line is required with no obstructions exceeding 0.6 metres in height and no buildings and/or stairs can be within the visibility triangle.</p> <p>The driveway access is to be 7.5 metres wide at the property line and the internal road must be a minimum of 6.0 metres on private property.</p>	<p>The requirements for short term and long term bicycle parking have been included in the site specific Zoning By-law and the layout of the parking in accordance with the Site Specific Zoning By-law will be undertaken at the Site Plan Control stage.</p> <p>The visibility triangle identified in the Concept Plan in Appendix “D” to Report PED21119 identifies a 5.0 metre by 5.0 metre visibility triangle. A smaller 3.0 metre by 3.0 metre visibility triangle may be permitted at the Site Plan Control stage. Any obstruction within the visibility triangle including the stairs for the existing building will need to be relocated.</p> <p>At the Site Plan Control stage the applicant will need to ensure that the 3.0 metre by 3.0 metre visibility triangle, the driveway access and required walkways are provided while ensuring that any change in design to accommodate these requirements comply with the Zoning By-law.</p> <p>The applicant has advised that the driveway ramp is intended to be heated with respect to snow removal. A detailed plan for snow removal and locations for snow storage or removal from the site will need to be provided at the Site Plan Control stage.</p>
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	<p>Snow removal and storage for this site needs to be determined by the applicant.</p> <p>A turning plan needs to be illustrated on the site plan for how large trucks will manoeuvre in and out of the site.</p>	<p>A detailed turning plan for trucks utilizing the loading area, garbage collection vehicles collecting garbage from the underground parking level and emergency vehicles will be required at the Site Plan Control stage.</p>
<p>Recycling and Waste Disposal, Operations Division, Public Works Department.</p>	<p>The proposed development has not demonstrated that municipal waste collection vehicles will be able to travel in a safe and continuous forward movement and therefore have been unable to determine whether the property will be serviceable for municipal waste collection.</p> <p>The internal waste storage room will need to be adequately ventilated, rodent-proof and separated from any living space.</p> <p>If the development is not designed according to the specifications, the applicant will be required to arrange for a private waste hauler for removal of all waste materials and clauses advising prospective purchasers that the property will not be serviced with municipal waste collection will be required.</p>	<p>Based on the layout of the proposed underground parking area, continuous forward movement for municipal service vehicles will not be possible and therefore waste collection services will need to be by way of a private waste hauler.</p> <p>At the Site Plan Control stage the exact location and layout of the internal waste storage room will need to be provided and a clause advising prospective purchasers that waste collection will not be by way of municipal waste collection will also be included as part of the Site Plan Control application.</p>
<p>Commercial District</p>	<p>The site is located in the</p>	<p>Should the applicant wish to</p>

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<p>and Small Business Section, Planning and Economic Development Department (CDSB)</p>	<p>Downtown Hamilton Community Improvement Project Area.</p> <p>CDSB is supportive of new residential development which will serve to increase Downtown Hamilton's population and support its continued revitalization. New residents support existing business and create demand and opportunities for additional commercial and retail services that will reinforce the Downtown as a major retail / commercial destination for the City.</p>	<p>explore any incentive programs, they have been advised to contact respective CDSB staff.</p> <p>CDSB are aware of the proposal and have indicated that they are available to assist the applicant as required.</p>
<p>Public Consultation</p>		
<p>Issue</p>	<p>Comment</p>	<p>Staff Response</p>
<p>Parking</p>	<p>Comments were provided supporting locating the parking underground but concerned that insufficient parking was being provided.</p>	<p>Parking will be provided at a ratio of 0.8 parking spaces per dwelling unit. The subject lands are located within walking distance of multiple transit routes and private parking lots and both short and long term bicycle parking is to be provided on-site, which will provide alternative transportation options for both residents and visitors of the site.</p>
<p>Loss of Mature Trees</p>	<p>Comments were provided expressing a concern with respect to a loss of mature trees.</p>	<p>A Vegetative Management Plan / Tree Management Plan were prepared and submitted with the applications and have been accepted.</p> <p>At the Site Plan Control stage the Owner will be required to provide compensation for the loss of</p>

