
Planning Assessment Report



**325-327 Barton Street East,
City of Hamilton**

Date

August 18, 2022

Prepared by

Liam Doherty, RPP, MCIP, CPT



Doherty Planning and Design
980 Fraser Dr., #103, Burlington, ON

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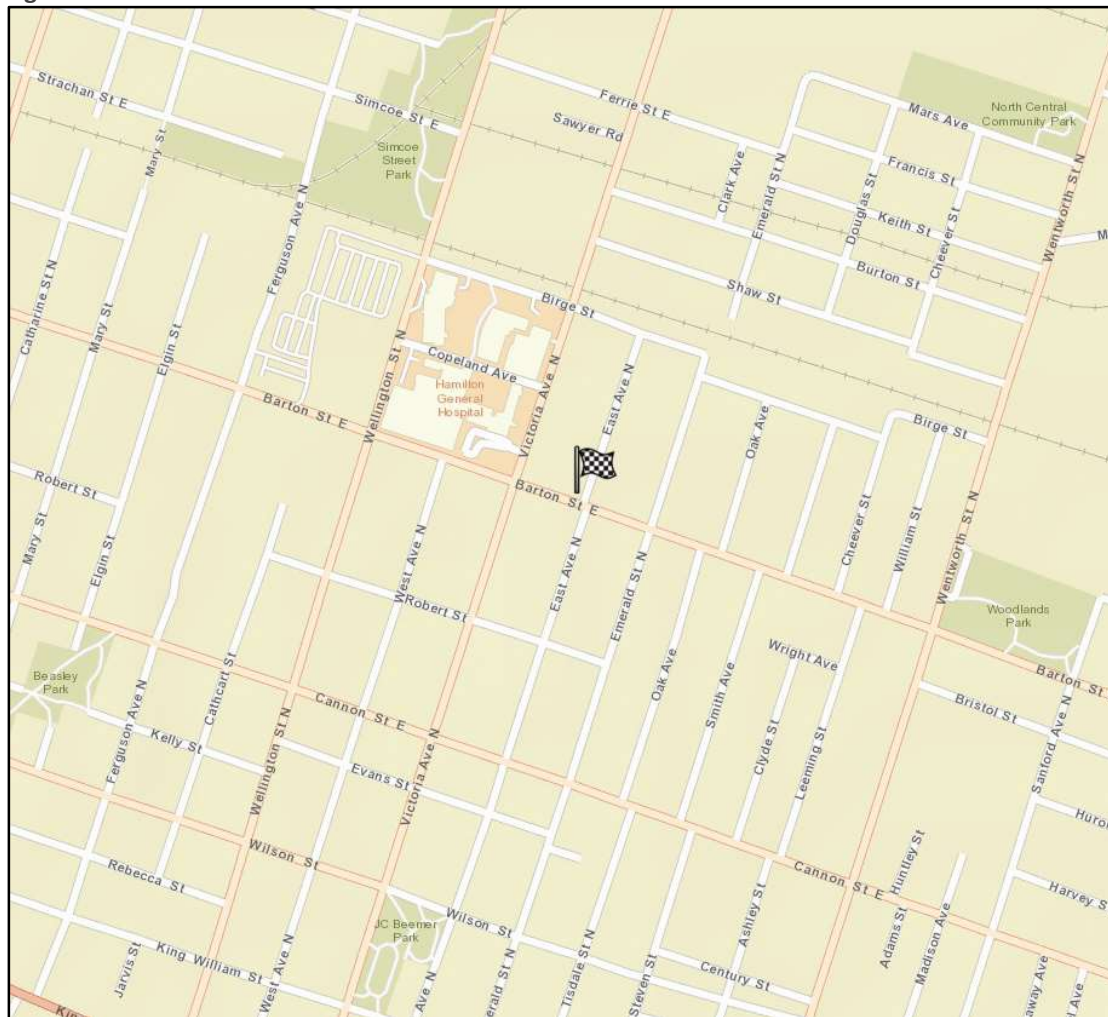
1. Introduction

Doherty Planning & Design was retained in August 2022 by the owner CyNy Inc. to provide professional planning services in conjunction with their property at 325-327 Barton Street East in Hamilton.

The purpose of this reports is to provide a thorough review of all municipal planning policy that apply to the subject lands, two provide a detailed description of what may be built on the site now, to examine nearby planning approvals, and to briefly examine what may be approved by the City of Hamilton via Planning Act applications.

