



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 9, 2022
SUBJECT/REPORT NO:	Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 405 James Street North, Hamilton (PED22155) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Mark Kehler (905) 546-2424 Ext. 4148
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Official Plan Amendment Application UHOPA-21-014 by T. Johns Consulting c/o Katelyn Gillis on Behalf of Jamesville Redevelopment Limited Partnership, Applicant**, to redesignate the subject lands from “Medium Density Residential 1” to “Medium Density Residential 2” and establish a Special Policy Area on Schedule “M-2” and to change the building height permissions on Schedule “M-4” in the West Harbour (Setting Sail) Secondary Plan in the former City of Hamilton Official Plan to permit a 447 unit residential development with building heights ranging from three to seven storeys, for lands located at 405 James Street North, as shown on Appendix “A” attached to Report PED22155, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED22155, be adopted by City Council;
 - (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;

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(b) That **Revised Zoning By-law Amendment Application ZAC-21-031 by T. Johns Consulting c/o Katelyn Gillis on Behalf of Jamesville Redevelopment Limited Partnership, Applicant**, for a change in zoning from the “DE/S-65” (Low Density Multiple Dwellings) District, Modified to the Transit Oriented Corridor Multiple Residential (TOC3, 811, H128) Zone to permit a 447 unit residential development consisting of 14, three storey (13.0 metre) multiple dwellings (stacked townhouses) and two, seven storey (24.0 metre) multiple dwellings, together with 334 parking spaces for lands located at 405 James Street North, as shown on Appendix “A” attached to Report PED22155, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED22155, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (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. XX;
- (iii) That Schedule “D” – Holding Provisions, of Zoning By-law No. 05-200; be amended by adding the Holding Provisions as follows:

H128. Notwithstanding Section 11.3 of this By-law, within lands zoned Transit Oriented Corridor Multiple Dwelling (TOC3, 811) Zone on Map No. 869 on Schedule “A” – Zoning Maps, and described as 405 James Street North, Hamilton, no development shall be permitted until such time as:

- 1. The Owner agrees in a signed Site Plan Agreement to implement all required noise mitigation measures identified in the Environmental Noise Feasibility Study dated March 9, 2022 by Valcoustics Canada Ltd., to the satisfaction of the Director of Planning and Chief Planner;
- 2. The Owner agrees in a signed 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;

3. The Owner submit and receive approval of a Watermain Hydraulic Analysis to identify the required upgrades to the existing watermain on Ferrie Street West, to the satisfaction of the Manager of Development Engineering Approvals;
 4. The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MECP, and submission of the City of Hamilton's current RSC administration fee;
- (c) That Council deem the lands at 405 James Street North (see Appendix "A" attached to Report PED22155) 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 "E" to Report PED22155 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 (b)(iii) outlined above.

EXECUTIVE SUMMARY

The Applicant, Jamesville Redevelopment Partnership, has applied for an Official Plan Amendment (OPA) and Zoning By-law Amendment to permit a 447 unit residential development consisting of 14, three storey multiple dwellings (stacked townhouses) and two, seven storey multiple dwellings, together with 334 parking spaces on lands located at 405 James Street North. The subject lands occupy the entire block bounded by James Street North, Ferrie Street West, MacNab Street North and Strachan Street West, in the North End Neighbourhood. The lands are owned by City Housing Hamilton (CHH) with Jamesville Redevelopment Partnership being the proponent as selected through a Request for Proposals process for the redevelopment of CHH's Jamesville Neighbourhood.

The two proposed seven storey multiple dwellings will be located fronting James Street North, mid-block between Stachan Street West and Ferrie Street West and will be developed as affordable rental housing operated by CHH and Indwell (a non-profit housing provider). The remainder of the site will be occupied by 14, three storey multiple dwellings (stacked townhouses), a surface parking area with 70 parking

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spaces, and a landscaped open space located at the southeast corner of the site. An additional 264 parking spaces are proposed within one level of underground parking. The development includes a private road with vehicle entrances from James Street North and Strachan Street West.

The purpose of the OPA is to redesignate the subject lands from “Medium Density Residential 1” to “Medium Density Residential 2” and to establish a Special Policy Area on Schedule “M-2” of the West Harbour “Setting Sail” Secondary Plan to permit a residential density of 205 units per gross hectare (447 dwelling units), to allow commercial uses on the ground floor of multiple dwellings, and to allow the main entrances of buildings to face a private street or a pedestrian mews. The existing “Medium Density Residential 1” designation permits residential densities in the range of 60 – 150 units per gross hectare and the proposed “Medium Density Residential 2” designation does not permit commercial uses and requires that front entrances to buildings face public streets. In addition, a change to the building height permissions on Schedule “M-4” of the Setting Sail Secondary Plan is required to permit the proposed seven storey multiple dwellings fronting James Street North. The existing policies for the site permit building heights ranging from two to four storeys along James Street North and three to five storeys for the remainder of the site.

The purpose of the Zoning By-law Amendment is to change the zoning from the “DE/S-65” (Low Density Multiple Dwellings) District, Modified in City of Hamilton Zoning By-law No. 6593 to a site specific Transit Oriented Corridor Multiple Residential (TOC3, 811, H128) Zone in City of Hamilton Zoning By-law No. 05-200. The existing “DE/S-65” District zoning permits only the 91 townhouse units existing on the subject lands.

Based on the subject property being located in proximity to an existing stationary noise source (Stuart Street Rail Yard), the Applicant is seeking to have the subject property classified as a Class 4 Area pursuant to the Ministry of the Environment, Conservation and Parks (MECP) Noise Guidelines NPC-300.

