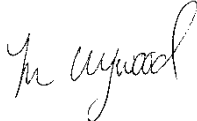




CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 13, 2024
SUBJECT/REPORT NO:	Application for Zoning By-Law Amendment for Lands Located at 309 and 325 James Street North, Hamilton (Ward 2) (PED24064)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Jennifer Catarino (905) 546-2424 Ext. 4748
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	Per: 

RECOMMENDATION

That **Amended Zoning By-law Amendment Application ZAC-24-018 by WEBB Planning Consultants Inc. c/o James Webb on behalf of James Barton LLP, Owner**, for a change in zoning from Downtown Mixed Use - Pedestrian Focus (D2, H21) Zone to Downtown Mixed Use - Pedestrian Focus (D2, 909, H180) Zone, and for a change in zoning from Downtown Mixed Use - Pedestrian Focus (D2) Zone to Downtown Mixed Use - Pedestrian Focus (D2, 909, H180) Zone to permit the adaptive reuse of an existing three storey heritage building and a 12 storey mixed use building containing 296 square metres of commercial space, 127 dwelling units and 58 parking spaces, for lands located at 309 James Street North (Block 1) and 325 James Street North (Block 2), as shown on Appendix "A" attached to Report PED24064, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED24064, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place of Grow: Growth Plan for the Greater

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.

Golden Horseshoe (2019, as amended), and complies with the Urban Hamilton Official Plan and the Downtown Hamilton Secondary Plan;

- (c) 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 'H180' to the proposed Downtown Mixed Use – Pedestrian Focus (D2, 909) Zone:

The Holding Provision 'H180' is to be removed conditional upon:

- (i) A revised Cultural Heritage Impact Assessment has been submitted demonstrating how the cultural heritage value has been incorporated and maintained to the satisfaction of the Director of Planning and Chief Planner;
- (ii) That conditional site plan approval be received, to the satisfaction of the Director of Planning and Chief Planner;
- (iii) The owner submit and receive approval of a revised Functional Servicing Report and Stormwater Management Brief that demonstrates the feasibility of on site quantify control measures within the subject lands, to the satisfaction of the Director of Development Engineering;
- (iv) The owner submit and receive approval of updated hydrant flow tests that demonstrates the required domestic and fire flows are available within the appropriate pressure range and that the surrounding areas are not adversely impacted, to the satisfaction of the Director of Development Engineering. If the above cannot be demonstrated, a Watermain Hydraulic Analysis Report will be required to be submitted and approved at the pressure district level;
- (v) The owner enter into and register an External Works Agreement with the City on title of the lands for the design and construction of any required improvements to the municipal infrastructure in accordance with the City's Financial Policy to support this development, to the satisfaction of the Director of Development Engineering.

EXECUTIVE SUMMARY

The subject lands are municipally known as 309 and 325 James Street North, Hamilton, as illustrated in Appendix "A" attached to Report PED24064. The owner has applied for a Zoning By-law Amendment to change the zoning at 309 James Street North (Block 1)

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from Downtown Mixed Use - Pedestrian Focus (D2, H21) Zone to Downtown Mixed Use - Pedestrian Focus (D2, 909, H180) Zone, and to change the zoning at 325 James Street North (Block 2) from Downtown Mixed Use - Pedestrian Focus (D2) Zone to Downtown Mixed Use - Pedestrian Focus (D2, 909, H180) Zone to permit the development of a 12 storey mixed use building including the adaptive reuse of an existing three storey heritage building containing 296 square metres of commercial space, 127 dwelling units and 58 parking spaces. Site specific modifications to the Downtown Mixed Use - Pedestrian Focus (D2) Zone are required to accommodate the proposed development, which are discussed in detail in Appendix “C” attached to Report PED24064. Staff are recommending that the conditions of Holding ‘H’ Provision H21 continue to apply to 309 James Street North (Block 1) through site specific Holding ‘H’ Provision H180 as the applicant is continuing to address comments regarding the Cultural Heritage Impact Assessment and conditional Site Plan Approval is required.

In August 2023, the applicant submitted a formal Notice of Intention to Demolish, along with a Cultural Heritage Impact Assessment, for the building located at 309 James Street North. Staff reviewed the Cultural Heritage Impact Assessment and provided comments to the applicant, dated August 24, 2023. A staff report recommending removal of the building located at 309 James Street North from the Municipal Heritage Register was approved by the Hamilton Municipal Heritage Committee, Planning Committee and Council, on November 15, 2023. The Building Permit for demolition was issued in February 2024, and the building has been demolished. The building at 325 James Street North will be integrated into the redevelopment of the subject lands.