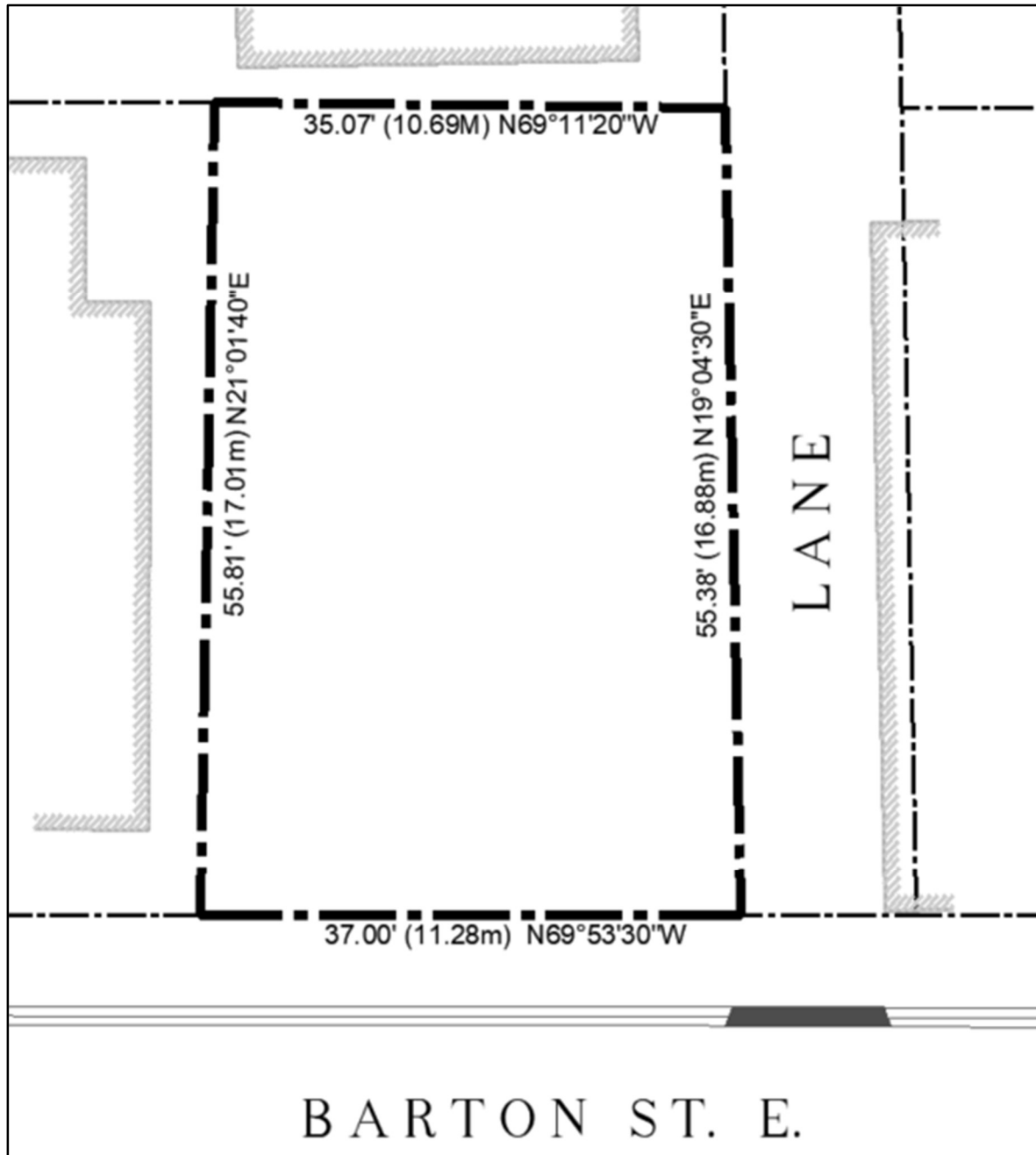
2. Site and Community Context

Figure 1: Location of Lands in North Hamilton



The site is located in north Hamilton, about one block east of Hamilton General Hospital. Barton Street East is a commercial corridor running through a residential area.

2.1. Site Description

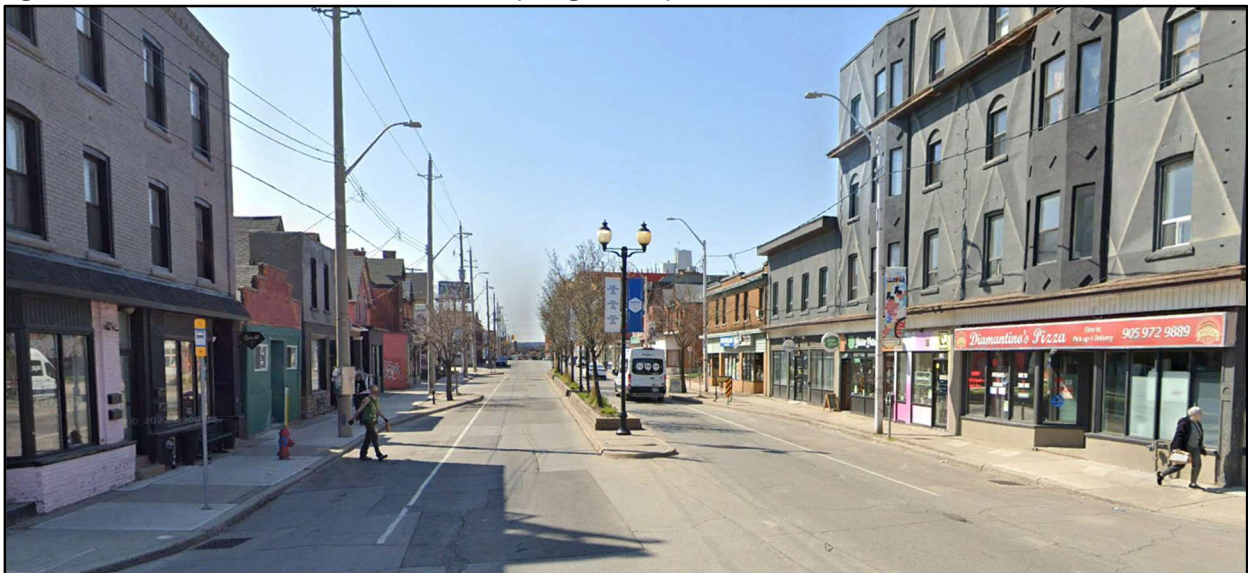


The subject lands are located on the north side of Barton Street East. The front lot line is 11.28 metres and the east lot line is 16.88 metres. The lands are 186 metres square or 2,002 feet square. The lands are vacant, flat, and devoid of any significant vegetation or structures.

