



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
Planning Division

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	June 18, 2024
<b>SUBJECT/REPORT NO:</b>	Application for a Zoning By-law Amendment for Lands Located at 2481 Barton Street East, Hamilton (PED24096) (Ward 5)
<b>WARD(S) AFFECTED:</b>	Ward 5
<b>PREPARED BY:</b>	Daniel Barnett (905) 546-2424 Ext. 4445
<b>SUBMITTED BY:</b>	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That **Zoning By-law Amendment Application ZAC-23-023 by GSP Group Inc. (c/o Brenda Khes) on behalf of Barton Street Development Inc. (c/o Rajan Banwait), Owner**, for a change in zoning from the “JJ” (Restricted Light Industrial) District to the Transit Oriented Corridor Mixed Use High Density (TOC4, 899, H174) Zone, to permit the development of a 17 storey mixed use building consisting of 207 dwelling units, 473.2 square metres of commercial gross floor area and 176 parking spaces, for lands located at 2481 Barton Street East, as shown on Appendix “A” attached to Report PED24096, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED24096, 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 Urban Hamilton Official Plan and Centennial Neighbourhoods Secondary Plan;

- (iii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol “H174” to the proposed Transit Oriented Corridor Mixed Use High Density (TOC4, 899) Zone;

The Holding Provision ‘H174’ is to be removed conditional upon:

- (1) That the owner submit and receive approval of a revised Tree Protection Plan (and applicable review fee) to evaluate the retention of additional trees on the subject lands, to the satisfaction of the Director of Heritage and Urban Design;
- (2) That the owner submit and receive completion of a signed Record of Site Condition being submitted to the satisfaction of the Director of Development Planning or enters into a conditional building permit agreement with respect to completing a Record of Site Condition. The Record of Site Condition must include a notice of acknowledgement of the Record of Site Condition by the Ministry of the Environment, Conservation and Parks, and submission of the City of Hamilton’s current Record of Site Condition administration fee;
- (3) The Owner submit and receive approval of a revised Functional Servicing Report to demonstrate that there is a suitable sanitary sewer outlet with sufficient capacity available, including but not limited to, improvements to the existing sanitary sewer along Barton Street from the subject site to the Battlefield Trunk sewer, to service the proposed development, to the satisfaction of the Director of Development Engineering;
- (4) That the Owner enter into and register an External Works Agreement with the City on the title of the lands for the design and construction of any required sanitary sewer improvements to the municipal infrastructures in accordance with City’s Financial Policy to support this development, to the satisfaction of the Director of Development Engineering;
- (5) That no development within the subject site can proceed until the City completes the design and construction of Battlefield trunk sewer twining, to the satisfaction of the Director of Development Engineering;

- (6) That the owner submit and receive approval of an updated Pedestrian Wind Study, to the satisfaction of the Director of Heritage and Design;
  - (7) That the owner enter into and register an External Works Agreement on title with the City's Growth Management Division for the design and construction of an extension of the existing raised median island, to the satisfaction of the Director of Transportation Planning and Parking;
- (b) That approval be given for a modification to the Transit Oriented Corridor Mixed Use High Density (TOC4) Zone in the Hamilton Zoning By-law No. 05-200, to permit a reduction in the number of required Electric Vehicle ready parking spaces for a, 17 storey mixed use building for lands located at 2481 Barton Street East, Hamilton, as shown on Appendix "A" to Report PED24096, subject to the following:
- (i) That the draft By-law, attached as Appendix "H" to Report PED24096, be held in abeyance until such time as By-law No. 24-052, being a by-law to establish the Parking Regulations Zones is in force and effect;
  - (ii) That staff be directed to bring forward the draft By-law, attached as Appendix "H" to Report PED24096, for enactment by City Council, once By-law No. 24-052 is in force and effect.

## **EXECUTIVE SUMMARY**

The subject site is municipally known as 2481 Barton Street East in Hamilton. It is located on the north side of Barton Street East and east of Centennial Parkway North. The applicant has submitted an application for a Zoning By-law Amendment to permit a 17 storey mixed use building with 207 dwelling units, 473.2 square metres of commercial gross floor area, and 176 parking spaces.

The purpose of the Zoning By-law Amendment application is to rezone the subject lands from "JJ" (Restricted Light Industrial) District, under the City of Hamilton Zoning By-law No. 6593 to the Transit Oriented Corridor Mixed Use High Density (TOC4, 899, H174) Zone, under the City of Hamilton Zoning By-law No. 05-200 to permit the proposed development. Site specific modifications to the Transit Oriented Corridor Mixed Use High Density (TOC4) Zone are required to accommodate the proposed development, which are discussed in detail in Appendix "D" attached to Report PED24096.