The applications have merit and can be supported as the proposal is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow Plan, 2019, as amended, and will comply with the City of Hamilton Official Plan upon finalization of the OPA. The proposed development provides for an appropriate level of intensification at this location that will support the provision of a mix of housing types in the neighbourhood, including affordable housing.

Alternatives for Consideration – See Page 33

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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 Official Plan Amendment and Zoning By-law Amendment Applications.

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Owner:	CityHousing Hamilton
Applicant:	Jamesville Redevelopment Limited Partnership
Agent:	T. Johns Consulting Group (c/o Katelyn Gillis)
File Numbers:	UHOPA-21-014 and ZAC-21-031
Type of Application:	Official Plan Amendment and Zoning By-law Amendment
Proposal:	<p>To permit a 447 unit residential development consisting of:</p> <ul style="list-style-type: none">• A seven storey, 46 unit multiple dwelling to be developed as affordable housing to be operated by CHH;• A seven storey, 114 unit multiple dwelling with 342 square metres of commercial space at grade to be development as affordable housing to be operated by Indwell;• 14, three storey multiple dwellings (stacked townhouses) with a total of 287 units;• 334 parking spaces, including 70 surface parking spaces and 264 underground parking spaces;• Amenity areas in the form of private patios, balconies and terraces for the stacked townhouse multiple dwellings, common indoor and outdoor amenity areas for the seven storey multiple dwellings and an outdoor open space at the southwest corner of the site; and,• A private road with access to James Street North and Strachan Street West.

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Property Details	
Municipal Address:	405 James Street North
Lot Area:	2.17 ha (21,795.0 square metres)
Servicing:	Existing full municipal services.
Existing Use:	91 vacant townhouse dwellings.
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019, as amended.
Official Plan Existing:	<p>“Urban Area” in the Hamilton-Wentworth Official Plan.</p> <p>“Medium Density Residential 1” on Schedule M-2: General Land Use of the West Harbour (Setting Sail) Secondary Plan in the former City of Hamilton Official Plan.</p> <p>“2-4 Storeys” and “Height is governed by the Secondary Plan Policies” on Schedule M-4: Building Heights.</p>
Official Plan Proposed:	<p>“Medium Density Residential 1” on Schedule M-2: General Land Use of the West Harbour (Setting Sail) Secondary Plan in the former City of Hamilton Official Plan.</p> <p>“5-7 Storeys” and “Height is governed by the Secondary Plan Policies” on Schedule M-4: Building Heights.</p>
Zoning Existing:	“DE/S-65” (Low Density Multiple Dwellings) District, Modified in City of Hamilton Zoning By-law No. 6593.
Zoning Proposed:	Transit Oriented Corridor Multiple Residential (TOC3, 811, H128) Zone in City of Hamilton Zoning By-law No. 05-200.
Modifications Proposed:	<p>Modifications applicable to the entire site:</p> <ul style="list-style-type: none"> • To deem the subject lands one lot for the purposes of applying the provisions of the By-law; • Eliminate the maximum porch, deck, canopy and exterior stair encroachment requirements; • Modified parking requirements for a Day Nursery to require no parking for the first 450 square metres of Gross Floor Area; • To permit Electric Mobility Device parking to be counted towards long term bicycle parking for a multiple dwelling; and,

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<p>Modifications Proposed Continued:</p>	<ul style="list-style-type: none"> • Reduced minimum setback from a street line of 1.2 metres to the hypotenuse of a daylight triangle, whereas 3.0 metres is required; • Increased total area of an enclosed rooftop amenity area to from 10% to 30% of the floor area of the storey directly beneath; • Eliminate minimum 3.0 metre setback for an enclosed rooftop amenity from the exterior walls of the storey directly beneath; • Increased height of a rooftop amenity area from 3.0 metres to 3.5 metres; and, • Eliminate restriction to one access driveway for ingress and egress. <p>Modifications applicable to Block “1” only (stacked townhouses):</p> <ul style="list-style-type: none"> • To require a total of 20 short term bicycle parking spaces, instead of 5 short term bicycle parking spaces for each multiple dwelling; • Reduced maximum building height from 22.0 metres to 13.0 metres; • Eliminate the requirement that outdoor amenity areas be located at or above the surface; and, • To require the following minimum separation between multiple dwellings on the same lot: <ul style="list-style-type: none"> ○ 3.0 metres between end walls; ○ 7.0 metres between an end wall and a rear or front wall; and, ○ 11.0 metres between rear or front walls. <p>Modifications applicable to Block “2” only (seven storey multiple dwellings):</p> <ul style="list-style-type: none"> • Reduced parking requirement for a Multiple Dwelling to 0.24 per unit; • To permit commercial and community uses on the ground floor of a multiple dwelling. • Eliminate the minimum ground floor height regulation for dwelling units; • Increased maximum building height from 22.0 metres to 24.0 metres; and, • To require a minimum distance of 7.0 metres between exterior walls on the same lot.
<p>Processing Details</p>	
<p>Received:</p>	<p>July 13, 2021</p>