Figure 2: View of Site from Barton Street East (Google Earth).

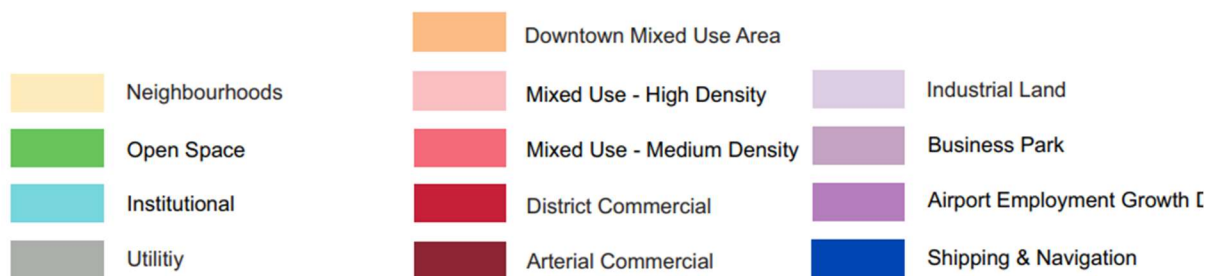
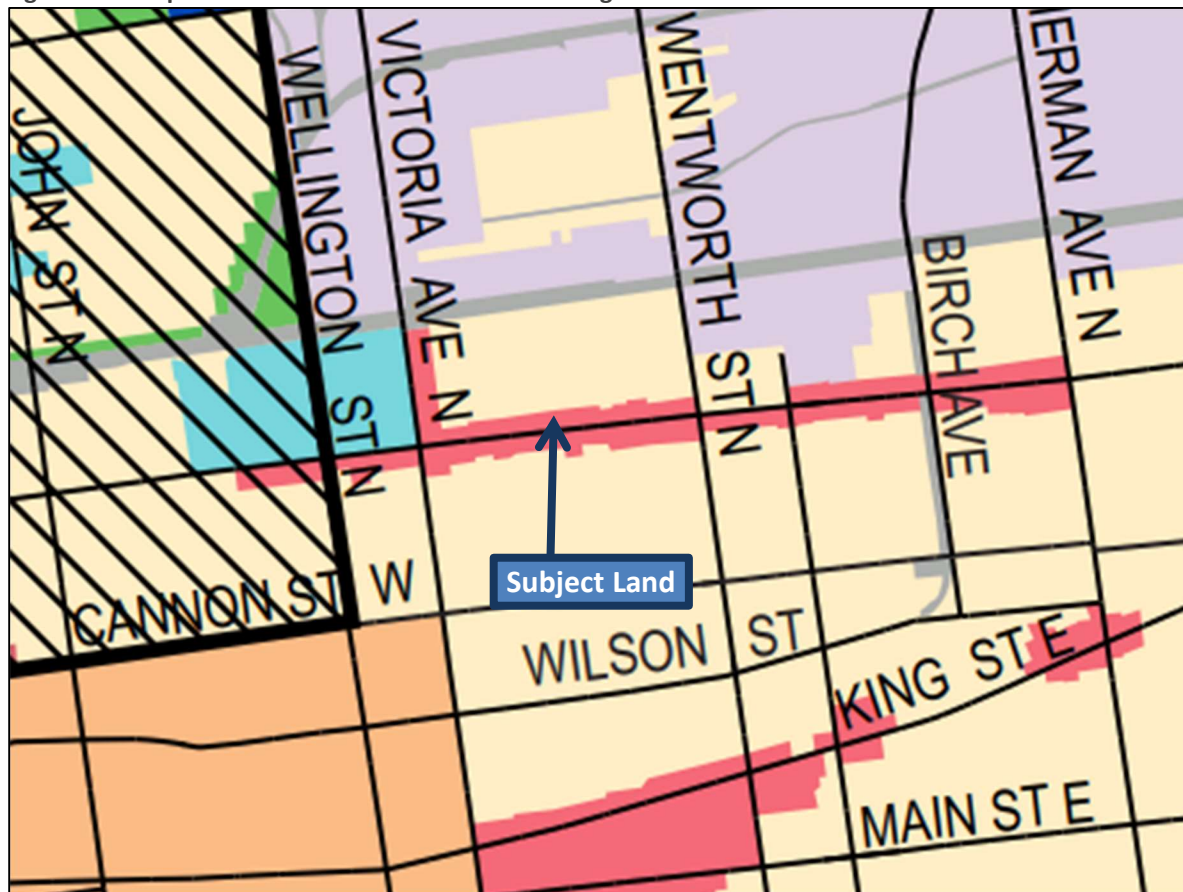


Figure 3: View of Barton Street in front of Site (Google Earth)



3. Hamilton Official Plan Designations

Figure 4: Excerpt of Schedule E-1 Urban Land Use Designations



The lands are designated Mixed Use – Medium Density.

The intent of the Mixed Use – Medium Density designation is to permit a full range of retail, service commercial, entertainment, and residential accommodation at a moderate scale and to increase the proportion of multiple storey, mixed use buildings that have retail and service commercial uses at grade. The designation recognizes the traditional mixed use main streets in the City (outside of the Downtown Mixed Use area), as well as other large commercial areas which serve the surrounding community or a series of neighbourhoods and which are intended to evolve and intensify into mixed use, pedestrian oriented areas. Increasing the number of people who work and live within the area designated Mixed Use – Medium Density will also contribute to the planned function of the area as a people place.

This section of Barton Street East is designated a Pedestrian Focus Street.