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		mature trees, for both trees within the City Boulevard and trees located on-site.
Privacy Overlook	Comments were provided respecting a concern over overlook impacts on adjacent properties.	<p>The concern with respect to privacy overlook impacts was shared by staff in respect to the original site layout and design for the proposed development.</p> <p>Revisions to the layout and design of the proposed development were subsequently provided to address, among other matters, the issue of privacy overlook. The revisions include locating Building B further from both the northerly side lot line and rear lot line. Additionally, changes were undertaken in the design for the southerly portion of Building C to increase the setback of the front façade, eliminate windows on the side façade, reduce the overall building height and to not include roof top patios for the southerly portion of the building.</p> <p>The changes in the building layout and the design of the building will mitigate privacy overlook impacts for the adjacent properties.</p>
Provision of Affordable Housing	A question was provided with respect to the proposed development and if it will contribute to the working class neighbourhood and if there will be opportunities for affordable housing.	The applicant has advised that the intention is to provide units that will be rental units.

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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 154 property owners within 120 m of the subject property on July 31, 2020. A Public Notice sign was posted on the property on August 7, 2020 and updated on May 5, 2021. Finally, Notice of the Public Meeting was given on May 14, 2021 in accordance with the requirements of the *Planning Act*.

To date, one letter has been submitted asking for additional information respecting the proposed development and requesting a copy of the Notice of Complete Application – Preliminary Circulation for the proposed Official Plan Amendment and Zoning By-law Amendment and which is attached as Appendix “F” to Report PED21119.

Public Consultation Strategy

The Public Consultation Strategy included holding a virtual Neighbourhood Open House meeting on September 24, 2020, as discussed on page 10 of Report PED21119, and the questions, comments and concerns raised as part of the virtual Neighbourhood Open House meeting are summarized in the chart on page 35 of Report PED21119.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
 - (ii) It complies with the policies of the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan, and complies with the general intent of the West Harbour (Setting Sail) Secondary Plan upon approval of the Official Plan Amendment; and,
 - (iii) The proposed development is compatible with existing land uses in the immediate area and represents good planning by, among other things, increasing the supply of housing units, making efficient use of existing infrastructure within the urban boundary, and supporting public transit.

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2. Official Plan Amendment

The proposed Official Plan Amendment seeks to change the designation of the subject lands from “Low Density Residential” to “Medium Density Residential 1”, and to establish a Site Specific Policy Area to increase the maximum residential density from 150 to 155 units per gross hectare (uph).

The applicant initially requested a redesignation to “Medium Density Residential 2” which would not require a Site Specific Policy Area to increase the maximum residential density, however the scale of development envisioned for lands designated “Medium Density Residential 2” includes densities up to 300 units per gross hectare and building heights of four to eight storeys. In the opinion of staff, the “Medium Density Residential 2” designation constitutes a scale of development that is not in keeping with the character of the existing neighbourhood and that a “Medium Density Residential 1” designation with a Site Specific Policy area to allow for a small increase in the maximum density is more appropriate. The applicant has agreed to amend the application to change the designation of the lands to a Medium Density Residential 1” designation with a Site Specific Policy area for a small increase in the maximum density.

As outlined in detail in the Policy Implication and Legislated Requirements section of Report PED21119, the proposed change in designation and associated site specific policy to permit a density of 155 uph facilitates a form of development that is compatible with the scale and character of the area. The proposed change in designation from “Low Density Residential” to “Medium Density Residential 1” is appropriate as the subject lands are in proximity to the Downtown and in proximity to a minor arterial road, specifically Cannon Street East and existing transit routes along Cannon Street East, John Street North and Barton Street East. The change in designation is being undertaken on a consolidated parcel of land which will be of sufficient size to accommodate an increase in density and that will be of a size and scale that is compatible with the area and which can be designed to mitigate impacts on adjacent properties.

Therefore, the proposed Official Plan Amendment has merit can be supported.

3. Zoning By-law Amendment

The application for a Zoning By-law Amendment is for a change in zoning from the “L-mr-2” (Planned Development) District to the “E-1/S-1809” – ‘H’ (Multiple Dwelling, Lodges, Clubs, etc.) District, Modified, Holding.

