

# Planning Justification Report

Zoning By-Law Application for Residential Development  
86 John Street, Municipality of Port Hope  
Assessment Roll No. 1423125090043000000  
PIN No.51073-0027



April 2025

CCS Project No. 5115

Prepared for: Asunder Trade & Capital (c/o William M. Laurin)

Prepared by: Clark Consulting Services

## 1. INTRODUCTION

Clark Consulting Services (CCS) has been retained by William Laurin, on behalf of Asunder Trade & Capital, to prepare and submit the planning applications required to permit the development of a new residential building on the western portion of the subject lands, which will eventually be severed to create an additional lot. The proposed development requires an amendment to the Zoning By-Law with respect to height and parking.

The purpose of this Zoning By-law Amendment (ZBA) is to add a site-specific zoning to the subject lands to permit the existing uses (hotel and restaurant) and the proposed use (residential building). While the subject application pertains to the overall site's zoning, it is important to note that following the ZBA, the proposed development will seek a severance to create an additional lot for the proposed residential building. Although a Consent Application would typically be submitted first, it has been agreed by Municipal Staff, CCS, and the client, that a ZBA is the most appropriate first application given the type of zoning amendment requested. In addition to the subject ZBA and forthcoming Consent Application, we acknowledge and understand that a Site Plan and Plan of Condominium Application will be required before any building permits can be issued for the proposed development.

The following report details the zoning permissions being sought for the entire property and its uses, and justification as to how the proposed development maintains the intent and purpose of the applicable planning documents. Following the report, several supporting documents have been provided as attachments, including the Detailed Architectural Drawing Set (*Attachment A*), Pre-consultation Meeting Minutes (*Attachment B*), By-law No. 34/81, Heritage Designation (*Attachment*



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C), the Heritage Impact Assessment (*Attachment D*), a Traffic Impact Brief (*Attachment E*), an Archaeological Site Assessment (*Attachment F*). A Draft Record of Site Condition (RSC) Report has been reviewed by MOE and Cambium are in the process of updating their draft to address the comments received.

We acknowledge and understand that a Heritage Permit will be required given the location within a Heritage Conservation District and the existing building being designated under By-Law No. 34/81. This By-Law has been included as an attachment to this report (see *Attachment C*). It is intended that the Heritage Committee will be responsible for the review of the proposed permit.

## 2. SITE DESCRIPTION

The subject lands are municipally known as 86 John Street and are located on the north-west side of the John at the Augusta Street intersection. The site has a lot area of approximately 0.29 ha with 36.33 m of frontage along John Street. The site currently supports a three-storey building, which was originally constructed as a bank, but was converted to a restaurant and hotel, known as the Carlyle. This building is located in the south-east corner of the property with a parking area to the north and west. It has frontage along John Street and Augusta Street, which includes an attached covered patio along Augusta Street.

The site lands rise gently to the west, with a steeper elevation change at the western end of the existing building, resulting in an elevated area along the western lot line. The western lot line is grassed and treed. The northern portion of the property has a similar grade to the southern portion, with the northern portion of the lot line being used for parking. There is a portion of the property that juts out to the north, directly west of 76 John Street's rear lot line. The eastern and southern lot lines are predominately built up with the existing building and paved entrances, and more grassed and treed area along the south-eastern lot line.

The property is bounded by residential properties to the west (47 Pine Street) and north (76 John Street); John Street to the east; and Augusta Street to the south. There are more residential properties further west; commercial establishments further north; a church, commercial establishments, public parking and a park east of John Street; and a residential dwelling, dental office, and post office south of Augusta Street.

The subject property is located within the John, Ontario, and Queen Street Heritage Conservation District, and is also designated under Part IV and V of the Ontario Heritage Act.

*Figure 1* illustrates the subject property's location.





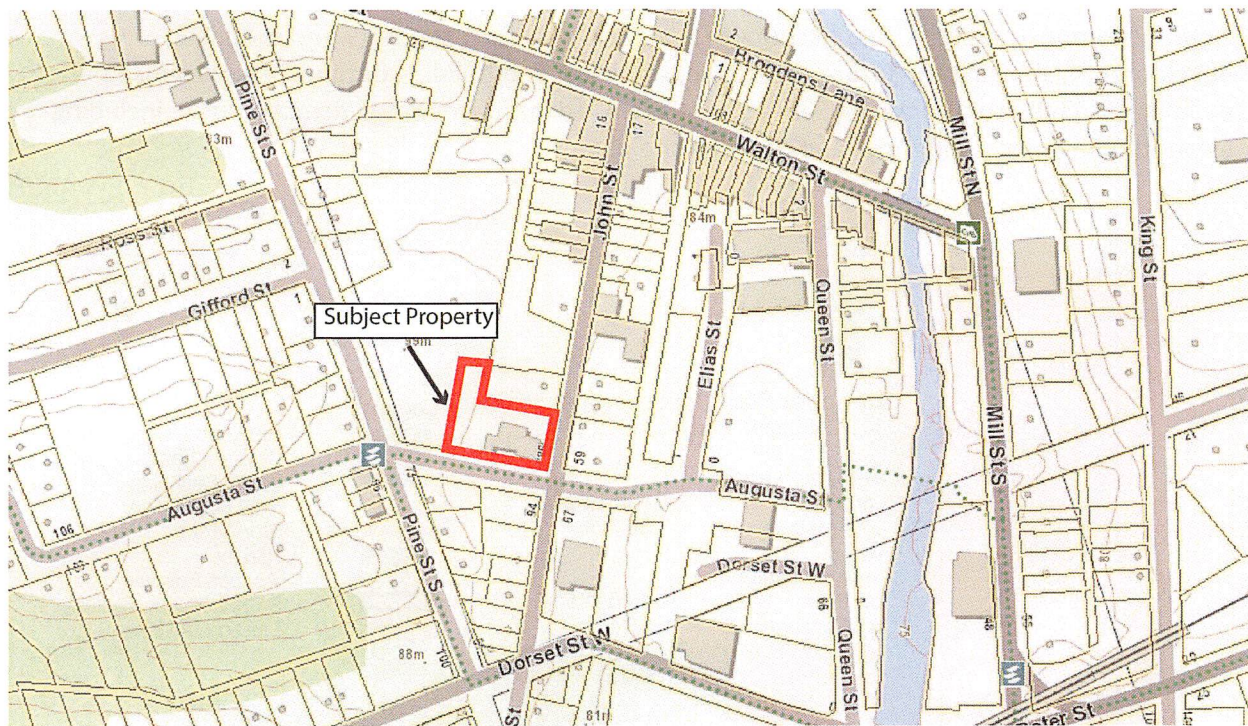


Figure 1 – Location

### 3. PROPOSAL

The proposed development consists of a new residential building with eleven (11) residential units throughout five (5) floors. The proposed building will be located on the western portion of the site, with frontage along Augusta Street (Consent Application to follow the subject ZBA). The existing building will remain unaltered, including its architectural façade and heritage characteristics. The northern portion of the lot will continue to be used for parking; however, the proposed building alters the existing parking area located west of the existing building. New parking will be located in the portion of the site that juts north.

Following the subject ZBA, the proposed development will seek a severance creating an additional lot. The existing Hotel & Restaurant Use will be located on the retained lands and the proposed Residential Apartment Use will be located on the severed lands. The eventual retained lands will have approximately 36.22 m of frontage along John Street and be 1,461.55 m<sup>2</sup> (0.15 ha) in size. The eventual severed lot will have approximately 28.44 m of frontage along Augusta Street and would be 1,451.45 m<sup>2</sup> (0.15 ha) in size.

