

NOTICE OF PUBLIC HEARING **Minor Variance**

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
 - Applicant/agent on file, or
 - Person likely to be interested in this application
-

APPLICATION NO.: HM/A-21:295

APPLICANTS: Owner Leggat Investments Ltd.
Agent Bousfields Inc.

SUBJECT PROPERTY: Municipal address **191 King St. W & 22 Bay St S., Hamilton**

ZONING BY-LAW: Zoning By-law 05-200, as Amended by By-law 18-114

ZONING: D2, H21 district (Downtown Mixed Use - Pedestrian Focus)

PROPOSAL: To permit the construction of a 30-storey tower above 2 to 9 storey podium multiple dwelling with accessory Mc Master University Graduate Students Residence and the future development of 22 Bay Street South notwithstanding that;

1. A minimum of 54 percent of the façade of the ground floor be composed of windows instead of the requirement that a minimum of 60 percent of the ground floor façade be comprised of clear glazed windows and doors.
2. A minimum of 8 percent of the façade of the second and third storeys be composed of windows instead of the requirement that a minimum of 25 percent and a maximum of 40 percent of the façade of the second and third storeys be comprised of windows.

Notes:

Please note that the requested variances have been written exactly as requested by the applicant. This variance is required to facilitate Site Plan Control application DA-20-058.

This application will be heard by the Committee as shown below:

DATE: Thursday, August 26th, 2021
TIME: 1:10 p.m.
PLACE: Via video link or call in (see attached sheet for details)
To be streamed at
www.hamilton.ca/committeeofadjustment
for viewing purposes only

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

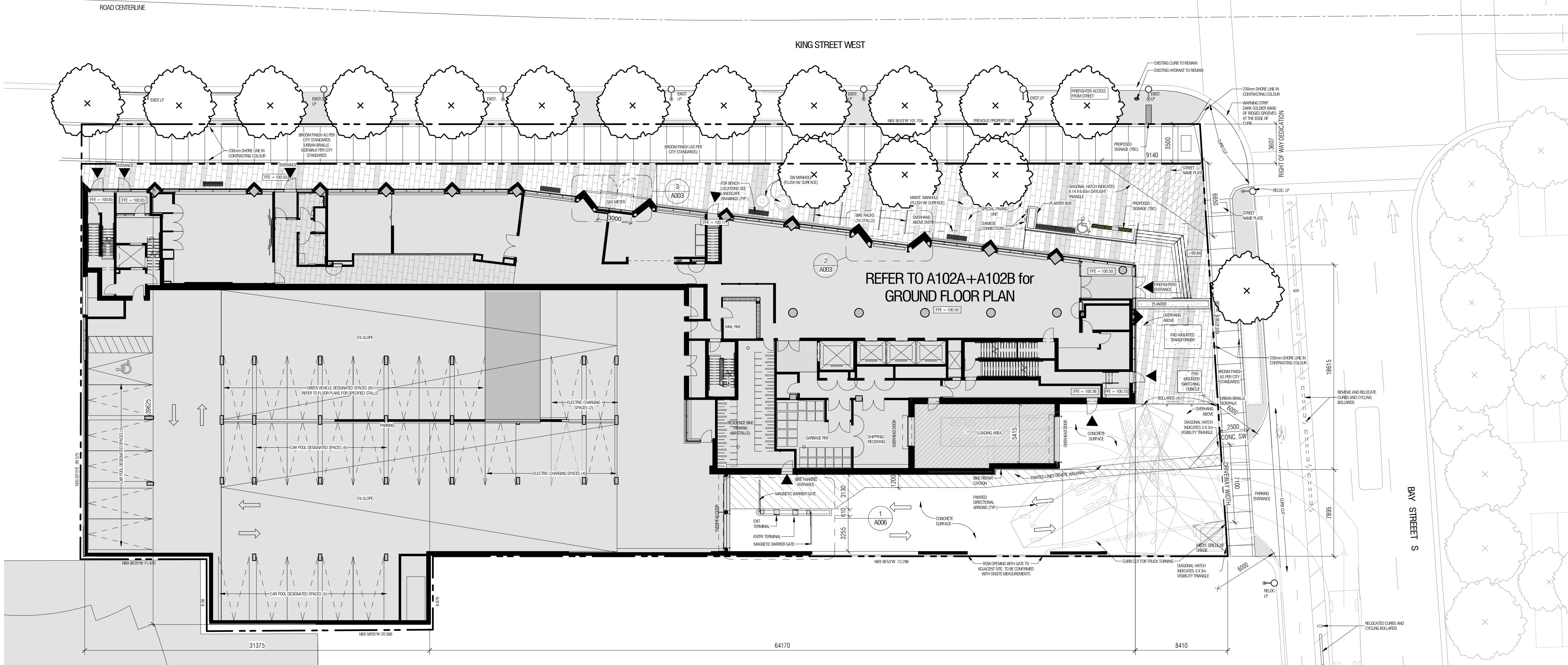
For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: August 10th, 2021.