The proposed Zoning By-law Amendment 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 of the Urban Hamilton Official Plan and the Downtown Hamilton Secondary Plan, in particular, the function, scale and design principles of the “Downtown Mixed Use - Pedestrian Focus” designation, residential intensification, and urban design policies; and,
- The development is compatible with the existing land uses in the surrounding area and represents good planning by, among other things, contributing to a complete community, creating a compact and efficient built form, providing residential dwelling units within in a multiple storey mixed use building, making efficient use of existing infrastructure within the urban boundary as well as supporting public transit by increasing residential density in proximity to the West Harbour GO Station and transit along James Street North.

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 an amendment to the Zoning By-law.

HISTORICAL BACKGROUND

Application Details	
Owner:	James Barton LLP.
Applicant:	Core Urban Inc.
Agent:	WEBB Planning Consultants c/o James Webb.
File Number:	ZAC-24-018.
Type of Application:	Zoning By-Law Amendment.
Proposal:	<p>To permit the adaptive reuse of an existing three storey heritage building (309 James Street North – Block 1) and a 12 storey mixed use building (325 James Street North – Block 2) containing approximately 296 square metres of ground floor commercial space and 127 dwelling units, which includes seven studio units (5.5%), 87 one bedroom units (68.5%) and 33 two bedroom units (26%). A total of 58 parking spaces will be provided, including two barrier free spaces, nine surface parking spaces and 49 underground spaces. Indoor and outdoor amenity space is proposed on the rooftop.</p> <p>The proposed mixed use building will have frontage on James Street North and Barton Street West. The existing three storey heritage building, located at 325 James Street North, will be integrated into the design of the new building and will continue to have frontage on James Street North. Access to the subject lands is proposed from Barton Street West.</p>

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Property Details	
Municipal Address:	309 and 325 James Street North, Hamilton.
Lot Area:	0.17 hectares.
Servicing:	Full municipal services.
Existing Use:	309 James Street North – vacant. 325 James Street North – three storey heritage building.
Documents	
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:	"Downtown Urban Growth Centre" on Schedule E – Urban Structure. "Downtown Mixed Use Area" on Schedule E-1 – Land Use Designations.
Secondary Plan Existing:	"Downtown Mixed Use - Pedestrian Focus" – Land Use Plan Map B.6.1-1 – Downtown Hamilton Secondary Plan.
Secondary Plan Proposed:	No amendment proposed.
Zoning Existing:	309 James Street North, Hamilton (Block 1) – Downtown Mixed Use - Pedestrian Focus (D2, H21) Zone. 325 James Street North, Hamilton (Block 2) – Downtown Mixed Use - Pedestrian Focus (D2) Zone.
Zoning Proposed:	Downtown Mixed Use - Pedestrian Focus (D2, 909, H180) Zone.
Modifications Proposed:	The following modifications have been requested by the applicant in the amending Zoning By-law: <ul style="list-style-type: none"> To amend the definition of building height to include the provision for enclosed amenity space not to be considered as a storey provided the floor area does not exceed 25%.

Documents	
Modifications Proposed: (Continued)	<ul style="list-style-type: none"> • To reduce the ratio regarding long-term bicycle parking spaces per dwelling unit to 0.44 space whereas the Zoning By-law requires a ratio of 0.5 spaces per dwelling unit; • To remove the requirement for a landscape strip along the westerly lot line where the parking area abuts a residential zone whereas a landscape strip is required; • To remove the requirement for a landscape strip along the westerly lot line where the parking area abuts a residential zone whereas a landscape strip is required; and, • To increase the maximum permitted building height to 44.0 metres whereas 22.0 metres is permitted. <p>A complete analysis of the proposed modifications is attached as Appendix “D” to Report PED24064.</p>
Processing Details	
Received:	June 3, 2024.
Deemed Complete	June 4, 2024.
Notice of Complete Application:	Sent to 159 property owners within 120 metres of the subject lands on June 7, 2024.
Public Notice Sign:	Posted on June 11, 2024, and includes the Public Meeting date August 13, 2024.
Notice of Public Meeting:	Sent to 159 property owners within 120 metres of the subject lands on August 2, 2024.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix “F” attached to Report PED24064.
Public Consultation:	In addition to the <i>Planning Act</i> requirements, the Applicant consulted with the public through a Community Consultation Event held on March 28, 2024, at Liuna Station. Approximately 30 members of the public were in attendance at the Community Consultation Event.

Processing Details	
Public Comments:	Staff received one email in support of the application, and one letter and two emails expressing concerns with the proposal. A summary of the public comments and staff response is attached as Appendix “G” to Report PED24064.
Processing Time:	70 days from receipt of application.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	309 James Street North (Block 1) – vacant.	Downtown Mixed Use - Pedestrian Focus (D2, H21) Zone.
	325 James Street North (Block 2) – existing three storey heritage building.	Downtown Mixed Use - Pedestrian Focus (D2) Zone.