If the eventual consent is approved, the retained and severed lots would operate predominately separately; however, it is proposed that they would share access and parking through an easement and legal agreement. It is also intended that an easement would be included for a stormwater pipe to cross the hotel lot along its northern boundary.





Figure 2 demonstrates the overall concept plan for the subject property and proposed development, showing the future severance, servicing, and building outlines. The proposed building's Architectural Drawing Set has been included in this report as *Attachment A*, including elevation drawings, renderings and detailed site plan.

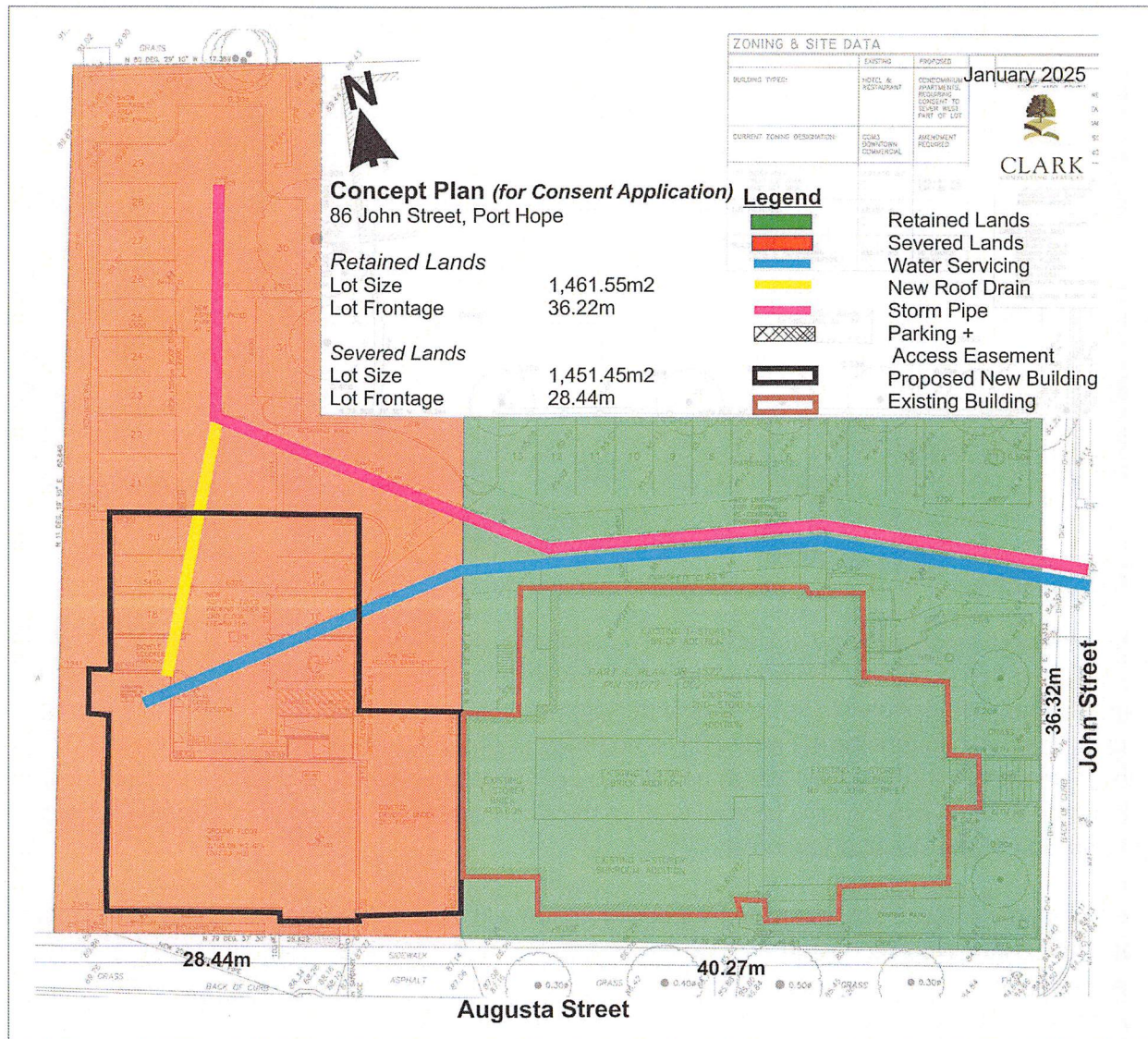


Figure 2 – Concept Plan (Illustrating Future Severance)

### 3.1 Zoning Permissions

#### Parking

According to the Zoning By-Law, the existing Restaurant and Hotel use (*referred to as 'Restaurant' from here*) is required to provide a minimum of 36 parking spaces (*which includes 2 barrier-free*





spaces), and the proposed Residential Apartment use (*referred to as 'Residential Building' from here*) is required to provide a minimum of 9 parking spaces for 11 residential units (*which includes 1 barrier-free parking space*) in the COM3 Zone.

The site currently provides 18 parking spaces, with no designated barrier-free. The proposed development will provide a total of 32 parking spaces, which includes 2 Type-A Barrier-Free and 1 Type-B Barrier-Free spaces. No visitor parking spaces or loading spaces are required for either use within the COM3 Zone.

Although the Restaurant is not being altered, and is currently existing with a non-compliant amount of parking as per today's parking requirements, the proposed development alters the amount of parking that would be provided on the eventual retained lands for the existing use. This subsequently negates the Restaurant's legal non-complying status with respect to parking and requires a ZBA.

The Residential Building (*eventual severed lands*) will provide 19 parking spaces (*11 being reserved for the residential units, with 1 as a Type-A Barrier-Free*). The Hotel (*eventual retained lands*) will provide 13 parking spaces (1 Type-A Barrier-Free and 1 Type-B Barrier-Free). The 8 surplus residential parking spaces can be used by the Hotel, once an appropriate parking agreement is in place, resulting in 3 additional parking spaces above the 18 that currently exist for the Hotel. Furthermore, the proposed parking provides 3 barrier-free parking spaces for the entire property, where none currently exist.

#### Height

The Residential Building is permitted to have a maximum linear height of 14 m; however, 17.73 m is being proposed (*from grade*). The 17.73 m would be distributed throughout 5 floors, 2 of which are stepped back 3.65 m each. The height of the first three floors is approximately 2.79 m each and the fourth and fifth floors are approximately 3.23 m each. The Zoning By-Law only limits the maximum permitted linear height, not the number of storeys.

#### Lot Frontage

The Residential Building will be located on a lot (*eventual severed lands*) with a frontage of 28.44 m, whereas 30 m is the minimum required amount for the COM3 zone. As such, a Zoning Amendment will be required to permit a Residential Apartment use with a reduced lot frontage/width.

#### **Amendments to the COM3 Zone Required:**

1. To permit 13 parking spaces for the Hotel and Restaurant use, whereas a minimum of 36 are required;
2. To permit a building height of 17.73 m for the Residential Apartment instead of the maximum permitted 14 m;
3. To permit a lot frontage of 28.44 m for the Residential Apartment Use, whereas a minimum of



30 m is required.

#### 4. PRE-CONSULTATION

A Pre-consultation Meeting was held with the Municipality's Development Review Team on April 29<sup>th</sup>, 2024, via Zoom. This meeting included the Planning Division, Building and Fire Services, Works and Engineering, as well as Northumberland County Planning.

The Pre-consultation Meeting Minutes have been included as *Attachment B*.

#### 5. REVIEW OF PLANNING DOCUMENTS

##### 5.1 Provincial Planning Statement (2024)

The Provincial Planning Statement (PPS) came into effect October 20, 2024. The PPS provides policy to encourage efficient development patterns that optimize the use of land, resources and public investment while promoting a mix of housing, employment, recreation/parkland and transportation options to foster livable healthy communities that are economically and environmentally sound.