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.



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ISSUED		
No.	Date	Description
1	20/03/31	Issued for Site Plan Approval
6	20/12/15	Issued for SPA Resubmission
7	21/01/07	Issued for SPA Resubmission
11	21/04/21	Issued for SPA Resubmission
12	21/06/17	Issued for SPA Resubmission

SITE DATA		
191 KING STREET WEST, HAMILTON, ONTARIO		
DATA	REQUIRED	PROVIDED
ZONING BY-LAW	OS-200	
ZONING	C2	
PERMITTED USE	LOOKING HOUSE	
LOT AREA (m ²)	4,192 (m ²) (45,123 (ft ²))	
LOT AREA (m ²) AFTER LOT R.O.W. REDUCTION	3,739 (m ²) (40,246 (ft ²))	
FRONT YARD / NORTH (m)	min 2.0m	0.5 m
REAR YARD / EAST (m)	min 2.0m	1.0 m
REAR YARD / SOUTH (m)	n/a	0 m
REAR YARD / WEST (m)	n/a	0 m

LANDSCAPE DATA		
DATA	REQUIRED	PROVIDED
BUILDING AREA (%) (GROUND FLOOR ONLY)	26.00 (m ²) / 3,739 = 70.5%	
DRIVEWAY AREA (m ²)		442.7 (m ²)
LANDSCAPE AREA (INCL. SIDEWALKS) (m ²)		427.8 (m ²)

VEHICLE PARKING DATA		
DATA	REQUIRED	PROVIDED
RESIDENTIAL PARKING	0.13 UNIT OVER 12 UNITS = 0.59 (12.3 = 12.4)	P2 41 P1 50
UNITS > 5000	0.5 UNIT FOR 12.40 UNITS = 0.59 (12.3 = 12.4) 0.5 UNIT FOR 12.40 UNITS = 0.59 (12.3 = 12.4) TOTAL 364 STALLS	L1 50 L2 50 L3 69 L4 11 TOTAL 170
BARBER FREE PARKING	1-45 spaces min 1 space = 1 50-100 spaces min 45 = 2 101-200 spaces 1-2% = 3 = 3.56%	6 STALLS
REDUCED PARKING STALLS	n/a	23 STALLS (8% OF TOTAL)
CARSHAW STALLS	n/a	14 STALLS (5% OF TOTAL)

BIKE PARKING DATA		
DATA	REQUIRED	PROVIDED
INDOOR PARKING	5 - 1.25 spaces/unit	P1 72 L1 50 L2 50 L3 69 L4 11 TOTAL 252
OUTDOOR PARKING	0.5 - 2 spaces/unit	78 = 0.56 spaces / unit
TOTAL BIKE PARKING		256

SITE DATA SOURCE		
SURVEY INFORMATION IS PROVIDED BY THE CLIENT AND TAKEN FROM: HAROLD & REMOND LIMITED (LAND) AND SURVEYORS 645 COLLENE STREET LONDON, ONTARIO (DRAWING FILE NO. 17-017) PLAN OF SURVEY OF PART OF THE BLOCK BOUNDED BY KING STREET, BAY STREET, GEORGE STREET & CAROLINE STREET G.L.S. 17-017 SURVEY - UNREGISTERED AND NOT ON LOT 14 AND PART OF THE ALLEYWAY REGISTERED PLAN NO. 114.		