Surrounding Land Uses:

North	Mixed-use building.	Downtown Mixed Use – Pedestrian Focus (D2, H21) Zone.
South	Commercial building.	Downtown Mixed Use – Pedestrian Focus (D2, H21) Zone.
East	Mixed use building.	Downtown Mixed Use – Pedestrian Focus (D2, H21) Zone.
West	Single detached dwelling.	“D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (2020). 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.

As the application for a Zoning By-law Amendment complies with the Urban Hamilton Official Plan and Downtown Secondary Plan, it is staff's opinion that 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 the Downtown Hamilton Secondary Plan

The subject lands are identified as "Downtown Urban Growth Centre" on Schedule "E" – Urban Structure and designated "Downtown Mixed Use Area" on Schedule "E-1 – Urban Land Use Designation in the Urban Hamilton Official Plan.

The subject lands are further designated "Downtown Mixed Use - Pedestrian Focus" – Land Use Plan Map B.6.1-1 and identified as "Low-rise 2" – Maximum Building Heights Map B.6.1-2 in the Downtown Hamilton Secondary Plan.

The intent of the "Downtown Mixed Use - Pedestrian Focus" designation is to support intensive, urban-scale mixed use development that caters to the pedestrian by creating a comfortable, active and visually stimulating walking environment. Increases in height to 12 storeys are supported by the policies of the Downtown Hamilton Secondary Plan on lands identified as "Low-rise 2" – Maximum Building Heights Map B.6.1-2.

Based on the policy review, attached as Appendix "E" to Report PED24064, the application achieves the goals of the "Downtown Mixed Use – Pedestrian Focus" designation through moderate intensification that provides additional dwelling units in the form of a multiple storey, mixed-use, building with at grade commercial uses and proposes to adaptively reuse an existing cultural heritage resource. The proposed development conforms to the maximum building height restrictions of the Downtown

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Hamilton Secondary Plan and specifically the “Downtown Mixed Use - Pedestrian Focus” designation. Furthermore, the subject lands have frontage on two minor arterial roads and therefore represent an appropriate location for medium density mixed-use built forms.

Staff note that a Cultural Heritage Impact Assessment was submitted and reviewed, and the majority of the comments provided were addressed by the applicant. The outstanding comments recommended a vibration study, symbolic conservation strategy, commemoration plan and construction hoarding plan which will be addressed through conditions of a future Site Plan Control application and the Holding ‘H’ Provision.

A Transportation Impact Study prepared by Paradigm Transportation Solutions, dated February 13, 2024, was submitted in support of the application. Transportation Planning staff have confirmed the proposed mixed use building can be accommodated by the surrounding road network. Transportation Planning has no objection to the proposed Zoning By-law Amendment, however, they are not supportive of the requested modifications for long and short term bicycle parking. In addition, through a future Site Plan Control application, the applicant will be required to explore access alternatives to the satisfaction of Transportation Planning that may result in an addendum to the Transportation Impact Study.

Therefore, it is the opinion of staff that the proposed development and implementing Zoning By-law as recommended by staff complies with the policies of the Urban Hamilton Official Plan and the Downtown Hamilton Secondary Plan.

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

The proposed amended Zoning By-law Amendment is for a change in zoning from the Downtown Mixed Use - Pedestrian Focus (D2, H21) Zone to Downtown Mixed Use - Pedestrian Focus (D2, 909, H180) Zone, and for a change in zoning from Downtown Mixed Use - Pedestrian Focus (D2) Zone to Downtown Mixed Use - Pedestrian Focus (D2, 909, H180) Zone to permit the adaptive reuse of an existing three storey heritage building and a 12 storey mixed use building containing 296 square metres of commercial space, 127 dwelling units and 58 parking spaces. Modifications to the Downtown Mixed Use - Pedestrian Focus (D2) Zone are required to facilitate the development and are summarized in the Report Fact Sheet above, and further discussed in Appendix “D” attached to Report PED24064. The proposed zoning is discussed in the Analysis and Rationale section below.

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 general intent of the Urban Hamilton Official Plan and the Downtown Hamilton Secondary Plan; and,
 - (iii) It is considered to be compatible with the existing land uses in the surrounding area and represents good planning by, among other things, contributing to a complete community, creating a compact and efficient built form, providing dwelling units within in a multiple storey mixed use building, making efficient use of existing infrastructure within the urban boundary as well as supporting public transit by increasing residential density in proximity to the West Harbour GO Station and transit along James Street North.