Section 2.3 directs policy for Settlement Areas, which includes urban areas. Subsection 2.3.1 Item 1 states that, settlement areas shall be the focus of growth and development.

Section 2.4 Item 3 directs Planning Authorities to permit development and intensification in strategic growth areas to support the achievement of complete communities and a compact built form.

Section 4.6 directs policy for Cultural Heritage and Archaeology. Item 3 states that, "*Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property unless the heritage attributes of the protected heritage property will be conserved.*"

The purpose of this ZBA is to provide specific regulations related to the proposed Residential Apartment building, namely its height, and to recognize the proposed parking arrangement to provide parking for the existing Hotel and Restaurant building. The design and placement of the proposed residential building has taken the existing building's heritage characteristics into consideration by using similar design techniques and facades, and incorporating stepbacks to help maintain streetscape compatibility.

***It is our opinion that the proposed development and subject ZBA is consistent with the Provincial Planning Statement.***





## *5.2 Growth Plan of the Greater Golden Horseshoe (2020)*

The subject lands are within the Growth Plan Area and are subject to its policies. The Growth Plan for the Greater Golden Horseshoe, 2020 was prepared and approved under the Places to Grow Act, 2005 and the latest amended version took effect in August, 2020. The Growth Plan provides a framework for implementing the Government of Ontario's vision for building stronger, prosperous communities by managing growth in the region. The Plan guides decisions on a wide range of issues including transportation, infrastructure planning, land use planning, urban form, housing, natural heritage and resource protection.

Section 2.2 directs policy for Where and How to Grow. It states that the majority of growth will be directed to the settlement areas, with a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities, and more compact forms of development.

Section 2.2.1 4 directs the achievement of complete communities through having a diverse mix of land uses, convenient access, and a more compact built form.

Section 4 outlines 'Protecting What is Valuable', including cultural heritage resources. It discusses how accommodating growth can put pressure on cultural heritage resources and the importance in protecting and maximizing these resources when development and site alteration is proposed. Subsection 2.7 outlines policy for Cultural Heritage Resources, stating that, "*cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas.*"

***The proposed development utilizes vacant land without compromising the compatibility of the surrounding area or the heritage attributes of the existing building. The proposed residential building provides additional housing in the downtown area, in a compact form, with easy access to the downtown amenities.***

***It is our opinion that the proposed development and subject ZBA is consistent with the policy contained in the Growth Plan.***

## *5.3 County of Northumberland Official Plan (2016)*

The Northumberland County Official Plan (NOP) 2016 designates Port Hope and the subject lands as an Urban Area on Schedule 'A'.

Section B1 Identifies Urban Areas and New Settlement Areas as the focus for growth. Section B2 directs that 80% of the expected growth is to occur in the Urban Areas. The minimum Greenfield Density Target for Port Hope is 35 residents per hectare.



Although the subject ZBA is for the entire site, following this application, the proposed development will seek a severance to create a new lot for the proposed residential building. Using the lot size of the eventual severed lands (0.145 ha) and the number of proposed units (11), the proposed Residential Apartment use would provide a density of 75 dwelling units per net hectare. Using 2 persons per unit, this would provide 150 residents/ha. The Restaurant would continue to provide employment in the hotel and restaurant. This would comply with the intensification target of 50% of the growth in Port Hope, which is to be accommodated through intensification in accordance with Section B9.

Section C1.5 outlines Housing Policies. Subsection C1.5.2 indicates that the County supports *“residential intensification and redevelopment within urban areas and rural settlement areas, where an appropriate level of infrastructure and public service facilities are or will be available in the immediate future and subject to the policies of this Plan.”*

Subsection C1.7 directs policy for Housing in the Downtown Areas. It states that, *“the scale and location of new development in the downtown or main street areas identified in the local Official Plan should maintain and/or enhance the existing character of these areas. This will be accomplished by encouraging:*

- a) The development of diverse, compatible land uses in close proximity of each other;*
- b) The maximum use of existing buildings to accommodate a wide range of compatible uses, with an emphasis on using upper level space for offices, residential uses and other uses;*
- c) The establishment and maintenance of a streetscape that is pedestrian oriented;*
- d) The preservation and enhancement of the cultural heritage resources that exist in these areas.*
- e) Partnerships and collaboration between local municipalities and service delivery groups such as Business Improvement Areas, Business Associations, Chambers of Commerce and/or municipal heritage committees; and*
- f) The physical and aesthetic improvement of these areas through their designation as Community Improvement Plan areas.”*

Section 3 outlines policy for Cultural Heritage Resources. This section expresses its objectives as conserving heritage buildings and cultural heritage landscapes. Section D3.5 outlines policy for the implementation of Cultural Heritage Resources, stating that:

- a) “Significant built heritage resources and significant cultural heritage landscapes shall be conserved,*
- b) 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;*
- c) The County will require a heritage impact assessment to be conducted by a qualified professional whenever a development has the potential to affect a cultural heritage resource,*





- whether it is located on the same property or on adjacent lands;*
- d) A heritage impact assessment should outline the context of the proposal, any potential impacts the proposal may have on the heritage resource, and any mitigative measures required to avoid or lessen negative impact on the heritage resource;*
  - e) Local municipalities are encouraged to establish Municipal Heritage Committees pursuant to the Ontario Heritage Act;*
  - f) Local municipalities are encouraged to support the use of Community Improvement Plans under the Planning Act to conserve cultural heritage resources; and*
  - g) 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 design of the proposed residential building took the surrounding area and its compatibility into consideration by stepping back the fourth and fifth storeys and using similar design techniques and cladding as development in the surrounding area. A Heritage Impact Assessment has been completed for the proposed development. The results are discussed in further detail in Section 6 of this Report. An Archaeological Assessment (Attachment F) has also been completed, which found nothing on the site.***

***It is my opinion that the proposed development and requested ZBA is consistent with the policies contained in the County Official Plan.***

#### *5.4 Municipality of Port Hope Official Plan (2014)*

The subject lands are designated as Central Commercial and are within the John, Ontario and Queen Heritage Conservation District, as per Schedule C-1 of the local Official Plan (*Figure 3*). This schedule also shows the sloped area being identified as a Physical Constraint Area.