BUILDING DATA		
DATA	REQUIRED	PROVIDED
TOTAL NUMBER OF UNITS		433 units
BUILDING COVERAGE (%) (OVERALL COVERAGE)		3,347.6 m ²
GROSS FLOOR AREA (m ²)		36,655.8 m ²
NUMBER OF STORES	30 stories	
BUILDING HEIGHT (SCHEDULE F FIGURE 1)	89 m	88.737 m (min) AVG. GRACE (88.825 - 100.586 - 100.53)
LOT COVERAGE (%) AFTER LOT R.O.W. REDUCTION		90%

UNIT TYPE BREAKDOWN		
DATA	REQUIRED	PROVIDED
DWELLING UNITS LESS THAN 5000		306
DWELLING UNITS GREATER THAN 5000		103
DWELLING UNITS WITH 3 OR MORE BEDROOMS		0

AREA BREAKDOWN		
LEVEL	SQ. M.	SQ. FT.
PARKING P2	1,269.6	13,666
PARKING P1	3,276.8	35,291
L1 - GROUND	2,869.0	30,882
L2 - MEZZANINE	2,143.9	23,077
L3 - L4 - TYP. RESIDENCE (PARKING LEVEL, 2 FLOORS)	6,227.5	67,032
L5 - TYP. PODIUM RESIDENCE A	1,763.6	19,036
L6 - L8 - TYP. PODIUM RESIDENCE B (4 FLOORS)	7,174.4	77,224
L9 - TOWER OF PODIUM ROOF	846.5	9,103
L11 - L14, 15-19, 21-24, 26-29 - TYP. TOWER RESIDENCE (16 FLOORS)	13,516.0	146,131
L15, 20, 25 - TYP. TOWER RESIDENCE (COMMON AREA)	2,545.0	27,440
L30 - RESIDENCE	846.5	9,103
SPA (PODIA GRACE)	38,026.9	409,318
CONSTRUCTION AREA (INCL. BELOW GRADE)	452,571	4,852,374
PARKING STRUCTURE GFA	12,372.8	132,114
RESIDENTIAL ONLY GFA	30,301.3	326,157

SITE LEGEND		
2	CONCRETE SIDEWALK/PAVEMENT AS PER CITY STANDARDS	
1	CONCRETE SIDEWALK/PAVEMENT	
1	SPECIAL PAVING UNIT	
1	LOADING AREA	
1	PROPERTY LINE	
1	ENTRANCE / EXIT	
1	FIRE HYDRANT	
1	GAS METER	
1	FIRE DEPARTMENT CONNECTION	
1	LIGHT POST	

UNIT DATA			
UNIT TYPE	# UNITS	# BEDS	# BATHS
STUDIO SF	1	1	1
1 BEDROOM SF	2	2	2
2 BEDROOM SF	2	4	2
3 BEDROOM SF	1	3	1
4 BEDROOM SF	8	11	1

LEVEL 05 TYP. PODIUM RESIDENCE			
UNIT TYPE	# UNITS	# BEDS	# BATHS
STUDIO	1	1	1
1 BEDROOM	2	2	2
2 BEDROOM	10	10	10
3 BEDROOM	3	3	3
4 BEDROOM	11	22	11
5 BEDROOM	3	6	3
TOTAL	30	44	24