Pedestrian focus streets are intended to cater to the pedestrian by creating a comfortable, active and visually stimulating walking environment. Pedestrian focus streets shall have wide sidewalks, buildings oriented to the public sidewalk, outdoor cafes, and a high level of streetscape design and activity. These areas include the main street retail areas of the former downtowns as well as other historic main street areas and future areas designed to have similar pedestrian-oriented character.

4. Site and Neighbouring Zoning Designations

Figure 5: Aerial and Zoning Map of Surrounding Area



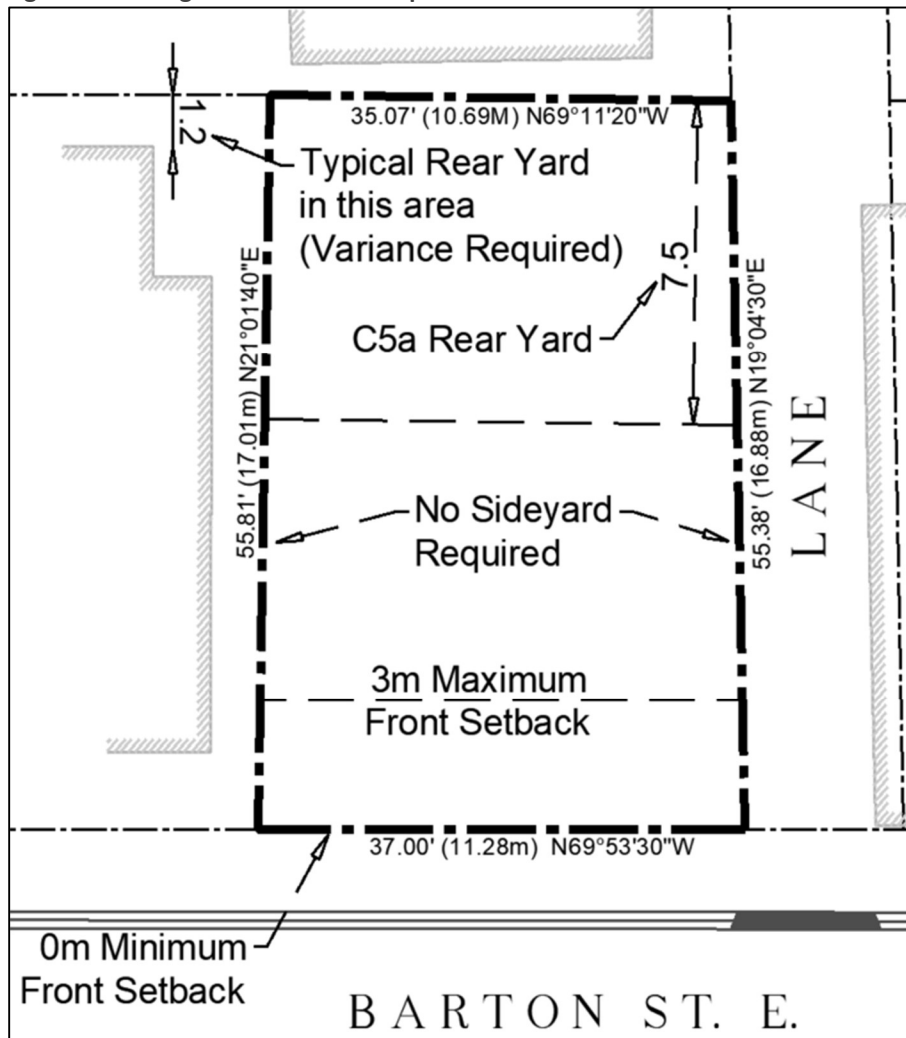
The properties abutting Barton Street East, including 325-327 Barton Street East, are zoned primarily Mixed Use Medium Density – Pedestrian Focus (C5a) Zone along with some Parking (U3) Zone. North and south of the Barton corridor the lands are Urban Protected Residential - One and Two Family Dwellings, etc. (D) Zone.

C5a – Built form consists of buildings with **only commercial uses at-grade** and **residential, commercial and limited institutional uses on the upper floors** to encourage a pedestrian and transit-supportive environment. The range of permitted commercial uses along with their built form, are intended to meet the needs of residents and visitors while creating an inviting pedestrian environment.

The full list of permitted uses is found in Appendix 1 C5a Zone Provisions.