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Processing Details	
Deemed Complete:	July 19, 2021
Notice of Complete Application:	Sent to 206 property owners within 120 metres of the subject lands on August 3, 2021.
Public Notice Sign:	Posted July 29, 2021 and updated with public meeting date on July 13, 2022.
Notice of Public Meeting:	Sent to 206 property owners within 120 metres of the subject property on July 22, 2022.
Public Consultation	<p>The Applicant has completed the following additional Public Consultation:</p> <ul style="list-style-type: none"> • December 10, 2019 – open house at Bennetto Recreation Centre with information panels and question and answer session. Notice of the open house was mailed to 380 addresses within 120 metres of the subject lands and distributed through the email lists of the North End Neighbourhood Association (NENA) and the Progressive North End Neighbourhood Association (PNERA). A total of 61 members of the public attended the open house; • January 7, 2020 – presentation to NENA; • February 12 and February 24, 2020 – Design Charettes with the NENA Planning and Traffic Committee and Environmental Committee at the Hamilton Yacht Club; • May 19, 2021 – attended NENA Planning and Traffic Committee meeting to present an updated Conceptual Master Site Plan; and, • June 15, 2021 – virtual open house with a facilitator, including an update on the Conceptual Master Site Plan and Official Plan and Zoning By-law Amendment submission, and a question and answer session. Invitations to the open house were delivered to email addresses received via the project website, and email lists for NENA and PNERA, and the open house was advertised in the North End Breezes Newsletter. A total of 62 residents attended the open house together with staff from the City’s Planning Division.
Public Comments:	Three letters expressing concern were submitted. The letters are attached as Appendix “F” to Report PED22155 and discussed on page 28 of this Report.
Processing Time:	392 days

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	91 vacant townhouse dwellings currently being demolished.	“DE/S-65” (Low Density Multiple Dwellings) District, Modified.
Surrounding Land Uses:		
North	Single detached dwellings	“C” (Urban Protected Residential, Etc.) District and “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District.
South	Open Space and CN Railway	Open Space (P4) Zone and “J” (Light and Limited Heavy Industry, Etc.) District.
East	Street townhouse dwellings	“DE-3” (Multiple Dwellings) District.
West	Single detached dwellings and street townhouse dwellings	“D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2020)

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 which:
 - 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.

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 residential development would contribute to the supply of a range of housing options, including non-profit affordable housing. The proposal would efficiently use land and existing infrastructure and is transit-supportive by providing intensification within the James Street Mobility Hub with access to the West Harbour GO Station and Hamilton Street Railway (HSR) Transit on James Street North.

Cultural Heritage and Archaeology

- “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 2.6.2 of the PPS applies to the lands. An

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acknowledgement note of the archaeological requirements applicable to the site will be required at the Site Plan Control stage.

The subject property is within the North End West Established Historic Neighbourhood and is adjacent to 21 properties included in the City's Inventory of Heritage Buildings. The previous townhouses on the subject lands were developed in the late 1960s. A revised Documentation and Salvage Report dated November 12, 2021 and prepared by ERA Architects Inc. was submitted by the applicant. The Report documented the previous townhouse development and concluded that it did not contain notable or significant architectural features or elements with the potential for salvage or re-use. Staff have reviewed the Report and are satisfied with its recommendations.

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."

To address Ministry of the Environment, Conservation and Parks' (MECP) noise guidelines, the applicant submitted a revised Environmental Noise Feasibility Study dated March 9, 2022 and prepared by Valcoustics Canada Ltd. The Study identified that vehicle traffic on James Street North and Strachan Street West, and rail traffic on the CN Railway corridor are the dominant transportation noise sources affecting the proposed development. In addition, the Stuart Street Rail Yard to the west of the subject lands is a significant stationary noise source.

The Study determined that the development can meet applicable transportation noise guidelines through the provision of central air conditioning, upgraded exterior wall and window construction and warning clauses. The required noise mitigation measures to address transportation noise will be implemented at the Site Plan Control stage.

For stationary noise from the Stuart Street Rail Yard, the study concluded that the noise mitigation options required to meet existing MECP guidelines limits for the area may not be technically or economically feasible. The subject property is located within a Class 1 area under MECP guidelines, defined as an urban area where human made sounds dominate the ambient sound environment 24 hours a day. To meet Class 1 limits, required mitigation could include constructing a sound barrier along the entire north side of the rail line, installing noise control measures on the trains operating within the Rail Yard and / or designing buildings such that no windows to bedrooms or living rooms are exposed to the Rail Yard. As the Owner has no ability to implement mitigation

measures at the Rail Yard, and considers the option to eliminate windows undesirable from an urban design and quality of life perspective, they have requested that Council approve reclassifying the subject lands to a Class 4 Area.

Class 4 Areas can be classified by Council in areas that would otherwise be defined as Class 1 where there is new development in proximity to an existing lawfully established stationary noise source. The sound level limits for a Class 4 Area (measured at plane of window) are higher than a Class 1 Area, which would allow sound levels from non-impulsive noise generated by the Stuart Street Railyard to fall below the applicable Class 4 limits for the proposed development.

The Study notes that sound levels from impulsive noise are predicted to exceed both Class 1 and Class 4 limits for portions of the development with direct exposure to the Rail Yard. Impulsive sounds are any sounds that last for a brief time, for example the “bang” that occurs when rail cars are coupled. As a result, the Applicant has proposed additional mitigation in the form of enclosed noise buffers and / or buffer windows where sound levels exceed Class 4 limits. An enclosed noise buffer consists of an enclosed area outside the exterior wall of a building, such as an enclosed balcony, that buffers windows from a noise source. Buffer windows are a specialized window concept approved by the MECP as an acceptable receptor-based noise mitigation measure in a Class 4 area.

Staff support the proposed reclassification of the site to a Class 4 Area and agree that the mitigation measures required to meet Class 1 limits are either not feasible or undesirable given the design and housing objectives of the West Harbour Secondary Plan. To ensure the requirements identified in the Environmental Noise Feasibility Study are fulfilled, staff recommend a Holding Provision be included in the amending By-law requiring the Owner to agree in a Site Plan Agreement to implement all required noise mitigation measures. In addition, staff recommend that the Site Plan Agreement require the Owner to provide all required warning clauses and notice to prospective owners and tenants that the dwellings are located within a Class 4 Area.