LEVEL 06-09 TYP. PODIUM RESIDENCE (4 FLOORS)			
UNIT TYPE	# UNITS	# BEDS	# BATHS
STUDIO	2	2	2
1 BEDROOM	1	1	1
2 BEDROOM	11	11	11
3 BEDROOM	2	2	2
4 BEDROOM	13	26	13
5 BEDROOM	1	2	1
TOTAL	30	44	24

LEVEL 10 - TOWER AT PODIUM ROOF			
UNIT TYPE	# UNITS	# BEDS	# BATHS
STUDIO SF	1	1	1
1 BEDROOM	4	4	4
2 BEDROOM	7	14	7
TOTAL	12	19	12

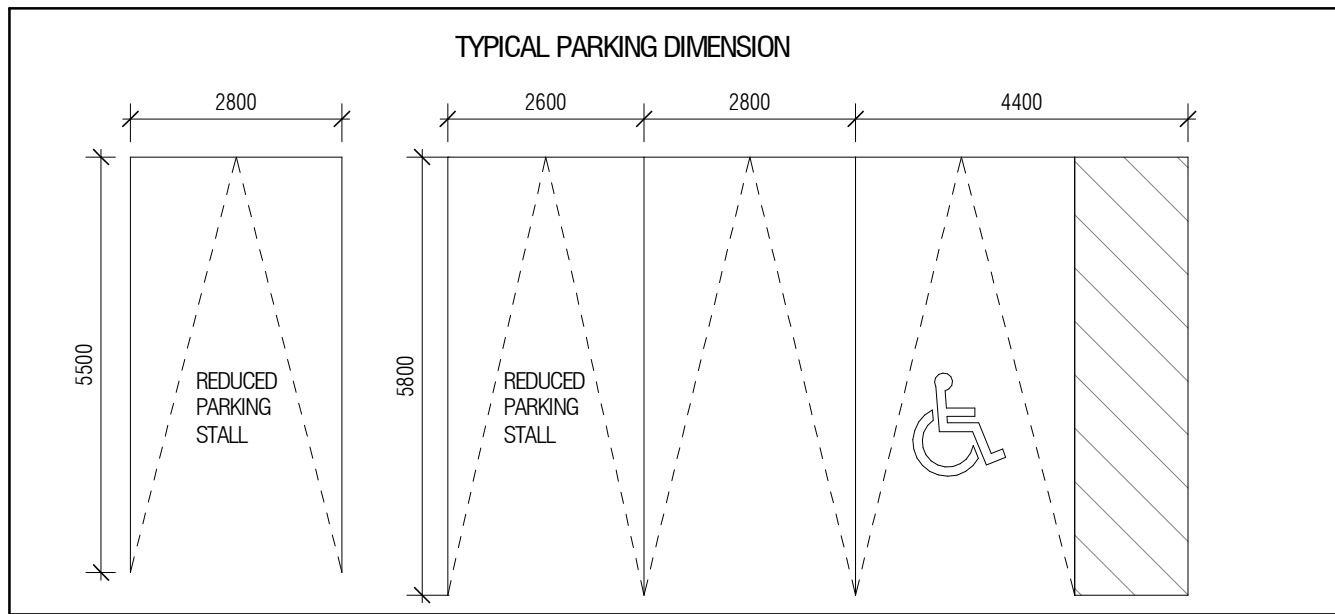
LEVEL 15, 20, 25, 30, 35, 40, 45, 50, 55, 60, 65, 70, 75, 80, 85, 90, 95, 100, 105, 110, 115, 120, 125, 130, 135, 140, 145, 150, 155, 160, 165, 170, 175, 180, 185, 190, 195, 200, 205, 210, 215, 220, 225, 230, 235, 240, 245, 250, 255, 260, 265, 270, 275, 280, 285, 290, 295, 300, 305, 310, 315, 320, 325, 330, 335, 340, 345, 350, 355, 360, 365, 370, 375, 380, 385, 390, 395, 400, 405, 410, 415, 420, 425, 430, 435, 440, 445, 450, 455, 460, 465, 470, 475, 480, 485, 490, 495, 500, 505, 510, 515, 520, 525, 530, 535, 540, 545, 550, 555, 560, 565, 570, 575, 580, 585, 590, 595, 600, 605, 610, 615, 620, 625, 630, 635, 640, 645, 650, 655, 660, 665, 670, 675, 680, 685, 690, 695, 700, 705, 710, 715, 720, 725, 730, 735, 740, 745, 750, 755, 760, 765, 770, 775, 780, 785, 790, 795, 800, 805, 810, 815, 820, 825, 830, 835, 840, 845, 850, 855, 860, 865, 870, 875, 880, 885, 890, 895, 900, 905, 910, 915, 920, 925, 930, 935, 940, 945, 950, 955, 960, 965, 970, 975, 980, 985, 990, 995, 1000			
STUDIO	2	2	2
1 BEDROOM	5	5	5
2 BEDROOM	1	1	1
3 BEDROOM	5	10	5
4 BEDROOM	1	2	1
TOTAL	14	20	14