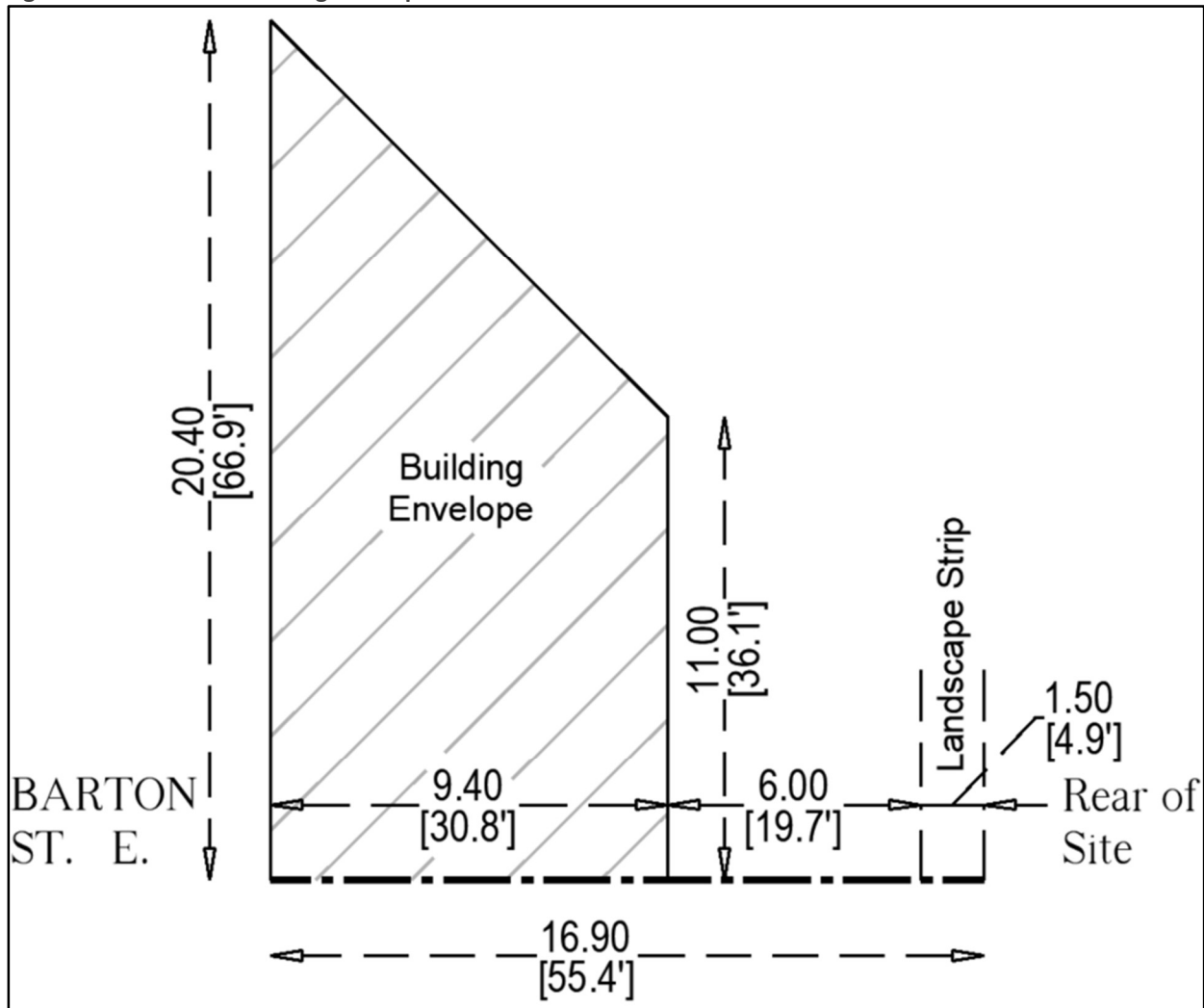
5. Existing Building Envelope

Figure 6: Existing Lotline Setback Requirements



Minimum Front Yard	0.0 metres	
Minimum Side Yards	0.0 metres	
Minimum Rear Yard	7.5 metres	
Maximum Building Width	10.9 metres	35.9'
Maximum Building Depth	9.4 metres	30.8'
Maximum Building Footprint	104.9 metres square	1129.1' ²

Figure 7: Side View of Building Envelope.

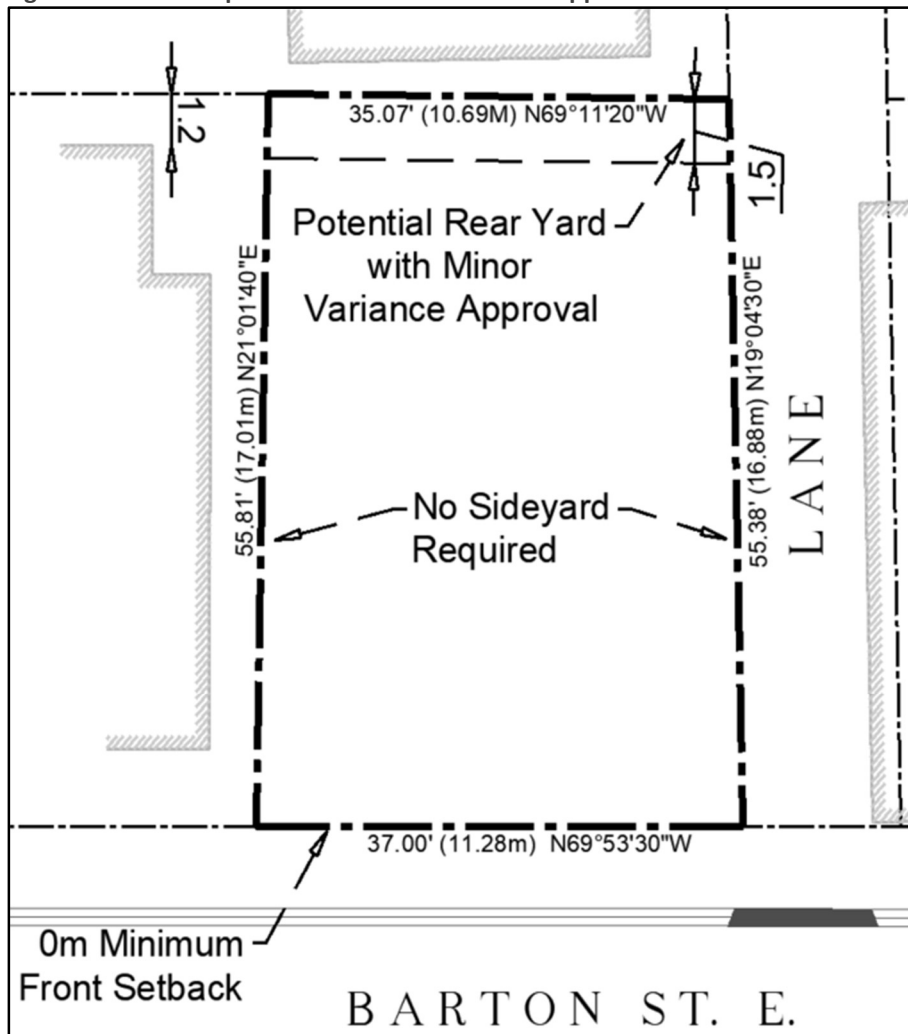


The current zoning requires a 7.5 metre rear yard, including a 1.5 metre planting strip.