As part of the Zoning By-law Amendment, Holding 'H' Provisions are recommended to ensure a revised tree protection plan is approved, that a Record of Site Condition has

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been filed, a revised Functional Servicing Report is approved, an External Works Agreement is entered into, that the Battlefield Trunk Sewer twining be constructed and extend the central median, and that a revised Pedestrian Wind Study be approved.

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

- It is consistent with the Provincial Policy Statement (2020);
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- It complies with the general intent and purpose of the Urban Hamilton Official Plan and Centennial Neighbourhoods Secondary Plan; and,
- The development represents good planning, as it will provide a built form that is compatible with the character of the area and provides a compact and efficient urban form.

**Alternatives for Consideration – See Page 12**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold a Public Meeting to consider an application for a Zoning By-law Amendment.

**HISTORICAL BACKGROUND**

<b>Application Details</b>	
Owner:	Barton Street Development Inc. c/o Rajan Banwait.
Applicant/Agent:	GSP Group Inc. c/o Brenda Khes.
File Number:	ZAC-23-023.
Type of Applications:	Zoning By-law Amendment.
Proposal:	<p>The purpose of the Zoning By-law Amendment is to change the zoning from the “JJ” (Restricted Light Industrial) District to the Transit Oriented Corridor Mixed Use High Density (TOC4, 899, H174) Zone.</p> <p>The effect of the application is to permit the proposed 17 storey mixed use building which includes a five storey (19.07 metre) podium.</p>

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<b>Application Details</b>	
<b>Proposal: (Continued)</b>	<p>The proposed tower is setback 3.4 metres from the five storey podium from the southerly (front) façade, stepped back 6.5 metres from the east façade, and stepped back 15.7 metres from the west facade.</p> <p>The development is for 207 multiple dwelling units of which 117 are studio and one bedroom units (56.5%), 82 are two bedroom units (39%), and eight are three bedroom units (3.9%). Additionally, 473.2 square metres of ground floor commercial area is proposed. The proposed development includes 176 parking spaces that includes 31 surface parking spaces located at the rear of the development and 145 parking spaces contained within two levels of underground parking. 108 long term bicycle parking spaces and 16 short term bicycle parking spaces are also proposed. Access to the parking is to be provided from Barton Street East on the easterly side of the subject lands, and pedestrian access to the residential lobby and commercial units is provided by direct pedestrian walkways connecting to the existing municipal sidewalk.</p>
<b>Property Details</b>	
Municipal Address:	2481 Barton Street East.
Lot Area:	3,758 square metres.
Servicing:	Full municipal services.
Existing Use:	Construction equipment and vehicle storage.
<b>Documents</b>	
Provincial Policy Statement:	The proposal is consistent with the Provincial Policy Statement (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:	"Mixed Use – High Density" on Schedule "E-1" – Urban Land Use Designations.
Centennial Neighbourhood Secondary Plan:	"Mixed Use – High Density – Pedestrian Focus Street" on Map B.6.7-1.
Zoning Existing:	"JJ" (Restricted Light Industrial) District.
Zoning Proposed:	Transit Oriented Corridor Mixed Use High Density (TOC4, 899, H174) Zone

<b>Documents</b>	
Modifications Proposed:	<p>The following modifications have been requested by the applicant:</p> <ul style="list-style-type: none"> <li>• To increase the maximum building height from 40.0 metres to 57.5 metres; and,</li> <li>• To increase the maximum first storey height from 4.5 metres to 5.0 metres.</li> </ul> <p>The following modifications have been included by staff:</p> <ul style="list-style-type: none"> <li>• To require a minimum setback of 4.9 metres from a street line, for any portion of the building exceeding a height of 19.6 metres;</li> <li>• To require a minimum rear yard setback of 17.5 metres;</li> <li>• To require a minimum easterly side yard setback of 13.6 metres;</li> <li>• To require a minimum easterly side yard setback of 20.5 metres for any portion of the building exceeding a height of 19.6 metres;</li> <li>• To require a minimum 3.0 metre westerly side yard setback;</li> <li>• To require a minimum 18.0 metres westerly side yard setback for any portion of the building exceeding a height of 19.6 metres, except for an enclosed stairwell; and,</li> <li>• To require a minimum of 39 percent of the units to be two bedroom units and 3.9 percent of the units to have three or more bedrooms.</li> </ul> <p>The following modifications to the Council adopted Parking Regulations have been included in the Held in Abeyance By-law:</p> <ul style="list-style-type: none"> <li>• To require a minimum of 25% of the parking spaces provided to be Electric Vehicle ready parking spaces.</li> </ul> <p>A complete analysis of the proposed modifications is attached as Appendix “D” to Report PED24096.</p>
<b>Processing Details</b>	
Received:	December 22, 2022.
Deemed Complete	January 18, 2023.
Notice of Complete Application:	Sent to 15 property owners within 120 metres of the subject lands on February 14, 2023.
Public Notice Sign:	Posted February 17, 2023 and updated May 22, 2024.