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 its historical use as a foundry, knitting mill and cotton factory prior to its redevelopment for residential uses in the 1960s. Regardless of the previous residential use, redevelopment of the subject lands must comply with the current policies and legislative requirements. As

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such, a Supplemental Phase Two Environmental Site Assessment (ESA) dated March 2021 and prepared by Peto MacCallum Ltd. was submitted by the Owner. The ESA confirmed contamination across the entire site requiring site remediation and / or a Risk Assessment prior to a Record of Site Condition being filed with the MECP. Staff have included a Holding Provision requiring the provision of a Notice of Acknowledgment letter from the MECP for the RSC or a conditional building permit agreement respecting completion of an RSC.

Based on the foregoing and subject to the proposed Holding provisions, the proposal is 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 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*;
- 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*; and,

- 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, including affordable housing, within the neighbourhood at a convenient location in proximity 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, with access to existing transit at the West Harbour GO Station and on James Street North.

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 changes be included in the Secondary Plan at the time when the Ministry deals with the non-decision.

Hamilton-Wentworth Official Plan

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

Urban Area

- “C.3.1 A wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban

Areas. These areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020. Accordingly, the Plan establishes a land use strategy for the Urban Area that consists of:

- Compact urban form, including mixed use areas.

C.3.1.1 A compact higher density form, with mixed use development in identified Regional and Municipal centres and along corridors, best meets the environmental, economic principles of sustainable development.

Mixed forms of development within an Urban Area is preferable to widespread, low density residential development and scattered rural development, because:

- Growth can be accommodated by building on vacant or redeveloped 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 above policy direction to encourage redevelopment of the subject lands for compact development within the Urban Area. The proposed residential development would provide for efficient use of services. As such and subject to the proposed Holding provisions, 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 as “Residential”. 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 C.7 – Residential Environmental and Housing Policy

- “C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.
- C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:
- iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and / or physical infrastructure that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;
 - v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;
 - ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents; and,
 - 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 dwellings comply with Policies C.7.3 ix) and xii) by increasing the availability of housing options in the neighbourhood and increasing residential densities near to the West Harbour GO Station and transit routes along James Street North. The proposed seven storey multiple dwellings are intended to be constructed utilizing energy efficient construction techniques (passive house design).

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The proposal addresses Policies C.7.2 and C.7.3 iii) and v) by locating the higher density, seven storey portion of the development along James Street North, mid-block between Strachan Street West and Ferrie Street West, with the three storey multiple dwellings occupying the remainder of the site providing transition to the lower density detached and semi detached dwellings to the north and west. The three storey multiple dwellings feature grade related units with entrances facing the street and front yard setbacks and landscaping, continuing the character of the neighbourhood along MacNab Street North and Ferrie Street West. The development will occupy an existing lot that encompasses an entire city block limiting overview and privacy impacts on adjacent properties. Minimum separation distances between buildings within the development have been incorporated in the amending By-law to further address overview and privacy.

Base on the foregoing and subject to the proposed Holding provisions, the proposal complies with the City of Hamilton Official Plan.

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 Ontario Land Tribunal (OLT)), the Secondary Plan was not deemed to be in effect until the OLT 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 OLT 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 following policies, among others, apply to the proposal.

- “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;

- A.6.3.3.1.10 In the event of disposal of publicly owned lands located within West Harbour, Council will consider the desirability of developing such lands for affordable housing, and where appropriate, shall encourage the development of said lands for such housing as a priority;

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- A.6.3.3.1.11 In developing city owned lands for residential purposes; Council may require that at least 25% of the gross area of such lands be provided in the form of affordable housing; and,
- A.6.3.8.3.1 The City of Hamilton will partner with the senior levels of government, the private sector and community-based housing providers to promote the development of the City-owned land in the West Harbour for affordable rental and homeownership opportunities through various programmatic initiatives.”

The proposed residential development accommodates a mix of housing types and income levels through a partnership between CHH, private sector developers and a community-based housing provider (Policies A.6.3.3.1.9 and A.6.3.8.3.1). As per Policies A.6.3.3.1.10 and A.6.3.3.1.11, the development includes 160 affordable rental units, represent 36% of the total unit count.

The subject lands are designated “Medium Density Residential 1” on Schedule M-2 – General Land Use in the West Harbour (Setting Sail) Secondary Plan and the Owner has applied to redesignate the lands to “Medium Density Residential 2”. With respect to the subject development, the proposed “Medium Density Residential 2” designation differs from the existing “Medium Density Residential 1” designation in that it permits an increased density of 150 – 300 units per gross hectare instead of 60 – 150 units per gross hectare.

- “A.6.3.3.1.14 In Medium Density Residential 2 areas:
- i) Multiple dwellings and apartment buildings combined with street townhouses are permitted;
 - ii) The density of development shall be in the range of 150 – 300 units per gross hectare;
 - iii) The height of buildings shall range from 4 to 8 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;

- vi) For streets where a road allowance widening is required, the setback under the zoning by-law must be taken from the widened road allowance;
- vii) Parking areas shall be provided at the rear of sites, underground and/or in above-grade structures, with access from public streets or laneways;
- viii) Above-grade parking structures shall be located within buildings and fronted on all levels by residential uses;
- ix) Front yard parking shall not be permitted;
- x) The main entrances to buildings shall face public streets;
- xi) 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;
- xii) Common amenity space shall be consolidated on the site to create useable spaces; xiii) the design and massing of buildings shall minimize shadow and wind impacts on the public realm; and,
- xiv) 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.6.3.3.1.14 i), the proposed multiple dwellings are permitted in the Medium Density Residential 2 designation. The Applicant has proposed to amend the Secondary Plan to permit commercial uses within the ground floor of a multiple dwelling, with the potential that retail and / or service uses will be incorporated in the design of the proposed seven storey multiple dwellings. Staff are satisfied that limited ground floor commercial is appropriate and would provide convenient access to retail and service uses for residents of the development and the surrounding area. The seven storey multiple dwellings are located fronting James Street North, which is recognized as the primary retail street in the West Harbour Secondary Plan Area.