The “L-mr-2” (Planned Development) District does not permit development of the lands until such time as the zoning has been changed. It is noted that Section 17B (1) (c) of the City of Hamilton Zoning By-law No. 6593 specifically notes that “L-mr-2” means Multiple Residential uses, which according to Section 17B (1) (h) (i) defines Multiple Residential to include a multiple dwelling. Furthermore, Section 17B (6) (a) (iii) contemplates changing lands zoned “L-mr-2” to either an “E” (Multiple Dwelling, Lodges, Clubs, etc.) District, “E-1” (Multiple Dwellings, Lodges, Clubs, etc.) District or “E-3” (High Density Multiple Dwelling) District. The proposed change in zoning to an “E-1” (Multiple Dwelling, Lodges, Clubs, etc.) District is consistent with the direction identified in Section 17B respecting lands zoned “L-mr-2” District.

The proposed site specific “E-1/S-1809” – ‘H’ (Multiple Dwelling, Lodges, Clubs, etc.) District, Modified, Holding will reduce the maximum building height below what is typically permitted in an “E-1” District and will be consistent with the maximum building height that is permitted for most low density forms of development in the City of Hamilton Zoning By-law No. 6593. The site specific By-law will restrict the maximum number of multiple dwelling units to 49 units, facilitate the retention of the existing heritage building, require the use of permeable pavers, establish appropriate requirements for parking and loading, and ensure that the scale of the development remains compatible with the surrounding area. The site specific by-law provisions will also establish special setback requirements for portions of the development to ensure that the proposed buildings adequately mitigate overlook and massing impacts on adjacent properties. The modifications are identified beginning on page 7 of Report PED21119 and discussed in detail in Appendix “E” to Report PED21119.

The proposed Zoning By-law Amendment implements a form of intensification which is compatible with the scale and character of the area, and which complies with the policies of the Urban Hamilton Official Plan and West Harbour (Setting Sail) Secondary Plan, subject to the Official Plan Amendment.

Therefore, staff support the proposed Zoning By-law Amendment.

4. Vehicular parking for the proposed development will be located within one level of underground parking including one barrier free parking space. As shown on Appendix “D” to Report PED21119 access to the underground parking area will be achieved by way of a driveway ramp for vehicle access and by way of two stairwell structures located on the north and south sides of the property between the front two buildings and rear two buildings. It is noted that the layout shown in Appendix “D” to Report PED21119 does not provide barrier free access to the surface. To ensure that barrier free access from the underground parking

garage to the surface is provided a lift will be provided. The lift will be used by all residents of the proposed development, including parents with young children or residents returning home with groceries or other large purchases.

The applicant has advised staff that they will establish a lift for the development but have not established the exact location and layout of the lift. The requirement for a barrier free parking space has been incorporated into the By-law and will need to be provided even if a lift is not implemented. The details for the lift will be reviewed at the Site Plan Control stage.

5. Class 4 Designation

The applicant is seeking permission from Council to change the classification of the subject lands from a Class 1 area to a Class 4 area in order to address compliance with respect to stationary noise sources located in proximity to the subject lands.

The Acoustical Study prepared and submitted by the applicant concludes that it is not practical to eliminate / mitigate stationary noise from the exterior façade of the proposed Buildings A and C. While mitigation of the noise at the source is preferred, it is not feasible as the stationary sources are located off-site. Therefore, in order to comply with the requirements of the MECP with respect to stationary noise sources, mitigation would need to be provided either between the noise source and the exterior façade of the building or managed off site at the source of the noise. If mitigating the noise from the façade of the building or off site mitigation at the source are not practical or feasible the only alternative to comply with the MECP requirements is to change the classification of the lands from a Class 1 area to a Class 4 area.

The existing commercial / industrial properties containing the stationary noise sources along Cannon Street East are envisioned to be residential in the West Harbour (Setting Sail) Secondary Plan. Therefore, the future implementation of the vision of the Secondary Plan would eliminate the stationary noise sources that are requiring the change in classification from a Class 1 area to a Class 4 area and would improve the acoustical environment for the prospective residents of the proposed development.

Mitigating noise at the source is not feasible and that noise mitigation measures required to mitigate noise from the façade of the buildings is not practical or feasible and therefore staff recommend a change from Class 1 area to Class 4 area. The change from Class 1 area to Class 4 area is to be applied to the entirety of the subject lands in order to apply a consistent standard for the entire

development, as opposed to applying different noise requirements for different parts of the development along with applying different noise warning clauses and different mitigation measures to different parts of the development.