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

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

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

<b>Processing Details</b>	
Notice of Public Meeting:	Sent to 16 property owners within 120 metres of the subject lands on May 31, 2024.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix "F" attached to Report PED24096.
Public Consultation:	A virtual public meeting was held by the applicant on September 26, 2023. A total of seven residents registered for the virtual public meeting, of which three attended, attached as Appendix "G" to Report PED24096.
Public Comments:	None received.
Processing Time:	544 days from receipt of application.

### **Existing Land Use and Zoning**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Lands:</b>	Construction equipment and vehicle storage	"JJ" (Restricted Light Industrial) District.
<b>Surrounding Land Uses:</b>		
North	Car dealership	"JJ" (Restricted Light Industrial) District.
South	Commercial plaza	"G-1/S-43" and "G-1/S-635" (Designed Shopping Centre) District, Modified.
East	Motor vehicle service station	Prestige Business Park (M3) Zone and "JJ" (Restricted Light Industrial) District.
West	Motor vehicle gas bar	"JJ" (Restricted Light Industrial) District.

### **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

#### **Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended)**

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (2020). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the

Provincial Policy Statement (2020) and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. Matters of provincial interest (e.g., efficiency of land use) are reviewed and discussed in the Official Plan analysis that follows.

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

- It is consistent with Section 3 of the *Planning Act*;
- It is consistent with the Provincial Policy Statement (2020); and,
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

### **Urban Hamilton Official Plan and Centennial Neighbourhoods Secondary Plan**

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and designated “Mixed Use – High Density” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan and are designated “Mixed Use – High Density – Pedestrian Focus Street” in the Centennial Neighbourhoods Secondary Plan. The subject land is located within the Sub-Regional Service Node boundary in the Secondary Plan.

The proposed mixed use development complies with the range of uses permitted for lands designated “Mixed Use – High Density” in Volume 1 of the Urban Hamilton Official Plan and for lands designated “Mixed Use – High Density” in the Centennial Neighbourhoods Secondary Plan. The proposed development complies with the maximum height policies of the Centennial Neighbourhoods Secondary Plan, which permits a maximum height of 12 storeys, with additional height up to a maximum of 17 storeys being permitted, provided the following criteria have been met:

- 1) Additional height shall be limited to a maximum of five additional storeys;
- 2) The increase in height is authorized through a Zoning By-law Amendment;
- 3) Development shall have frontage on a Major Arterial or Minor Arterial road; and,
- 4) Development shall not preclude the ability of other properties in the Centennial Node to develop in accordance with the heights permitted on Map B.6.7-2 – Centennial Neighbourhoods – Maximum Building Heights, in terms of



infrastructure and transportation network capacity. An infrastructure and servicing study and traffic impact study may be required to demonstrate conformity with this policy.

The applicant has demonstrated that the proposed development complies with the above criteria for increased building height which is assessed in detail in Appendix “E” attached to Report PED24096.

The development complies with the function, scale, and design policies of the Mixed Use – High Density designation. The proposal also complies with the Residential Intensification and Urban Design policies of Volume 1 of the Urban Hamilton Official Plan. Furthermore, the proposal complies with the policies for Pedestrian Focus Streets, Urban Design and Transitional Areas in the Centennial Neighbourhoods Secondary Plan.

The applicant is providing 207 residential dwelling units of which 117 are studio and one bedroom units (56.5%), 82 two bedroom units (39%), and eight three bedroom units (3.9%). Staff are satisfied that the proposal provides a mix of unit sizes to accommodate a range of household sizes.

Policy 6.7.12.1 c) of the Centennial Neighbourhoods Secondary Plan requires development to be consistent with the City-Wide Corridor Planning principles and Design Guidelines. The proposed development is consistent with City-Wide Corridor Planning Principles and Design Guidelines.

The proposed development represents a compatible form of residential intensification that satisfies the residential intensification criteria outlined in policy B.2.4.1.2 of Volume 1 of the Urban Hamilton Official Plan.

Based on the foregoing and the analysis provided in Appendix “E” attached to Report PED24096, the proposal complies with the applicable policies of the Urban Hamilton Official Plan.

### **City-Wide Corridor Planning Principles and Design Guidelines**

The subject property is located along Barton Street East which is a minor arterial road. Policy 6.7.12.1 c) of the Centennial Neighbourhoods Secondary Plan requires development to be consistent with the City-Wide Corridor Planning Principles and Design Guidelines. The proposed development is consistent with the City-Wide Corridor Planning Principles and Design Guidelines. The guidelines are further assessed in Appendix “E” attached to Report PED24096.