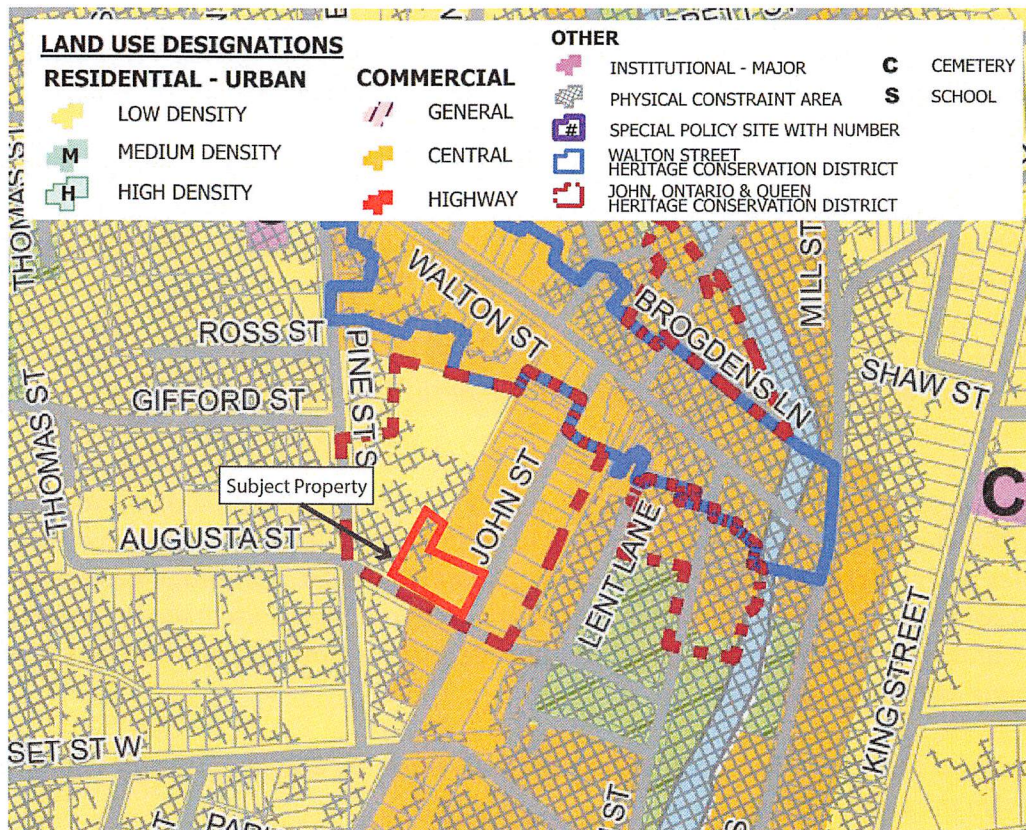


Figure 3 – Port Hope Official Plan, Schedule C-1, Land Use – Urban Area Detail

The Municipal Intensification Policies in Section B12.4 include permitting limited intensification in the Heritage Conservation Districts. This section directs strategies for the Municipality to achieve the intensification target, which includes limiting intensification in the Heritage Conservation Districts subject to the policies contained within the Heritage District Conservation District Plans.

Schedule A-1 designates the subject lands as being within the Major Intensification Area (*Figure 4*). This subsection notes that Major Intensification Areas may see additional density and height permissions, reductions to parking requirements, reduction to Development Charges, and a minimum 3-storey building height. However, subsection 12.4.1 specifies that Heritage Conservation Districts are excluded from this. Subsection B12.6 discusses Heritage Conservation Districts, stating that these areas are subject to the Heritage Conservation District Guidelines.





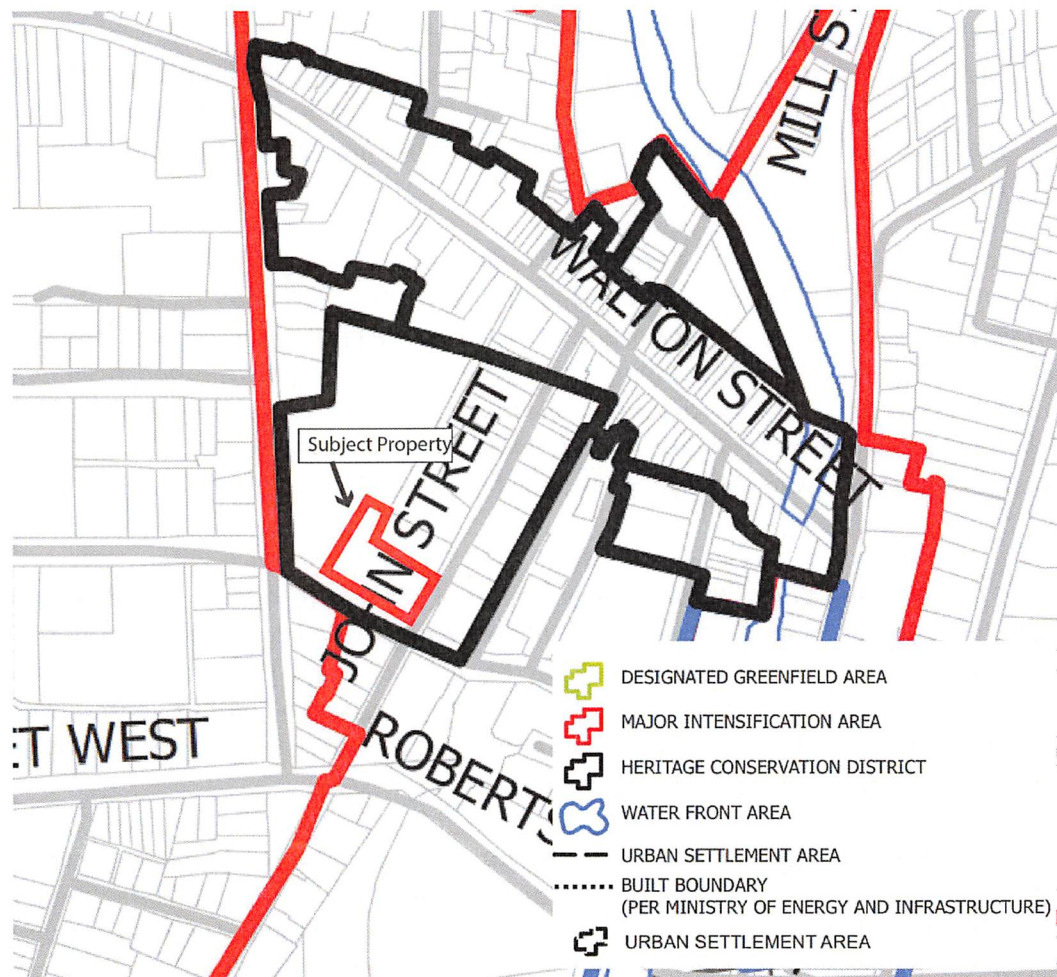


Figure 4 – Port Hope Official Plan – Schedule A-1 – Major Intensification Areas

Section C9 provides policy for Social and Housing. Subsection C9.1.2.3 discusses Housing Intensification, which states that intensification of residential development helps minimize the need to expand the Urban Area, and that the following shall be the policy of Council:

- a) *Housing shall, in part, be provided through residential intensification, which shall include but not be limited to any of the following:*
  - ii. *infilling development and residential development of vacant land or underutilized land in existing neighbourhoods;*
- b) *The Municipality shall consider applications for infill development, intensification and redevelopment of sites and buildings through intensification based on the following criteria:*
  - i. *the development proposal is within the Urban Area;*
  - ii. *the existing water and sanitary sewer services can accommodate the additional development;*



- iii. *the road network can accommodate the traffic generated;*
- iv. *the height and density of development is appropriate and compatible with the scale of adjacent development, and the character of the neighbourhood; and,*
- v. *the development proposal will not have a negative impact on cultural heritage resources or natural heritage features in the area.*

Section C11 outlines policy regarding Community Character, which specifically discusses Cultural and Heritage Conservation. The intent of these policies is to, *“foster thoughtful and informed regard for the original context and intent of the Municipality’s cultural heritage resources.”* The section continues by stating, *“All new development permitted by the land use policies and designations of this Plan shall have regard for Cultural Heritage Resources and shall, wherever possible, incorporate these resources into any new development plans. In addition, all new development shall be planned in a manner that preserves and enhances the context in which Cultural Heritage Resources are situated.”*

Subsection C11.2.3 outlines policies for managing cultural heritage resources, including limiting demolition, destruction or inappropriate alteration, encouraging development adjacent to resources to be of an appropriate scale and character, and requiring a Cultural Heritage Impact Assessment. This section also notes that, *“Council shall have regard to Cultural Heritage Resources, especially for the character of the landscapes, streetscapes, tree lines, bridges and prevailing pattern of settlement in considering development proposals.”*

Section 11.3 outlines policy for Community Design with a, *“belief that the Municipality of Port Hope’s identity and community pride shall be further improved through high quality developments that are integrated with the surrounding community.”* Schedule E includes Heritage Conservation Districts as a community character area. Subsection C11.3.2 states that, the purpose of Community Design is to promote and ensure the design of buildings and spaces are functional for all people of all ages.