Staff are satisfied that the proposed density of development range of 150 – 300 units is supportable for the site based on the appropriate built form proposed by the Applicant (Policy A.6.3.3.1.14 ii)). In addition, the applicant has demonstrated that there is

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adequate servicing capacity to accommodate the proposal and that the density can be accommodated from a traffic perspective.

With respect to building height (Policy A.6.3.3.1.14 iii)), the Applicant has proposed to modify Schedule M-4: Building Heights and establish a Special Policy Area to permit a five to seven storey building height mid-block along James Street North and a three to four storey building height for the remainder of the site. Staff are satisfied that the amendments to building height will provide gradation on site to transition from the seven storey multiple dwellings facing James Street North to the lower density detached and semi detached dwellings to the north and west.

The proposal includes an access driveway and pedestrian connection aligned with Simcoe Street, continuing the existing grid pattern of the neighbourhood as required by Policy A.6.3.3.1.14 iv). The minimum 3.0 metre front setbacks for the proposed buildings are consistent with nearby buildings and the amending By-law accounts for reduced setbacks where daylight triangle right of way dedications are required (A.6.3.3.1.14 v) and vi)). There are main entrances to buildings facing all four public streets surrounding the subject site, and the applicant has proposed to amend Policy A.6.3.3.1.14 x) to permit main entrances to face the proposed internal private road and pedestrian network. Staff are satisfied that the proposed amendment meets the intent of Policy A.6.3.3.1.14 x) to activate sidewalks and contribute to a comfortable pedestrian realm.

As per Policy A.6.3.3.1.14 vii), parking is proposed underground and within a surface parking lot that is located to the rear of the proposed multiple dwellings. Access to the parking areas is provided from James Street North / Simcoe Street East and Strachan Street West. The proposal does not include any above grade parking structures or front yard parking (Policies A.6.3.3.1.14 vii) and ix)).

Amenity areas are proposed in the form of private patios, balconies and terraces for the three storey multiple dwellings and common indoor and outdoor amenity areas for the seven storey multiple dwellings. (Policies A.6.3.3.1.14 xi) and xii)). An outdoor open space at the southwest corner of the site will provide further outdoor amenity for all residents of the development. As the proposed development occupies an entire block and does not directly abut any rear yard amenity areas of adjacent residential dwellings, it will have a limited impact on the light, views and privacy enjoyed by area residents (Policy A.6.3.3.1.14 (xiv)).

Urban Design

“A.6.3.3.4.1 New development, redevelopment and alterations to existing buildings in West Harbour shall respect, complement and enhance

the best attributes of West Harbour and shall adhere to the following urban design principles:

- i) Create a comfortable and interesting pedestrian environment;
- ii) Respect the design, scale, massing, setbacks, height and use of neighbouring buildings, existing and anticipated by this plan;
- iii) Generally locate surface parking at the rear or side of buildings; and,
- 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 i and iv) by providing street oriented buildings with ground floor glazing and building entrances facing the street. Proposed surface parking is located to the rear of the proposed buildings facing Ferrie Street East, James Street North and MacNab Street North (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 locating the highest (seven storey) buildings mid-block along James Street North with three storey buildings providing transition to adjacent single detached and semi detached dwellings.

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 was identified as a Gateway Hub by Metrolinx in The Big Move transportation plan for the GTHA, as a key intersection in the regional transportation network intended to support transit access and high density development. Currently, the recommendations of the James Street North Mobility Hub Study have not been incorporated comprehensively into the Official Plan and Zoning By-law. As a Council adopted document that will be incorporated into the Secondary Plan, Staff consider the Study to be informative when considering the development potential of the subject lands.

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

- “3. Walkable & Inviting Streets & Open Spaces – Streets within the Mobility Hub will be pedestrian-oriented, and accessible for people of all ages and abilities. They

will be framed by animated building edges with wide sidewalks, weather protection, lighting and way-finding.

4. Protect Existing Neighbourhoods – Stable residential neighbourhoods will be protected from undesirable development and intensification. Taller buildings will be designed and located to minimize shadowing, overlook and other adverse impacts.
5. Develop an Appropriate Scale, Form & Density – Intensification will be encouraged where appropriate through low-impact density and within close proximity to transit. Development will repair gaps in the built environment and be sensitive to community context and character, such as the existing James Street North streetwall.
7. Mix of Uses Within the Primary & Secondary Zones – Development within the Mobility Hub aims to create a vibrant mixed use community that supports existing and new transit infrastructure.”

The proposal is consistent with Guiding Principle Nos. 3 and 7 by providing a street-oriented development that animates all four streets that surround the site. The proposal will support existing transit infrastructure and contribute to a vibrant mixed use community.

The subject lands are located within the Primary Zone of the Mobility Hub and are within Focus Area A – James Street North from the GO Station to the Waterfront. The Primary Zone is the area with the greatest potential for change through redevelopment and includes lands on either side of James Street North between Strachan Street and the waterfront (Focus Area A).