The maximum height for the site is a slope angling away from the rear lot line at 45 degrees from a point 7.5 metres back and 11 metres high.

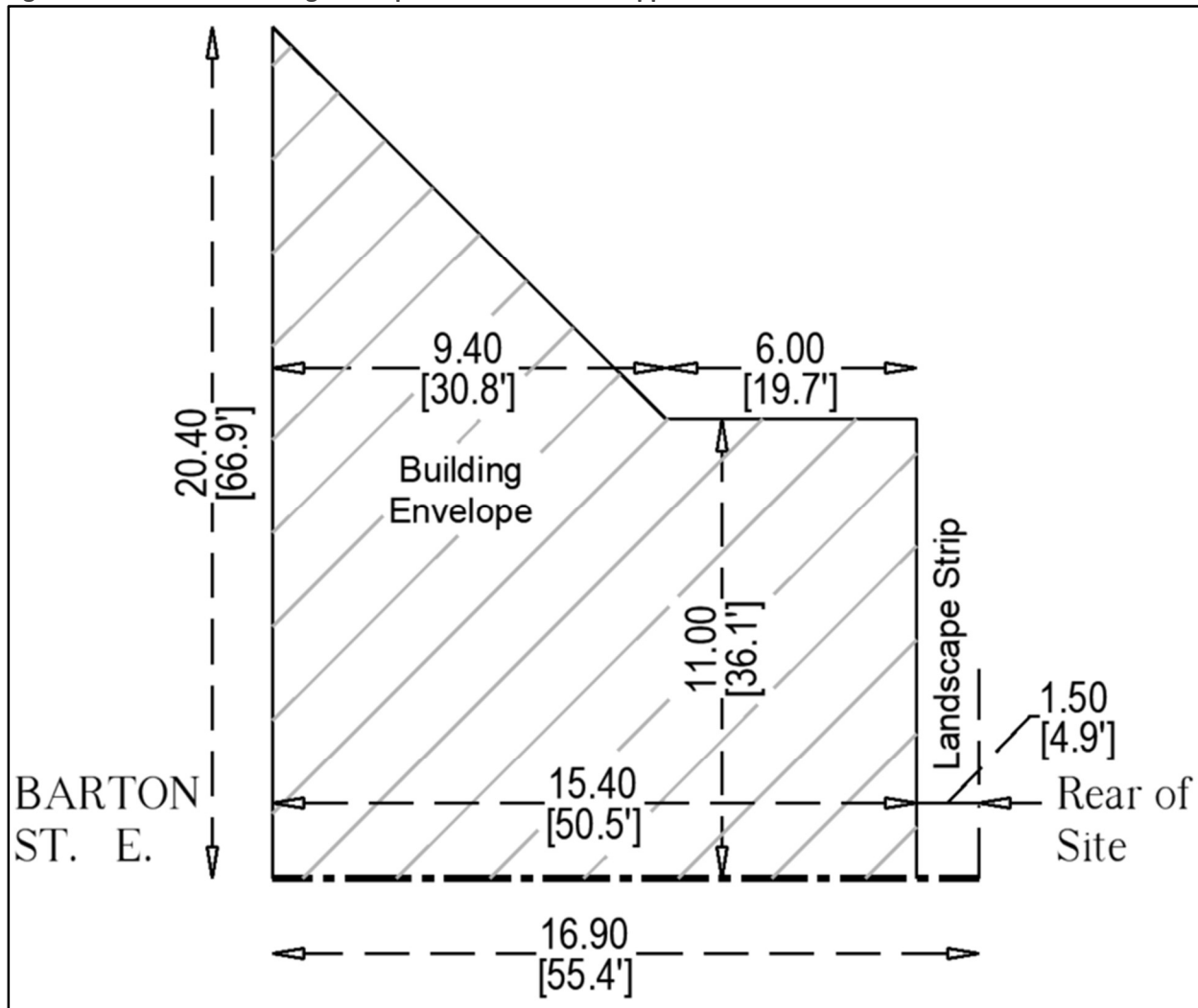
6. Potential Building Envelope (Requires Approval)

Figure 8: Lotline Requirements IF Minor Variance Approved



Minimum Front Yard	0.0 metres	
Minimum Side Yards	0.0 metres	
Minimum Rear Yard	7.5 metres	
Maximum Building Width	10.9 metres	35.9'
Maximum Building Depth	15.4 metres	50.8'
Maximum Building Footprint	169.9 metres square	1828.7' ²

Figure 9: Sideview of Building Envelope IF Minor Variance Approved



An application for a reduced rear yard setback of 1.5 metres would be reasonable for the site, given the character of the block and the depth of the property. Overlook to the residential properties to the rear will be a concern, and a height above 2 ½ or 3 storeys would be difficult to justify. Even at 3 storeys architectural restrictions may be necessary to obtain a reduced rear yard setback.

7. Parking

Providing any parking on this site will be challenging. Any spaces will likely require being below the 2nd floor. This does not preclude development. The small maximum footprint means that any 2 ½ storey structure will be below 450 metres square. At that size no parking is required for Office, Personal Service, Retail, and Commercial Schools.