2. Zoning By-law Amendment

The subject lands are zoned Downtown Mixed Use - Pedestrian Focus (D2, H21) Zone and Downtown Mixed Use - Pedestrian Focus (D2) Zone in Zoning By-law No. 05-200. The former building that was located at 309 James Street North was subject to Holding Provision H21, which requires the submission of a Cultural Heritage Impact Assessment demonstrating how the cultural heritage resource at 325 James Street North will be incorporated and maintained, as well as receiving conditional site plan approval to the satisfaction of the Director of Planning and Chief Planner. The effect of the amended Zoning By-law Amendment will change the zoning to apply additional site specific modifications regarding the maximum building height and the removal of a landscape strip along the westerly property line, as well as include Holding Provisions. An analysis of the requested modifications is provided in Appendix "D" attached to Report PED24064.

Staff are satisfied that the proposal complies with the policies of the Urban Hamilton Official Plan and Downtown Hamilton Secondary Plan. A detailed review of the Urban Hamilton Official Plan and the Downtown Hamilton Secondary Plan is included in Appendix "E" attached to Report PED24064.

Staff are satisfied that the proposal meets the intent of the “Downtown Mixed Use Area” designation policies of the Urban Hamilton Official Plan and the “Downtown Mixed Use - Pedestrian Focus” designation policies of the Downtown Hamilton Secondary Plan, as outlined in Appendix “E” attached to Report PED24064. The proposed Downtown Mixed Use - Pedestrian Focus (D2, 909) Zone will permit the mix of uses and massing of the development which is compatible with the existing scale of the built form in the surrounding area. The proposed building height of 44 metres complies with the policies of the Downtown Hamilton Secondary Plan. The conclusion of the Shadow Study prepared by Adesso Design Inc, dated May 2024, notes that the proposed building will not cast undue shadows on the public realm, common amenity areas or any of the primary gathering spaces of downtown Hamilton.

The development proposal includes a modification to the definition of building height. After a review by staff, it was determined that the modification is not required to facilitate the proposed rooftop amenity space so long as the amenity space does not exceed the maximum permitted height. Therefore, staff are not supportive of the proposed modification to the definition of building height.

The development is proposing an appropriate unit mix that includes studio, one bedroom and two bedroom units which will contribute to achieving a density that supports local transit along James Street North and use of the West Harbour GO Station. The inclusion of ground floor commercial space will help activate James Street North and contribute to the amenities provided within the downtown.

The proposal includes a request for a modest reduction in the amount of required short term and long term bicycle parking spaces for the development. The proposal provides 10 short term spaces, whereas 15 spaces are required by Zoning By-law No. 05-200. In addition, the development proposes a ratio of 0.44 long term bicycle spaces per residential unit, whereas Zoning By-law No. 05-200 requires a ratio of 0.5 per residential unit. The reduced ratio requires a total of 56 spaces whereas 64 long term bicycle spaces are required. Staff are supportive of encouraging alternative transportation modes within the Downtown and are of the opinion that the reduction in bicycle parking is not desirable and the requirement for bicycle parking can be accommodate on the subject lands. Therefore, staff do not support the proposed modifications regarding bicycle parking spaces.

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

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 Functional Servicing Report and Stormwater Management Brief, an updated hydrant flow test or Watermain Hydraulic Analysis Report, and an External Works Agreement be entered into with the City.

Holding Provision H21 requires the submission of a Cultural Heritage Impact Assessment demonstrating how the cultural heritage resource located at 325 James Street North will be maintained and incorporated into the redevelopment of the subject lands. Staff recommend that the conditions of Holding Provision H21 continue to apply to 309 James Street North through the site specific Holding Provision H180, applied to the lands subject to this application, to facilitate the work that is underway by the applicant in addressing the Cultural Heritage Impact Assessment outstanding comments and obtaining conditional site plan approval through the submission of a future Site Plan Control application.

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

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, 309 James Street (Block 1) can be used in accordance with the Downtown Mixed Use - Pedestrian Focus (D2, H21) Zone, in the City of Hamilton Zoning By-law No. 05-200.

Should the application be denied, 325 James Street (Block 2) can be used in accordance with the Downtown Mixed Use - Pedestrian Focus (D2) Zone, in the City of Hamilton Zoning By-law No. 05-200.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED24064 – Location Map
Appendix "B" to Report PED24064 – Draft Zoning By-law Amendment
Appendix "C" to Report PED24064 – Concept Plan
Appendix "D" to Report PED24064 – Zoning Modification Chart
Appendix "E" to Report PED24064 – Summary of Policy Review
Appendix "F" to Report PED24064 – Department and Agency Comments
Appendix "G" to Report PED24064 – Summary of Public Comments Received