Subsection C11.3.5 directs policy for the Integration of Built Form. It states that, *“Council shall ensure that the design of new development:*

- a) Is complementary to adjacent development in terms of its overall massing, orientation and setback;*
- b) Provides links with pedestrian, cycling and road networks;*
- c) Extends the existing road pattern and character to enhance orientation and integrate newly developing areas of the Municipality of Port Hope; and*
- d) Maintains and enhances valued cultural and heritage resources and natural features and functions.*

This subsection also directs that Council shall, *“require new development to support continuous*





*building facades in the downtown” and “encourage building facades to be visually interesting through extensive use of street level entrances and windows. Functions that do not directly serve the public, such as loading bays and blank walls, should not be located directly facing the street.”*

*Subsection C13.6, “Parking standards, including facilities for physically challenged persons, shall be established for all land uses in the implementing Zoning By-law and adequate off-street parking shall be provided for new development or redevelopment in accordance with these standards.”*

*It includes, “Council shall ensure that the retrofitting of buildings with barrier-free features is not detrimental to the architectural, historical or aesthetic value of cultural and heritage resources and buildings.”*

Section D3.1 outlines policy for the Central Commercial area, which includes the Heritage Conservation District. This designation is a, *“separate commercial category to identify the business district of the Municipality as a unique historic center to be maintained and enhanced in a manner consistent with the functional and architectural qualities exhibited today.”*

Subsection D3.1.2 lists the permitted uses, which includes a mix of commercial and residential uses. It also specifies, *“the benefit of and opportunity for housing in the Central Commercial area, Council may pass by-laws to allow residential only buildings provided that the residential uses shall not interfere with or impair the linear pedestrian commercial activities at-grade.”*

Subsection D1.3.1 discusses that areas peripheral to the main shopping streets will be, *“encouraged and permitted to provide for residential units only, as provided in this section of this Plan.”*

#### *5.4.1 John, Ontario and Queen Street Heritage Conservation District Plan*

The John, Ontario and Queen Street Heritage Conservation District Plan (JOQSHCD) was approved and finalized in January 2008, after the Town sought to expand the Walton Street Heritage Conservation District to include John, Ontario and Queen Street. The JOQSHCD is written in accordance with the requirements of the Ontario Heritage Act following the adoption of Bill 60 in 2005. These Guidelines include direction for existing buildings and landscapes, as well as additions, alterations, and new development within the District boundaries.

As previously mentioned in this Report, the subject property is included in the Heritage Inventory as the existing building (*known as the Carlyle*) is designated under Part IV and V of the Ontario Heritage Act.





Figure 5 – JOQSHCD Boundary

It is important to note that Section 5 (*Inventory*) only advises on the design elements of the building, not the overall property or its landscaping. Section 6 outlines the actual guidelines, which focus on existing buildings and considerations for alterations, but it also provides direction for new development within the District. This includes:





- a) *No new building shall be less than two storeys nor more than four storeys in height as represented generally by historic structures except block 33 (O'Neill's Opera House);*
- b) *New buildings adjacent to surviving historic structures shall not be more than one storey different in height from their neighbours;*
- c) *Frontal materials shall be brick, preferably a sand-struck stock variety, reds and buff ("white") being accepted or combinations of the two in formalized decorative or design effects compatible with existing buildings;*
- d) *Fenestration shall be of the punched opening or framed type arranged in horizontal rows corresponding with storeys and aligned vertically, recessed devices serving as substitutes for real windows to be considered;*
- e) *Where practicable horizontal details such as shopfront cornices, parapets and band courses shall be aligned with or be between those of adjoining existing buildings;*
- f) *Openings shall respect the vertical rectangular proportion common to the street.*

***Justification for the proposed development against the local Official Plan, Design Guidelines, and local Zoning By-law will be detailed in Section 7 of this Report.***

***It is our opinion that the proposed development and the subject ZBA is consistent with the local Official Plan, and maintains the intent and purpose of its policies and objectives.***

#### *5.5 Municipality of Port Hope By-Law No. 34/81 – Heritage Designation*

The subject property is located within the John, Ontario, and Queen Street Heritage Conservation District and is also designated under Part IV and V of the Ontario Heritage Act. By-Law No. 34/81 states that the subject property, particularly the building, has historical and architectural significance with respect to heritage conservation. A copy of this By-Law has been attached to this report as *Attachment C*.

As previously mentioned, the proposed development entails no changes to the existing building's use, façade, or heritage characteristics. The building will remain as it currently exists. It is our opinion that the proposed development not only maintains the intent of By-Law No. 34/81, but also enhances the overall property. A detailed Heritage Impact assessment has been included as *Attachment C*, which is summarized in section 6 of this Report.

#### *5.6 Municipality of Port Hope Zoning By-law 20/2010*

The subject lands are zoned Downtown Commercial (COM3) as illustrated on *Figure 6*. The intent of this Zoning By-Law Amendment Application is to maintain the subject property's existing base zone (COM3) with a specific zone provision to recognize zoning non-compliances.



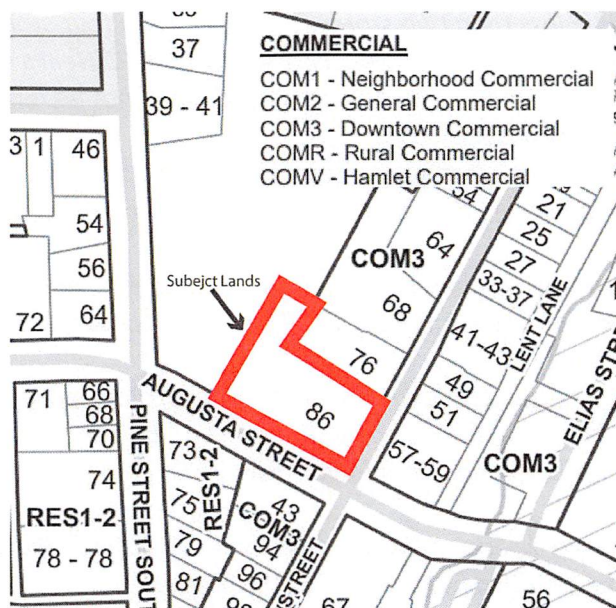


Figure 6 – Municipality of Port Hope Zoning By-law 20/2010 Excerpt A-5

Subsection 4.11 outlines provisions for Height Exceptions. It states that, *“The height requirements of this By-law shall not apply to:*

- b) Any mechanical features, such as structures containing a mechanical penthouse or the equipment necessary to control an elevator provided that such equipment does not project more than 5.0 metres above the highest point of the roof and does not occupy greater than 50% of the area of the roof.”*

Section 4.33 directs provisions for Sight Triangles. It states that, *“The provisions of this Section shall not apply to any lot located in the Downtown Commercial (COM3) Zone or where this By-law does not require any front or exterior side yard.”*

Section 5 contains the Parking Provisions. Subsection 5.2.2.2 directs that, *“parking requirements for more than one use on a single lot or for a building containing more than one use, shall be the sum total of the parking requirements for each of the component uses, unless noted otherwise.”*

Section 5.2.3.2 states that, *“Where principal access to a parking space is located on its longest side, such parking space shall have a minimum width of 2.75 metres and a minimum length of 6.9 metres.”*

Section 5.2.4.1 directs that, *“all parking spaces shall be located on the same lot as the use that requires the parking.”* However, Section 5.2.4.2 states, *“notwithstanding Section 5.2.1 above, required parking spaces for any use within the Downtown Commercial (COM3) zone are permitted to be located on another lot within 300.0 metres of the lot on which parking would be required for a use, provided that:*





- a) *An agreement with the Municipality is registered against title of both such registered lots binding and requiring the owner(s) thereof to maintain such parking spaces for the duration of the building, structure or use for which they are required; and,*
- b) *The off-site parking is located on a lot held under the same ownership and is in the same zone as the subject lot; or*
- c) *The principal use is a permitted use on both lots; or*
- d) *The lot on which the parking is being provided is located in a zone that permits a parking lot.”*

The proposal for the shared parking arrangement would comply with items a) and b) or c).