Other permitted uses will be more difficult to accommodate on the site due to the parking requirements (see below). Development is almost guaranteed to require an exemption (Minor Variance) to the parking requirements or possibly a re-zoning application.

Levels of Parking Requirements
0.3 spaces per unit
per Residential Unit (2 nd Floor and above only)
0 spaces (below 450m²)
Office, Personal Service, Retail, Commercial School
1 space per 125m²
Day Nursery
1 space per 50m²
Laboratory, Veterinary Service
1 space per 30m²
Artist Studio, Beverage Making Establishment, Catering Service, Commercial Entertainment, Commercial Parking Facility, Commercial Recreation, Communications Establishment, Craftsperson Shop, Financial Establishment, Microbrewery, Repair Service, Social Services Establishment.
1 space per 16m²
Medical Clinic
1 space per 10m²
Place of Assembly, Place of Worship
1 space per 8m²
Sit-down restaurant
1 space per 10 persons
Performing Arts Theatre
1 space per room
Hotel

The location of the property, the character of the neighbourhood, the level of transit service, and the need for affordable housing all lend support to a reduction in parking requirements. A reduction however is by no means guaranteed. The process for a Minor Variance will take at minimum three months and a Zoning Amendment will take at least a year.

8. Summary and Conclusion

The property is designated for mixed use development, meaning commercial on the first floor and commercial/residential above. The property is located on a Minor Arterial (Barton Street East) in a Pedestrian Character Area. The City is actively promoting redevelopment of the area with streetscape treatments, improved sidewalks, and on-street parking bays. The property has high transit service. The size of the property presents challenges to development in accordance with the standard zoning.

The absence of parking requirements for several uses and the low requirement for upper level residential allows for the efficient development of the property. Development for other permitted uses will have some challenges. An application for Minor Variances (exceptions to the zoning) can be reasonably supported from a Planning perspective. Inquiry with City planning staff is recommended as a starting point for any project.

Respectfully submitted,

M. Liam Doherty, RPP MCIP CPT
Principal Planner
Doherty Planning & Design

Appendix 1. C5a Zone Provisions

10.5a MIXED USE MEDIUM DENSITY – PEDESTRIAN FOCUS (C5a) ZONE

Explanatory Note: *The C5a Zone is typically located along pedestrian oriented streets where permitted commercial and residential uses create an active and vibrant pedestrian realm. Built form consists of buildings with only commercial uses at-grade and residential, commercial and limited institutional uses on the upper floors to encourage a pedestrian and transit-supportive environment. The range of permitted commercial uses along with their built form, are intended to meet the needs of residents and visitors while creating an inviting pedestrian environment.*

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Mixed Use Medium Density – Pedestrian Focus (C5a) Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

10.5a.1 PERMITTED USES

- Artist Studio
- Beverage Making Establishment
- Catering Service
- Commercial Entertainment
- Commercial Parking Facility
- Commercial Recreation
- Commercial School
- Communications Establishment
- Craftsperson Shop
- Day Nursery
- Dwelling Unit, Mixed Use (By-law No.21-189,
October 13, 2021)
- Financial Establishment
- Hotel
- Laboratory
- Medical Clinic
- Microbrewery
- Office
- Performing Arts Theatre
- Personal Services
- Place of Assembly
- Place of Worship
- Repair Service
- Restaurant
- Retail
- Social Services Establishment
- Urban Farmers Market
- Veterinary Service

10.5a.1.1 RESTRICTED USES

In addition to Section 10.5a.1, the following uses shall be permitted in the accordance with the following restrictions:

i) Uses Permitted on Ground Floor:

1. Notwithstanding 10.5a.1, the following uses shall only be permitted within the ground floor of a building:

Beverage Making Establishment
Catering Service
Commercial Entertainment
Commercial Recreation
Microbrewery

ii) Uses Permitted Above Ground Floor:

1. Notwithstanding 10.5a.1, the following uses, excluding access areas, accessory office and utility areas, shall not be permitted on the ground floor in a building containing more than one non-residential use:

Day Nursery
Place of Worship

2. Notwithstanding Section 10.5a.1, a Dwelling Unit(s), Mixed Use shall only be permitted above the ground floor except for access, accessory office and utility areas. (By-law No. 21-189, October 13, 2021)

iii) Commercial Parking Facility:

1. Notwithstanding Section 10.5a.1, a Commercial Parking Facility, excluding access driveway(s) shall only be permitted if wholly contained within a building and shall not be permitted on the first storey.

10.5a.2 PROHIBITED USES

- i) Notwithstanding Section 10.5a.1, the following uses are prohibited, except if considered only as an accessory use to another permitted use:

- Community Garden
 - Garden Centre
 - Urban Farm

- ii) Notwithstanding Section 10.5a.1, a Drive-Through Facility is prohibited, even as an accessory use.

10.5a.3 REGULATIONS

- a) Maximum Building Setback from a Street Line

- i) 3.0 metres for the first storey, but except where a visibility triangle is required for a driveway setback;

- ii) Notwithstanding Section 10.5a.3a)i), 6.0 metres for that portion of a building providing an access driveway to a parking garage; and,

- iii) Section 10.5a.3a)ii) shall not apply for any portion of a building that exceeds the requirement of Section 10.5a.3 h)ii) and iii).

- b) Minimum Rear Yard

7.5 metres.

- c) Minimum Side Yard

7.5 metres abutting a Residential or Institutional Zone or lot containing a residential use.