The Study recommends that building heights along James Street North in Focus Area A be mid-rise in scale and should be determined based on a one to one ratio where the maximum building height is equivalent to the width of the right of way. The ability to achieve the maximum height is tempered by angular planes applied to the front and rear property lines. The proposed 24.0 metre maximum building height for the seven storey multiple dwellings is greater than the 20.0 metre width of the James Street North right of way, however the buildings are required to be setback a minimum 3.0 metres from the street line resulting in minimal projections into an angular plane measured from 100% of the right of way width.

The study further recommends that a consistent street wall be created with a diversity of podium heights to create interest in the urban fabric. Podium heights up to three storeys are recommended that may be built up to the property line and minimum 3.0

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metre step backs are recommended along the James Street North frontage. The proposed development includes three storey multiple dwellings on the northernmost and southernmost portion of the James Street North frontage that contribute to establishing the recommended street wall. The proposed seven storey multiple dwellings are setback from the street (rather than stepped back above the third storey) and incorporate a change in materials on the lower floors to establish a building base. The location of the seven storey buildings mid-block along James Street North limits shadowing and overlook impact on adjacent lower scale development to the north and west. The Study recommends that areas designated Medium Density Residential 1 should allow street related and / or community uses as has been proposed by the applicant.

Based on the foregoing, the proposal aligns with Guiding Principle Nos. 4 and 5 by developing at an appropriate scale, form and density and minimizing shadowing and overlook impacts.

City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “DE/S-65” (Low Density Multiple Dwellings) District, Modified in Zoning By-law No. 6593. The “DE/S-65” District permits only the existing 91 unit townhouse development. Therefore, a Zoning By-law Amendment is required.

City of Hamilton Zoning By-law 05-200

To facilitate the proposed development, the Applicant has applied to rezone the subject lands to the Transit Oriented Corridor Multiple Dwelling (TOC3, 811, H128) Zone in City of Hamilton Zoning By-law No. 05-200. Staff consider the TOC3 Zone to be appropriate for the site due to its location along the planned A-Line rapid transit corridor along James Street North and proximity to the West Harbour GO Station. The site specific modifications required to accommodate the proposal are outlined in the Report Fact Sheet and discussed in detail in Appendix “D” attached to Report PED22155.

RELEVANT CONSULTATION

Departments and Agencies	
<ul style="list-style-type: none">• Recreation, Healthy and Safe Communities; and,• Landscape Architectural Services, Strategic Planning Division, Public Works Department.	No Comment.

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	Comment	Staff Response
CN Rail	<ul style="list-style-type: none"> • Advised that CNs peer review of the submitted noise study concluded that the recommendations of the study are not consistent with the MECP and Federation of Canadian Municipalities and Railway Association of Canada (FCM / RAC) guidelines and are therefore not acceptable to CN; • The FCM / RAC guidelines recommend a minimum setback of 300 metres for sensitive uses from the Stuart Street Rail Yard. Furthermore, the Railyard is a Class 3 Industrial Facility, as defined in the MECP D-Series Guidelines. The D-6 Guideline requires a 300 metre separation from a Class 3 industrial facility and a sensitive land use. As a 300 metre separation has not been achieved by the proposal, CN is opposed to the proposed development; • Should the City proceed with considering the propose development, CN requires the following: <ul style="list-style-type: none"> ○ Development Viability Assessment; ○ Land Use Compatibility Study; and, ○ Environment Odour and Dust assessment; • CN further requires that the proponent enter into a CN Development Agreement, and the registration of an environmental easement and warning clause on title. 	<ul style="list-style-type: none"> • Staff are satisfied with the applicant's proposal to address noise through the reclassification of the lands to a Class 4 Area and the incorporation of additional noise control measures in the form of enclosed noise buffers and / or buffer windows; and, • Separation distance from the Stuart Street Rail Yard was negotiated during Ontario Land Tribunal mediations for the Setting Sail Secondary Plan of which CN was a party. The agreed to Secondary Plan Policies resulted in a 150 metre separation requirement from the Stuart Street Rail Yard within the Barton Tiffany Area of the Secondary Plan. The subject lands fall outside of this area and the existing Secondary Plan policies permit noise sensitive residential uses.

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	Comment	Staff Response
CN Rail Continued		<ul style="list-style-type: none"> • A Development Viability Assessment, Land Use Compatibility Study and Environmental Odour and Dust Assessment were not requested at the Formal Consultation stage and were therefore not required as part of a complete application. Further, the principle of the proposed residential land use to which the studies speak to is already established in the Secondary Plan. • A development agreement, environmental easement and warning clause can be required at the Site Plan Control stage.
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> • Advised that they have no issue with the proposed Official Plan Amendment and Zoning By-law Amendment, subject to receiving an updated Watermain Hydraulic Analysis and Preliminary Servicing plan to identify the required upgrades to the existing watermain on Ferrie Street West adjacent to the subject lands. The analysis is required to ensure fire flows to support the proposed intensification. 	<ul style="list-style-type: none"> • A Holding Provision has been added to the amending By-law requiring an updated Watermain Hydraulic Analysis prior to development proceeding.