Table 5.2 outlines the non-residential parking requirements. The parking requirements have been calculated as follows:

DESCRIPTION OF USE	ZONE STANDARD	REQUIRED	EXISTING	PROPOSED	COMPLIANCE
<b>Retained</b>					
Hotel	Hotel: 1/room	10 (10 rooms)	18	Standard: 10 Compact: 1 <b>(1)</b>	Complies
Restaurant	Restaurant: 1/9.3 sq.m NFA	26	18	Standard: 10 Compact: 1	Non-Compliant
Barrier Free	4% of Total Number of Parking Spaces <b>(2)</b>	2 (36 x 0.04 = 1.04 [1 Type A / 1 Type B])	--	1 Type A; 1 Type-B	Complies
<b>Total Spaces</b>	--	<b>36</b>	<b>18</b>	<b>Standard: 10 Compact: 1 BF: 1 Type-A, 1 Type-B Total: 13</b>	<b>Non-Compliant</b>
<b>Severed</b>					
Residential Units	0.75 / unit (11 units) <b>(3)</b>	9 (8.25)	--	Standard: 17 Compact: 1	Complies
Barrier Free	4% of Total Number of Parking Spaces	1 (9x0.04 = 0.36 = 1 Type A)	--	1 Type A	Complies
<b>Total Spaces</b>	--	<b>9</b>	--	<b>Standard: 17 Compact: 1 BF: 1 Type A Total: 19</b>	<b>Complies</b>
<b>Total Parking Spaces for Both Lots</b>					
--	--	<b>44</b>	<b>18</b>	<b>Standard: 26 Compact: 4 BF: 2 Type A/1 Type B Total: 32</b>	<b>Non-compliant</b>

- (1) Section 5.2.3.4 states that, “where 10 or more parking spaces are required on a lot, the minimum rectangular dimensions required for not more than 10% of such parking spaces shall be a width of 2.5m and length of 5.5m, provided that such parking space is clearly identified as being reserved for the parking of small cars only.”



- (2) Section 5.4 states that Barrier-Free Parking Spaces shall be provided in accordance with Ontario Regulations 191/11 and 413/12, as amended.

Section 80.32 of the Ontario Integrated Accessibility Standards (O.Reg. 191/11) (OIAS) directs policy for Accessible Parking.

Section 80.34 of the OIAS directs that a Type-A barrier-free parking space shall have a minimum width of 3,400mm with a 1,500mm wide access aisle, and a Type B barrier-free parking space shall have a minimum width of 2,400mm.

Section 80.36 states:

1. *“One parking space for the use of persons with disabilities, which meets the requirements of a Type-A parking space, where there are 12 parking spaces or fewer.”*
2. *“Four percent of the total number of parking spaces for the use of persons with disabilities, where there are between 13 and 100 parking spaces in accordance with the following ratio, rounding up to the nearest whole number:*
  - i. *Where an even number of parking spaces for the use of persons with disabilities are provided in accordance with the requirements of this paragraph, an equal number of parking spaces that meet the requirements of a Type A parking space and a Type B parking space must be provided.*
  - ii. *Where an odd number of parking spaces for the use of persons with disabilities are provided in accordance with the requirements of this paragraph, the number of parking spaces must be divided equally between parking spaces that meet the requirements of a Type A parking space and a Type B parking space, but the additional parking space, the odd-numbered space, may be a Type B parking space.*

- (3) Table 5.5 provides the Residential Parking Requirements for apartment buildings. This table indicates that 1 parking space per unit, plus 0.25 per unit dedicated for visitor parking, is required; however, this regulation is reduced to 0.75 spaces per unit with no visitor parking requirement within the COM3 Zone.

Part 7 of the Zoning By-law provides the zone provisions for the Commercial Zones. Table 7.1 lists the permitted uses in the COM3 Zone. These uses include:

- Apartment Dwelling
- Accessory Dwelling (in accordance with Section 4.2.2)
- Hotel
- Restaurant.





An apartment building is defined as, “A dwelling unit in a building containing five or more dwelling units that share a common access to the outdoors through a common entrance and/or a common corridor system.”

Table 7.2 provides the Zone Standards for the COM3 Zone, which is outlined in the following table:

PROVISION	REQ.	EXISTING	PROPOSED	COMPLIANCE
Lot Area	n/a	2,913 sq.m	Retained: 1,461.55 sq.m Severed: 1,451.55 sq.m	Retained: Not Applicable Severed: Not Applicable
Lot Frontage	30.0 m	36.33 m	Retained: 36.33m Severed: 28.44m	Retained: Complies Severed: Non-compliant
Front Yard	n/a	4.287 m	Retained: No change (East) Severed: 1.034m	Retained: Not Applicable Severed: Not Applicable
Exterior Side Yard	n/a	1.341 m	Retained: No change (south) Severed: N/A	Retained: Complies Severed: Not Applicable
Interior Side Yard	4.5 m*	11.890 m	Retained: No change (North) Severed: Not Applicable***	Retained: Complies Severed: Complies
Rear Yard	n/a	28.164m	Retained: 0m (West) Severed: 6.789m (North)	Retained: Not Applicable Severed: Not Applicable
Height	14.0 m**	13.06	Retained: No change Severed: 17.73	Retained: Complies Severed: Non-compliant
Lot Coverage	n/a	22.51%	Retained: 44.84% (655.42 sq.m) Severed: 41.2% (598.48 sq.m)	Retained: Complies Severed: Complies

\*Where there are dwelling units with openings to habitable rooms facing the interior side lot line should be 4.5 m. The severed lot will have 2 interior side yards, the west side yard has openings closer than 4.5 m. This will require an amendment to allow openings facing the shorter interior side lot line.

\*\*Minimum building height should be 7.5m

\*\*\* There are no openings facing the interior side lot line.

***As mentioned in Section 3 of this report, this ZBA is intended to amend the specific zoning for the subject lands as a result of the proposed development. The proposed residential building exceeds the maximum permitted linear height; the existing hotel and restaurant use does not comply with the minimum required amount of parking; and the eventual severed lands does not comply with the minimum required lot frontage. Justification to amend the Zoning By-Law to permit these incompliances are discussed in Section 6 of this report.***

## 6. JUSTIFICATION

All of the existing and proposed uses are permitted within the COM3 Zone; however, there are a couple non-compliances with respect to parking, height and lot frontage.

### Height

The proposed residential building exceeds the maximum permitted linear height of 14m. The proposed height is 17.73m. There is no maximum permitted amount of storeys. The intent of this regulation is to prevent new development from posing negative impacts associated with its bulk and massing with respect to existing development, and to maintain the established character and



streetscape compatibility. This is particularly important as the subject lands are within a Community Character Area and Heritage District.