### **City of Hamilton Zoning By-law No. 6593**

The subject property is zoned “JJ” (Restricted Light Industrial) District in the City of Hamilton Zoning By-law No. 6593. The existing zoning permits a range of commercial and industrial uses and does not permit multiple dwellings or a mixed use building, therefore, a Zoning By-law Amendment is required.

### **City of Hamilton Zoning By-law No. 05-200**

The applicant has applied to rezone the subject lands to a site specific Transit Oriented Corridor Mixed Use High Density (TOC4) Zone, to permit a 17 storey mixed use building containing 207 multiple dwelling units and 473.2 square metres of ground floor commercial space. The site specific modifications required to accommodate the proposal are outlined in the Report Fact Sheet found on page 6 of this report and described in detail in Appendix “D” attached to Report PED24096.

Staff also completed a review of the proposal against the Council approved parking regulations recently adopted through By-law No. 24-052. These regulations are currently not in-force as they are subject to an appeal. Accordingly, staff have included a second by-law that includes the necessary modifications to By-law No. 24-052, which is to be held in abeyance until such time as the appeals are resolved and By-law No. 24-052 is in force and effect (refer to Appendix “H” attached to Report PED24096). All requested modifications are summarized in the modification chart in Appendix “D” attached to Report PED24096.

## **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 Urban Hamilton Official Plan and the Centennial Neighbourhoods Secondary Plan; and,
  - (iii) The proposal represents good planning by providing a compact urban form of development that contributes to a complete community by providing a mix of uses and a built form that is in keeping with the “Mixed Use High Density” designation policies found within the Urban Hamilton Official Plan and the Centennial Neighbourhoods Secondary Plan.

2. The subject lands are currently zoned “JJ” (Restricted Light Industrial) District in the City of Hamilton Zoning By-law No. 6593. The Zoning By-law Amendment proposes to change the zoning to Transit Oriented Corridor Mixed Use High Density (TOC4, 899, H174) Zone. The proposed zone contains modifications which are identified on pages 6 of Report PED24096 and discussed in detail in Appendix “D” attached to Report PED24096.

The proposed development is in proximity to the Confederation GO Station which is to be located less than 800 metres to the northwest of the subject lands, located approximately 60.0 metres from Centennial Parkway North which includes Line S of the BLAST network, finally the subject property is in proximity to existing bus routes along both Barton Street East and Centennial Parkway North. Therefore, based on the existing and planned transit in proximity to the subject lands the Transit Oriented Corridor Mixed Use High Density (TOC4) Zone represents an appropriate zone for the subject lands.

Staff are satisfied that the proposed Zoning By-law Amendment complies with the “Mixed-Use High Density” designation policies in the Centennial Neighbourhoods Secondary Plan as:

- It has been demonstrated that the proposed land use will not be adversely impacted by the existing industrial designated lands to the east or commercial lands to the north and west;
- The proposal establishes a built form that is consistent with the scale of development that is envisioned in the Centennial Neighbourhoods Secondary Plan;
- The proposal facilitates growth in the Sub Regional Service Node of the Centennial Neighbourhood Secondary Plan, which is the primary focus for growth in the area;
- It has been demonstrated that the proposed built form will not create adverse shadowing, privacy/overlook, wind, traffic, or noise impacts on adjacent lands; and,
- The proposed land use is supportive of the viability of transit including higher-order transit.

Therefore, staff support the proposed amendment to the Zoning By-law.

3. Holding Provision

A Holding ‘H’ Provision is proposed to be added to the subject lands to ensure that the owner submits and receives approval of a revised Tree Protection Plan, a Record of Site Condition, a revised Functional Servicing Report, an External

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Works Agreement be entered into, an updated Pedestrian Wind Study, and to ensure the completion of the Battlefield Truck Sewer and the extension of the raised median on Barton Street.

Upon submission and approval of the above noted plans and studies, the Holding Provision can be lifted from the subject lands.

**ALTERNATIVES FOR CONSIDERATION**

Should the application be denied, the subject property can be used in accordance with the “JJ” (Restricted Light Industrial) District, in the City of Hamilton Zoning By-law No. 6593.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED24096 – Location Map  
Appendix “B” to Report PED24096 – Zoning By-law Amendment  
Appendix “C” to Report PED24096 – Concept Plan  
Appendix “D” to Report PED24096 – Zoning Modification Chart  
Appendix “E” to Report PED24096 – Summary of Policy Review  
Appendix “F” to Report PED24096 – Department and Agency Comments  
Appendix “G” to Report PED24096 – Virtual Public Meeting Summary  
Appendix “H” to Report PED24096 – Held in Abeyance Zoning By-law Amendment

DB:sd