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	Comment	Staff Response
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> • Approved the Tree Management Plan dated February 17, 2022 and prepared by adesso design inc. that includes the removal of four City Owned trees; • Loss of Tree Canopy fees in the amount of \$6,219.45 have been paid by the Applicant; and, • Forestry supports the overall landscape concept submitted with the applications, with street tree spacing amendments required on the final Landscape Plan. 	<ul style="list-style-type: none"> • A Forestry Permit has been issued for tree removals and tree protection measures required to be installed in advance of demolition occurring on site; and, • A detailed Landscape Plan will be required at the Site Plan Control stage.
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<ul style="list-style-type: none"> • Approved the revised Transportation Impact Study dated December, 2021 and prepared by C.F. Crozier & Associates Inc.; • Advised that the overall site development and density can be supported from a traffic perspective; • The access configuration that does not establish Simcoe Street as a through road will encourage the use of James Street North which is classified as a Minor Arterial Road and has adequate capacity to serve traffic generated by the proposal; • A 12.19 metre by 12.19 metre daylighting triangle dedication at the intersection of James Street North and Strachan Street West is required and has been provided for on the Concept Plan. The daylighting triangle will support the creation of a gateway feature at the intersection of James Street North and Strachan Street West; and, • 4.57 metre by 4.57 metre daylighting triangles are required and have been identified at the intersections of James Street North and Ferrie Street West, Strachan Street West and MacNab Street North, and MacNab Street North and Ferrie Street West. 	<ul style="list-style-type: none"> • The required daylight triangle dedications and infrastructure improvements will be implemented at the Site Plan Control stage.

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	Comment	Staff Response
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department Continued	<ul style="list-style-type: none"> Infrastructure improvements are required, including fully signaling the intersection of James Street North and Simcoe Street. 	
Waste Management Operations Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> Advised that additional information is required to confirm it is serviceable by the municipal waste collection program. The development includes multiple multi-residential buildings which will require front-end garbage bin service and cart collection for recycling and organic material. 	<ul style="list-style-type: none"> Waste collection will be reviewed in detail at the Site Plan Control stage.
Public Consultation		
Issue	Comment	Staff Response
Tree removal	A resident expressed concern regarding the proposed tree removal on site, in particular the existing trees lining James Street North and MacNab Street North.	The demolition of the existing townhouse development and the excavation required for on site remediation to facilitate a Record of Site Condition will result in the removal of all private trees on site. A total of six trees located within the municipal right of way are proposed to be retained including five trees located along MacNab Street North. New tree plantings, including street trees will be required on the final Landscape Plan at the Site Plan Control stage.
Loss of affordable housing	A resident expressed concern that the 91 CHH townhouses on site have remained boarded up during the planning approval process resulting in them not being available to provide affordable housing.	The availability of the vacant existing townhouse dwellings currently being demolished is not governed by the <i>Planning Act</i> .

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Public Consultation		
Issue	Comment	Staff Response
Building height	A resident expressed concern that the proposed buildings taller than four storey will inhibit views of the bay from Sam Lawrence Park and other locations on the waterfront. In addition, the resident expressed concern that residents of taller buildings will not be as concerned and connected to the neighbourhood.	The proposed seven storey multiple dwellings are mid-rise buildings, whereas Downtown Hamilton and the North End Neighbourhood feature tall buildings that are more prominent when viewed from Sam Lawrence Park or other points on the Escarpment. Staff are satisfied that the proposal will not inhibit views of Hamilton Harbour from the Niagara Escarpment. Staff have no empirical evidence to suggest residents of taller buildings are less concerned or connected to the neighbourhood.

Design Review Panel (DRP)

The development proposal was presented to the City’s Design Review Panel (DRP) on November 11, 2021 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:

- Overall, the Panel is comfortable with the proposed additional height and density as it is located close to the West Harbour GO Station and is not offensive to the character of the surrounding area;
- The Panel recognizes that the site has a strong potential to provide for positive change within the neighbourhood and appreciate the affordable housing component and “missing middle” residential development;
- The Panel encourages the design team to provide a greater variety of housing forms on site to create a development pattern that is more connected with the urban fabric of the surrounding neighbourhood;

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- The design team is encouraged to investigate further opportunities to salvage materials from the existing buildings and incorporate them in the development;
- The Panel recommends continuing the existing street grid within the neighbourhood by continuing Simcoe Street from James Street North to MacNab Street North through the site;
- The Panel notes that the development is quite condensed with narrow spaces between townhouse buildings creating privacy issues and potentially creating unsafe spaces by limiting opportunities for passive surveillance. The design team is encouraged to look at opportunities to create more breathing room between the townhouse blocks by shifting units to other built forms;
- The design team is encouraged to consider eliminating the large central surface parking area by reducing the overall number of parking spaces or redistributing the parking spaces throughout the site and replacing the central parking area with softscaping and outdoor amenity;
- The public space at the southeast corner of the site provides a positive contribution to the community but lacks an internal connection to the site. The design team is encouraged to provide clearer connections between the public space, the internal pedestrian network and the apartment buildings, including by looking at opportunities to integrate more public space throughout the site; and,
- The Panel encourages the design team to focus on better addressing the street and note that some townhouse blocks have a problematic relationship with the street, including flanking conditions and sunken units. The apartment buildings should have a greater street presence and openness to the public realm. The design team is encouraged to consider incorporating additional commercial uses along James Street North.

Applicant's Response to DRP Advice:

Extending Simcoe Street from James Street North to MacNab Street North is not supported by Transportation Planning staff due to the objective to direct traffic to James Street North, which is a minor arterial road. The applicant has enhanced the pedestrian connection aligned with Simcoe Street between James Street North and MacNab Street North by eliminating surface parking and realigning pedestrian walkways to provide a continuous, publicly accessible connection.

The proposed development provides for a variety of housing forms, including two affordable rental multiple dwellings and grade related stacked townhouse multiple

dwellings. The treatment of the pedestrian areas between the stacked townhouse buildings will be considered further at Site Plan Control stage, including the provision of lighting and appropriate landscaping to address privacy and safety.

The central surface parking area has been maintained by the applicant to meet parking demand for the stacked townhouse multiple dwellings. Upgraded surface treatment and tree plantings within the parking area will be considered at the Site Plan Control stage. The public space at the southeast corner of the site is connected to the internal pedestrian network via a walkway along the north portion of the open space.