The proposed identification of the subject lands as a Class 4 area will require to the implementation of required noise mitigation measures and warning clauses, as well as informing all prospective purchasers and tenants that the lands have been classified as Class 4 required at the Site Plan Control stage through a Site Plan Agreement.

To ensure that all noise mitigation measures are implemented at the an 'H' Holding Provision is included in the proposed By-law (attached as Appendix "C" to Report PED21119) which will be removed upon the owner/applicant implementing all require noise mitigation measures identified in the Acoustical Study dated June 30, 2020 by IBI Group and updated December 22, 2020, through a Site Plan Agreement, to the satisfaction of the Director of Planning and Chief Planner.

Additionally an 'H' Holding Provision is to be included requiring that the owner agree to advise prospective purchasers and tenants that the dwellings are located in a Class 4 area and to register this notice and any and all noise warning clauses on title and include the notice and noise waring clauses in any purchase and sale and in any lease or rental agreements, to the satisfaction of the Director of Planning and Chief Planner. The applicant will be required to demonstrate that this has been done prior to the removal of the Holding Provision.

6. Holding Provision

An 'H' Holding Provision is recommended to address the following:

- To require the Owner to submit a signed Record of Site Condition (RSC) to the City of Hamilton and MECP for the subject property or to enter into a conditional building permit agreement with respect to completing a Record of Site Condition. This is required to evaluate the impacts of the former commercial use (repair garage) on the property given the proposed change to include residential uses (a sensitive land use). The applicant has undergone a Phase 2 Environmental Site Assessment but has not submitted their findings to the MECP.
- To require the owner/applicant to agree in a signed Site Plan Agreement to implement all required noise mitigation measures identified in the Acoustical

Study dated June 30, 2020 by IBI Group and updated December 22, 2020, to the satisfaction of the Director of Planning and Chief Planner.

Additionally a 'H' Holding Provision is to be included requiring that the owner agree as part of a Site Plan Agreement to advise prospective purchasers and tenants that the dwellings are located in a Class 4 area and to register this notice and any and all noise warning clauses on title and include the notice and noise warning clauses in any purchase and sale and in any lease or rental agreements, to the satisfaction of the Director of Planning and Chief Planner.

- To require the Owner / Applicant to submit and implement through the Site Plan Control application, a Conservation Plan for 187 and 189 Catharine Street North. The building containing the existing semi detached dwelling at 187 and 189 Catharine Street North is included on the City's Register of Property of Cultural Heritage Value or Interest is to be maintained but adaptively reused to contain a total of four dwelling units. A CHIA was submitted and reviewed as part of the application for Official Plan Amendment and Zoning By-law Amendment which recommended that a Conservation Plan be undertaken for the property's heritage attributes as well as identifying areas for repair and maintenance to ensure the long term conservation of the building.
7. A Vegetative Management Plan and Tree Management Plan were submitted and have been reviewed. Based on staff's review of the plans, a note that vegetation removal must comply with the *Migratory Bird Conservation Act* must be added to the plans and will be required to be added to the Site Plan as part of the Site Plan Control application.

As part of the review of the Vegetative Management Plan and Tree Management Plan staff requested that the applicant receive written permission from the adjacent landowner at 84 Robert Street respecting potential impacts on privately owned trees located at 84 Robert Street as a result of the construction of the proposed parking ramp. A letter dated March 10, 2021 and signed by the property owner at 84 Robert Street acknowledges the potential impact to the trees and acknowledges that should any impacts to the trees require the removal of these trees it would be at the expense of the owner of the proposed development at 179-189 Catharine Street North.

ALTERNATIVES FOR CONSIDERATION

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Should the applications be denied, the subject property can be used in accordance with the “L-mr-2” (Planned Development) District, Modified, in the City of Hamilton Zoning By-law No. 6593.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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

Economic Prosperity and Growth

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

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

Culture and Diversity

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

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Location Map

Appendix “B” – Draft Official Plan Amendment

Appendix “C” – Draft Amendment to Zoning By-law No. 6593

Appendix “D” – Revised Concept Plan

Appendix “E” – Zoning By-law Site Specific Modification - Chart

Appendix “F” – Public Submissions

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