- d) Building Height

- i) Minimum 7.5 metre façade height for any portion of a building along a street line;

- ii) Maximum 22.0 metres; and,

- iii) In addition to Section 10.5a.3d)i), and notwithstanding Section 10.5a.3d)ii), any building height above 11.0 metres

may be equivalently increased as the yard increases beyond the minimum yard requirement established in Section 10.5a.3b) and c) when abutting a Residential or Institutional Zone to a maximum of 22.0 metres.

- iv) In addition to the definition of Building Height in Section 3: Definitions, any wholly enclosed or partially enclosed amenity area, or any portion of a building designed to provide access to a rooftop amenity area shall be permitted to project above the uppermost point of the building, subject to the following regulations:
 - A. The total floor area of the wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area does not exceed 10% of the floor area of the storey directly beneath;
 - B. The wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area shall be setback a minimum of 3.0 metres from the exterior walls of the storey directly beneath; and,
 - C. The wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area shall not be greater than 3.0 metres in vertical distance from the uppermost point of the building to the uppermost point of the rooftop enclosure.

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|---|--|
| e) Maximum Gross Floor Area for Office Use | 2,500.0 square metres. |
| f) Maximum Gross Floor Area for Commercial Recreation | 2,500.0 square metres. |
| g) Maximum Gross Floor Area for Microbrewery | 700.0 square metres. |
| h) Built form for New Development | <p>In the case of new buildings constructed after the effective date of this by-law or additions to buildings existing as of the effective date of this by-law:</p> <ul style="list-style-type: none">i) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street.ii) For an interior lot or through lot the minimum width of the ground floor façade facing the front lot line shall be greater than or equal to 75% of the measurement of the front lot front line.iii) For a corner lot the minimum combined width of the ground floor façade facing the front lot line and flankage lot line shall be greater than or equal to 50% of the measurement of all lot lines abutting a street.iv) In addition to Section 10.5a.3h) i) ii) and iii), the minimum width of the ground floor façade facing the front lot line shall exclude access driveways and required yard along a lot line abutting a street.v) No parking, stacking lanes, or aisles shall be located between the required building façade and the front lot line and flankage lot line. |

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- vi) A minimum of one principal entrance shall be provided:
 - 1. within the ground floor façade that is set back closest to a street; and,
 - 2. shall be accessible from the building façade with direct access from the public sidewalk.
 - vii) A walkway shall be permitted in a Planting Strip where required by the By-law.
 - viii) Notwithstanding Section 10.5a.3 , for properties designated under the Ontario Heritage Act, any alternative building design or building materials approved through the issuance of a Heritage Permit shall be deemed to comply with this Section.
 - ix) A minimum of 60% of the area of the ground floor façade facing the street shall be composed of doors and windows.
 - x) The first storey shall have a minimum height of 3.6 metres and a maximum height of 4.5 metres.
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- i) Planting Strip Requirements
Where a property lot line abuts a property lot line within a Residential Zone or an Institutional Zone and not a Laneway, a minimum 1.5 metre wide Planting Strip shall be provided and maintained.
 - j) Visual Barrier Requirement
A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, Downtown (D5) Zone or Downtown (D6) Zone property line in accordance with the requirements of Section 4.19 of this By-law.
 - k) Outdoor Storage
 - i) No outdoor storage of goods, materials,

or equipment shall be permitted; and,

- ii) Notwithstanding Section 10.5a.3i), the display of goods or materials for retail purposes accessory to a Retail use shall only be permitted in a front or flankage yard.

- l) **Minimum Amenity Area for Dwelling Unit, Mixed Use**
(By-law No. 22-084, April 13, 2022)

On a lot containing 10 dwelling units or more, the following Minimum Amenity Area requirements be provided:

- i) An area of 4.0 square metres for each dwelling unit less than or equal to 50 square metres of gross floor area; and,
- ii) An area of 6.0 square metres for each dwelling unit greater than 50 square metres of gross floor area.
- iii) In addition to the definition of Amenity Area in Section 3: Definitions, an Amenity Area located outdoors shall be unobstructed and shall be at or above the surface, and exposed to light and air.

(By-law No. 21-189, October 13, 2021)

10. 5a.4 SINGLE DETACHED AND DUPLEX DWELLINGS LEGALLY EXISTING AT THE DATE OF THE PASSING OF THE BY-LAW (November, 8, 2017)

In addition to Section 4.12f) and in accordance with subsection 34(10) of the Planning Act, R.S.O.,1990, c.P.13, an addition or alteration to a single detached or duplex dwelling not permitted by the by-law but legally existing at the date of the passing of the by-law that increases the volume or size of the interior of the building shall be permitted as follows:

- i) The increase shall not exceed a maximum of 10% of the Gross Floor Area of the building existing at the date of the passing of the by-law;
- ii) Section 10.5a.3.a) and d) i) shall not

		apply; and,
		iii) The existing side yard setbacks are maintained for the addition.
10.5a.5	ACCESSORY BUILDINGS	In accordance with the requirements of Section 4.8 of this By-law.
10.5a.6	PARKING	In accordance with the requirements of Section 5 of this By-law.
10.5a.7	URBAN FARM	In addition to Section 10.5a.2, and the requirements of Section 4.26 of this By-law, an Urban Farm shall only be permitted in the rear yard or on the roof-top of the principle building.
10.5a.8	COMMUNITY GARDEN	In addition to Section 4.27 and 10.5a.2 of this By-law, a Community Garden shall only be permitted in the rear yard or on the roof of the principle building.
10.5a.9	URBAN FARMERS MARKET	In accordance with the requirements of Section 4.28 of this By-law.

(By-law No. 17-240, November 8, 2017)