Opportunities to salvage materials from the existing buildings was investigated in a Documentation and Salvage Report prepared by ERA Architects Inc. which confirmed that there are no notable or significant architectural features or elements with the potential for salvage or re-use. Concerns regarding flankage conditions will be further considered through the approval of final elevations at the Site Plan Control stage and the applicant has provided for the opportunity for commercial space along James Street North.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 206 property owners within 120 metres of the subject property on August 3, 2021. A Public Notice sign was posted on the property on August 3, 2021 and updated with the Public Meeting date on July 13, 2022. Finally, Notice of the Public Meeting was mailed on July 22, 2022 in accordance with the requirements of the *Planning Act*.

Public Consultation Strategy

In accordance with their submitted Public Consultation Strategy, the applicant has met with the North End Neighbourhood Association, and held a public open house on December 10, 2019 and a virtual public open house on June 15, 2021. Details on the Public Consultation Strategy are summarized in the Report Fact sheet.

To date, three public submissions expressing concerns has been received by staff (see Appendix "F" attached to Report PED22155). A summary of the comments received is provided in the above chart.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

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

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- (i) It is consistent with the PPS (2020) and conforms to A Place to Grow Plan, 2019 as amended;
- (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 West Harbour Secondary Plan; 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 affordable housing, contributing to a complete community, making efficient use of existing infrastructure within the urban boundary, and supporting public transit including the West Harbour GO Station and transit along James Street North.

2. Official Plan Amendment

The proposed residential development is a permitted use in the existing “Medium Density Residential 1” designation in the West Harbour Secondary Plan. However, the existing designation permits a maximum density of development in the range of 60 – 150 units per gross hectare, whereas a density of development of 205 units per gross hectare is proposed. In addition, Schedule M-4: Building Heights of the Secondary Plan and the “Medium Density Residential 1” designation permit building heights ranging from two to four storeys along James Street North and three to five storeys for the remainder of the site, whereas building heights of seven storeys are proposed mid-block along James Street North and three to four storeys for the remainder of the site. Therefore, the applicant has proposed to amend the Secondary Plan to redesignate the subject lands to “Medium Density Residential 2”, establish a Special Policy Area and amend Schedule M-4 to permit a density of development of 150 – 300 units per gross hectare and building heights ranging from three to seven storeys. Additional amendments to the “Medium Density Residential 2” designation are required to permit commercial uses on the ground floor of multiple dwellings and to allow front entrances to buildings to face a private street or pedestrian mews.

Staff are satisfied that the proposed Official Plan Amendment meets the intent of the West Harbour Secondary Plan to encourage a broad mix of household types at varying income levels. The scale, massing and height of the proposal respects existing uses by providing a gradation of building height on site to transition from the seven storey multiple dwellings facing James Street North to the lower density detached and semi detached dwellings to the north and west. The proposal addresses noise and site contamination through Holding Provisions in the

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amending By-law requiring that appropriate mitigation measures be taken. Therefore, staff support the proposed Official Plan Amendment.

3. Zoning By-law Amendment

The subject lands are zoned “DE/S-65” (Low Density Multiple Dwellings) District, Modified in Zoning By-law No. 6593. The “DE/S-65” District permits only the existing 91 unit townhouse development. Therefore, the applicant has proposed to change the zoning to a site specific Transit Oriented Corridor Multiple Dwellings (TOC3, 811, H128) Zone. Modifications to the development standards of the (TOC3) Zone are required to facilitate the proposal and are summarized in the Report Fact Sheet above and discussed in detail in Appendix “D” attached to Report PED22155.

The proposed development is compatible with existing land uses in the immediate area, will contribute to a complete community and will comply with the West Harbour Secondary Plan upon approval of the Official Plan Amendment. Therefore, staff support the proposed Zoning By-law Amendment.

4. Class 4 Designation – MECP Noise Guidelines NPC-300

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 pursuant to the MECP Noise Guidelines NPC-300 in order to address compliance with respect to noise generated by the Stuart Street Rail Yard located to the west of the subject lands. As outlined in detail in the Policy Implications and Legislated Requirements section, staff recognize that the mitigation measures required to meet Class 1 limits are either not feasible or undesirable given the design and housing objectives of the West Harbour Secondary Plan. Therefore, staff support the proposed 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 and only applies to this specific development proposal.

Additional mitigation is required to meet Class 4 limits for impulsive noise generated by the Rail Yard in the form of enclosed noise buffers and / or buffer windows for units with direct exposure to the rail yard. To ensure that all noise mitigation measures are implemented at the Site Plan Control stage, an ‘H’ Holding Provision is included in the proposed By-law (attached as Appendix “C” to Report PED22155) which will be removed upon the owner/applicant implementing all require noise mitigation measures identified in the Environmental Noise

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Feasibility Study dated March 9, 2022 by Valcoustics Canada Ltd 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 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.

ALTERNATIVES FOR CONSIDERATION

Should the Applications be denied, the subject lands can be used in accordance with the "DE/S-65" (Low Density Multiple Dwellings) District, Modified in the City of Hamilton Zoning By-law No. 6593 which permits the existing 91 townhouse dwellings.

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.

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" to Report PED22155 – Location Map
Appendix "B" to Report PED22155 – Draft Official Plan Amendment
Appendix "C" to Report PED22155 – Draft Amendment to Zoning By-law No. 05-200
Appendix "D" to Report PED22155 – Zoning By-law Site Specific Modification Chart
Appendix "E" to Report PED22155 – Revised Concept Plan and Elevations
Appendix "F" to Report PED22155 – Public Submissions

MK:sd