The fourth and fifth floors have balconies that step back 3.7m from the building's front wall. This results in the fourth floor being stepped back 3.7m and the fifth floor being stepped back 7.3m from the building's front wall. The existing restaurant's one-storey covered patio (*i.e. western portion of the existing building*) will remain, which adds a break between the two buildings to reduce impacts of massing. Furthermore, the proposed residential building uses similar design features (*i.e., colour, cladding, ornamental features, and form*) as the existing restaurant and hotel building. All of these design features have been intentionally included to help maintain a similar streetscape experience with respect to massing and scale, while also promoting compatibility with existing development in the surrounding area and overall heritage landscape.

Potential impacts regarding the Residential Building's massing were taken into consideration with its orientation and positioning in relation to existing development in the surrounding area. The table below outlines the immediately surrounding uses and the setbacks to each of their nearest walls.

Address	Direction from Proposed Building	Land Use	Distance between nearest wall of existing building and proposed building (Approximate)	Yard Intersection
76 John Street	North-east	Residential	44m	Rear
47 Pine Street	North-west	Residential	58m	Exterior Side and Rear*
64 Augusta Street	West	Residential	61m	Front*
66 Pine Street	South-west	Residential	53m	Front
73 Pine Street	South	Residential	29m	Rear
43 Augusta Street	South-east	Dental Office	49m	Rear

The "yard intersection" column is intended to demonstrate which yard of the adjacent property faces the Residential Building. The asterisks beside 47 Pine Street and 64 Pine Street were included to note that while these properties are technically within the sightline of the Residential Building, the existing tree coverage throughout 47 Pine Street's exterior side and rear yards is not impacted. This existing dense tree coverage provides a buffer between properties to the north-west and 47 Pine Street.

The Residential Building does not overlook any habitable spaces. The proposed building does not directly interface with 76 John Street, and is rather positioned on an angle, mitigating any direct sightlines and massing impacts from directly abutting solid walls. The proposed building does have a direct sightline with 73 Pine Street's rear yard, however, there is approximately 23m between the proposed building's front wall and the rear yard. Furthermore, stepping back the fourth and fifth storeys by 3.7m and 7.3m helps mitigate any potential overlook from the additional height, as well as massing and bulk, particularly from the streetscape. It is important to note that the linear height





for the first three stories is permitted. Any impact from those three storeys would be permitted as of right (*pending all other zoning compliances*). It is any potential impact from the additional height that must be mitigated.

The figures below show the view from each of these adjacent properties to where the proposed building will be located, or the view from the proposed building's location to the surrounding area.



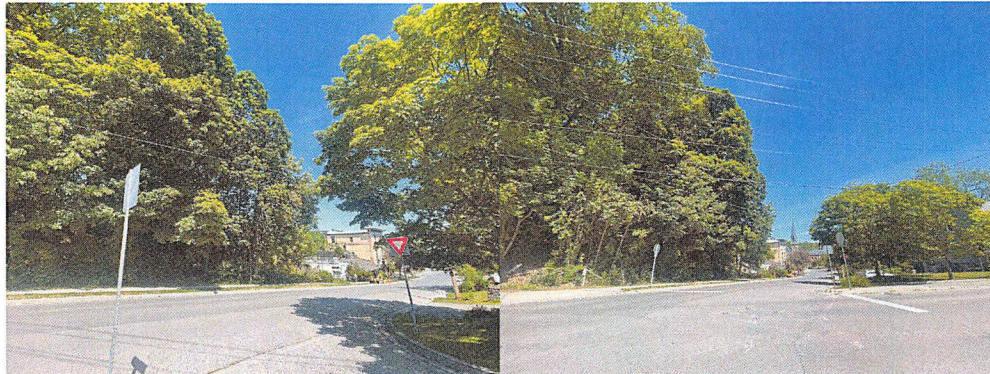
*(North view from proposed building) (View of proposed building from North)*



*Showing the subject property's west lot line and dense vegetative buffer*







*(Northeast view of proposed building – from Pine Street)*



*(South view from proposed building location)*

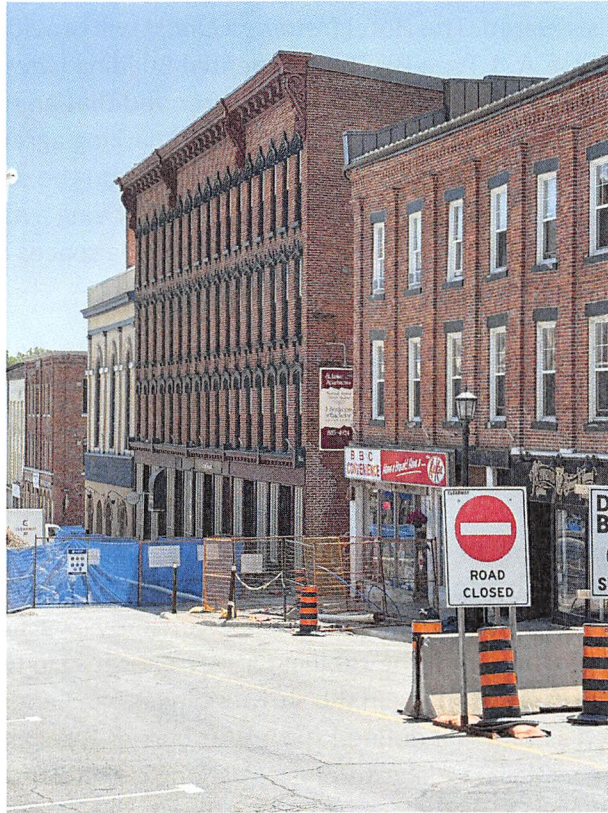
*(West view from south Augusta Street)*

While the subject property is located within the JOQSHCD, it should be noted that this is the most southern edge. It is still important to consider the proposed development's compatibility with the surrounding area and heritage landscape, but it is also important to recognize that properties south of the property are not within a Heritage District.

While height is not a common attribute throughout Port Hope, it is not uncommon to the downtown area. Directly east of the subject property (57 John Street) is a church site. Recognizing a church is a very different built form with much less massing and bulk in the upper portions, it is nonetheless a building on the taller side. Further north, along Walton Street, there are several buildings with similar heights to the Residential Building. While these buildings are only four storeys, their design does not de-emphasize the upper-level massing as proposed for the Residential Building. The majority of the four-storey buildings along Walton Street are cube-shaped with no step backs and include decorative features that emphasize the upper portions. The figure below illustrates one of the aforementioned buildings along Walton Street. This building has a height of 16.92m, which is only 0.81m less than the Residential Building being proposed. As previously mentioned, the Residential Building has the fourth and fifth floor stepping back to reduce the impact at street-level.







The Residential Building's additional height is not anticipated to pose any negative impacts regarding excessive wind or shadowing considering the large setbacks between any adjacent buildings and properties' usable space.

***Given the above, it is our opinion that the proposed linear height for the residential building maintains the intent and purpose of the Zoning By-Law.***

#### Parking

The existing Hotel and Restaurant use requires 36 parking spaces, which includes 2 barrier-free parking spaces (1 Type-A, 1 Type-B). The site currently supports 18 parking spaces, none of which are specifically designated as barrier-free. This means the site is currently deficient by 18 parking spaces for the existing uses. The proposed use (Residential Apartment with 11 units) requires 9 parking spaces, which includes 1 barrier-free (Type-A). This means a total of 45 parking spaces (which includes 3 barrier-free) are required for both the existing and proposed uses. The overall development results in a total of 32 parking spaces, 3 of which are barrier-free (2 Type-A, 1 Type-B). This means that the proposed development is deficient by 13 parking spaces for the existing and proposed uses.

Although this ZBA is for the entire property, it is important to note how the parking will be



distributed once the site is severed. The Hotel (*retained lands*) will provide 13 parking spaces, 2 of which are barrier-free (1 Type-A, 1 Type-B). The Residential Building (*severed lands*) will provide 19 parking spaces, 1 of which is barrier-free (Type-A). It is intended that an easement will be placed over the parking areas and site entrances to create a shared parking agreement between the hotel and restaurant use and residential use. 11 of the parking spaces on the severed lands will be reserved for the residential building (11 units), with the other 8 being available for the Hotel. Between the retained and severed lands, there will be 21 parking spaces available for the retained lands' users.

Although the Hotel is legally existing with a deficient amount of parking as per today's zoning standards, and is not changing, a ZBA is required because the amount of parking actually being provided within the retained lands is changing as a result of the proposed development, and therefore would no longer be considered legal non-complying.

It is recognized that 21 spaces are 15 less than the minimum amount of parking required for the Hotel (36); however, it should be also recognized that the use is not changing, altering, or expanding as a result of the proposed development, and currently exists with 18 parking spaces with no known problems. Furthermore, the subject lands are located in the downtown commercial area, with ample street and public parking in the surrounding area. 3 additional parking spaces than is currently existing, as well as clearly 2 defined spaces for barrier-free parking, will be provided for the Hotel across the entire subject lands. A surplus of parking is being provided for the proposed residential building (9 required, 11 being provided), which in turn benefits the Hotel.

A Traffic Brief and Parking Assessment was completed by Asurza Engineers and has been included in this report as *Attachment E*. This assessment reviewed the feasibility of the proposed shared parking arrangement as well as an overview of the traffic generation for the proposed development. This was done to understand if any impacts to the current traffic on the adjacent roads or intersection would occur as a result of the proposed development and additional residential units. Asurza Engineers stated, "*it is clear that these trips will be very minimal in their effects on the adjacent roadway.*" A video-based parking survey was done on July 5 and 6, 2024 (a Friday and Saturday), and July 11 and 12, 2024 (a Thursday and Friday). The first assessment showed that 11 residential units would generate four (4) new trips during a typical weekday afternoon peak hour. This study showed that the subject property and Hotel held a maximum of 10 cars during its peak time. To be conservative in their assessment, Asurza added 20% to this peak, totaling 12 cars. When considering the total required amount of parking for the proposed 11 residential units (*9 required parking spaces*), 21 spaces are proposed. This will provide an additional 12 spaces which are proposed to be shared with the existing Hotel and Restaurant. A total of 32 parking spaces are being proposed for the combined development to be shared by means of an agreement between the two properties.

***Given the above, it is our opinion that the proposed amount of shared parking for the proposed***





***residential buildings and the hotel and restaurant maintains the intent and purpose of the Town's Zoning By-Law and overall objectives of the local Official Plan.***

#### Lot Frontage

Provided the subject ZBA and eventual Consent are approved, the Residential Building will be located on a lot that has a frontage of 28.44m, whereas 30m is the minimum required for the COM3 zone. The intent of this regulation is to provide orderly development while supporting development with appropriate setbacks and spacing.

The eventual severed lands' frontage along Augusta Street is deficient by 1.56m; however, the Residential Building and Hotel continue to comply with all required setbacks. Furthermore, there are several lots in the immediately surrounding area with lot frontages less than that being proposed. As such, it is not anticipated that the proposed lot frontage will pose any negative impacts to the surrounding area's orderly development or streetscape compatibility.

***It is our opinion that the proposed lot frontage for the residential building maintains the intent and purpose of the Municipality's Zoning By-Law.***

#### Heritage Considerations

Archaeological Research Associates Ltd. prepared a Heritage Impact Assessment of the proposed residential development at 86 John Street. Their assessment identified two potential negative impacts:

**Impact 1** – a potential for destruction of heritage attributes, as a result of accidental damage or vibration exposure during construction.

**Impact 2** – The height of the proposed development is not in keeping with the proposed height for new development and the guidelines for height difference with neighbouring properties as defined by the applicable Heritage Conservation District Guidelines.

The Impact Assessment identifies the following mitigative measures to address these impacts. They include:

- The monitoring of vibration within the zone of influence if required by Municipal Staff.
- The requirement for temporary protection measures such as construction fencing, communication protocols for who is to be notified about accidental impacts and dust/dirt management efforts.

The detailed evaluation confirms that the proposed development has met the design, historical and contextual values outlined in the Heritage Guidelines and Regulations. The identified impacts relate to the potential for impacts to the existing historic structure during construction. The proposed development due to its sympathetic treatment of height, façade, separation, orientation and shared parking limits the impact of the existing historic structure.



## 7. PLANNING OPINION/CONCLUSIONS

Although the proposed Residential Building proposes additional linear height, it has been designed in a manner that is sympathetic to the existing heritage building and surrounding heritage landscape. The Residential Building's upper level has been designed to ensure the additional height does not pose negative impacts related to massing. This is evident as all other setback requirements have been met to ensure the building is located on the site as is anticipated by the Zoning By-Law. The eventual severed lands have a frontage that is slightly less than required by the Zoning By-Law, however, negative impacts are not anticipated considering its minor nature and compatibility with existing frontages in the immediate vicinity. The proposed development does impact the overall site's ability to provide the required amount of parking, however, this is largely an existing situation for the Hotel that the proposed development arguably improves by adding shared parking spaces including two clearly marked barrier-free parking spaces.

With respect to cumulative impacts, it is important to recognize that the proposed residential building provides a surplus amount of parking for the residential units (*9 required, 11 being provided*), provides additional parking than currently available for the existing building, and does not require additional zoning amendments that generate negative impacts to the proposed building's massing (i.e., density, setbacks, lot coverage, etc).

The intent of the Municipality's Zoning By-Law is to implement zone standards that reflect the intent and purpose of the Official Plan. Schedule A-1 of the Official Plan indicates that the subject lands are located within a Community Character Area. The policies for Community Character areas state that development shall be consistent with the original context of the area, shall have regard for Cultural Heritage Resources, shall preserve and enhance the existing context, shall be complementary to adjacent development's massing, orientation and setbacks, and promote design and spaces that are functional for people of all ages.


Despite requiring several amendments to the Zoning By-Law, the proposed development is consistent with all applicable policies in the Municipality's Official Plan, even with the increased height. The proposed development takes an existing heritage building and not only preserve it, but also enhances it by making it more accessible for all users. The proposed building is complementary to the existing heritage building, as well as existing development and lots in the surrounding area by using similar design techniques, cladding, and colouring.

In conclusion, it is my opinion that the proposed development is consistent with the planning policy of the Province, County, and Municipality, and that the requested amendments to the Municipality's Zoning By-Law continues to maintain the intent and purpose of the Zoning By-Law and Official Plan, and therefore is appropriate development for the subject lands.





Sincerely,



Bob Clark, P.Eng., P.Ag., MCIP, RPP, OLE  
Principal Planner

**FIGURES (ILLUSTRATED WITHIN THE REPORT)**

*Figure 1 – Location*

*Figure 2 – Concept Plan (illustrating future severance)*

*Figure 3 – Municipality of Port Hope Official Plan Excerpt, Schedule C-1*

*Figure 4 – Port Hope Official Plan – Schedule A-1 – Major Intensification Areas*

*Figure 5 – John Ontario Queens Street Heritage Conservation District (JOQSHCD) Boundary*

*Figure 6 – Municipality of Port Hope Zoning By-law 20/2010 Excerpt Schedule A-5*

**ATTACHMENTS**

*A – Detailed Architectural Drawing Set*

*B – Pre-Consultation Meeting Minutes*

*C – By-Law No. 34/81, Heritage Designation*

*D – Heritage Impact Statement*

*E – Traffic Impact Brief*

*F – Archaeological Site Assessment*

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