LEVEL 16-19, 26-29 - TYP. TOWER RESIDENCE (4 FLOORS)			
UNIT TYPE	# UNITS	# BEDS	# BATHS
STUDIO	2	2	2
1 BEDROOM	7	7	7
2 BEDROOM	1	1	1
3 BEDROOM	3	6	3
4 BEDROOM	1	2	1
TOTAL	14	18	14

LEVEL 15, 20, 25 (3 FLOORS)			
UNIT TYPE	# UNITS	# BEDS	# BATHS
STUDIO	2	2	2
1 BEDROOM	4	4	4
2 BEDROOM	6	12	6
3 BEDROOM	1	2	1
TOTAL	13	20	13

LEVEL 30:			
UNIT TYPE	# UNITS	# BEDS	# BATHS
STUDIO	2	2	2
1 BEDROOM	3	3	3
2 BEDROOM	6	12	6
3 BEDROOM	1	2	1
TOTAL	12	19	12

BARBER FREE UNIT			
UNIT TYPE	# BARBER FREE	# TOTAL	%
STUDIO	9	98	15.5%
1 BEDROOM	31	254	15.2%
2 BEDROOM	29	191	15.2%
TOTAL ALL FLOORS	69	453	15.2%



1
A.003
1:200
LEVEL 01 SITE PLAN SPA

UNDERTAKING

RE:

- I, (We) _____, the owner(s) of the land, hereby undertake and agree without reservation,
- (a) to comply with all the content of this plan and drawing and not to vary therefrom;
- (b) 'to perform the facilities, works or matters mentioned in Section 41(7)(a) of the *Planning Act* shown on this plan and drawing(s) in accordance with the conditions of approval as set out in the Letter of Approval dated _____;
- (c) to maintain to the satisfaction of the City and at my (our) sole risk and expense, all of the facilities, works or matters mentioned in Section 41(7)(b) of the said *Act*, shown in this plan and drawing, including removal of snow from access ramps and driveways, parking and loading areas and walkways; and,
- (d) in the event that the Owner does not comply with the plan dated _____, the owner agrees that the City may enter the land and do the required works, and further the Owner authorizes the City to use the security filed to obtain compliance with this plan.

Dated this _____ day of _____ 20__

Witness (signature) _____ Owner(s) (signature) _____ (seal)

Witness (print) _____ Owner (print) _____

Address of Witness _____

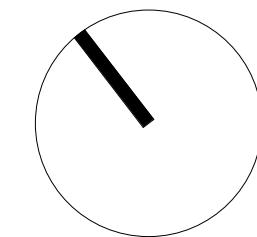
1 Section (b) Revised March 11, 2004

Submission Requirements (May 1, 2020)

Schedule "4"

FILE No.

Diamond Schmitt Architects
384 Adelaide Street West, Suite 100, Toronto, Canada M5V1R7
Tel: 416 862 8800 Fax: 416 862 5508 info@dsai.ca www.dsai.ca



McMaster University Graduate Student Residence

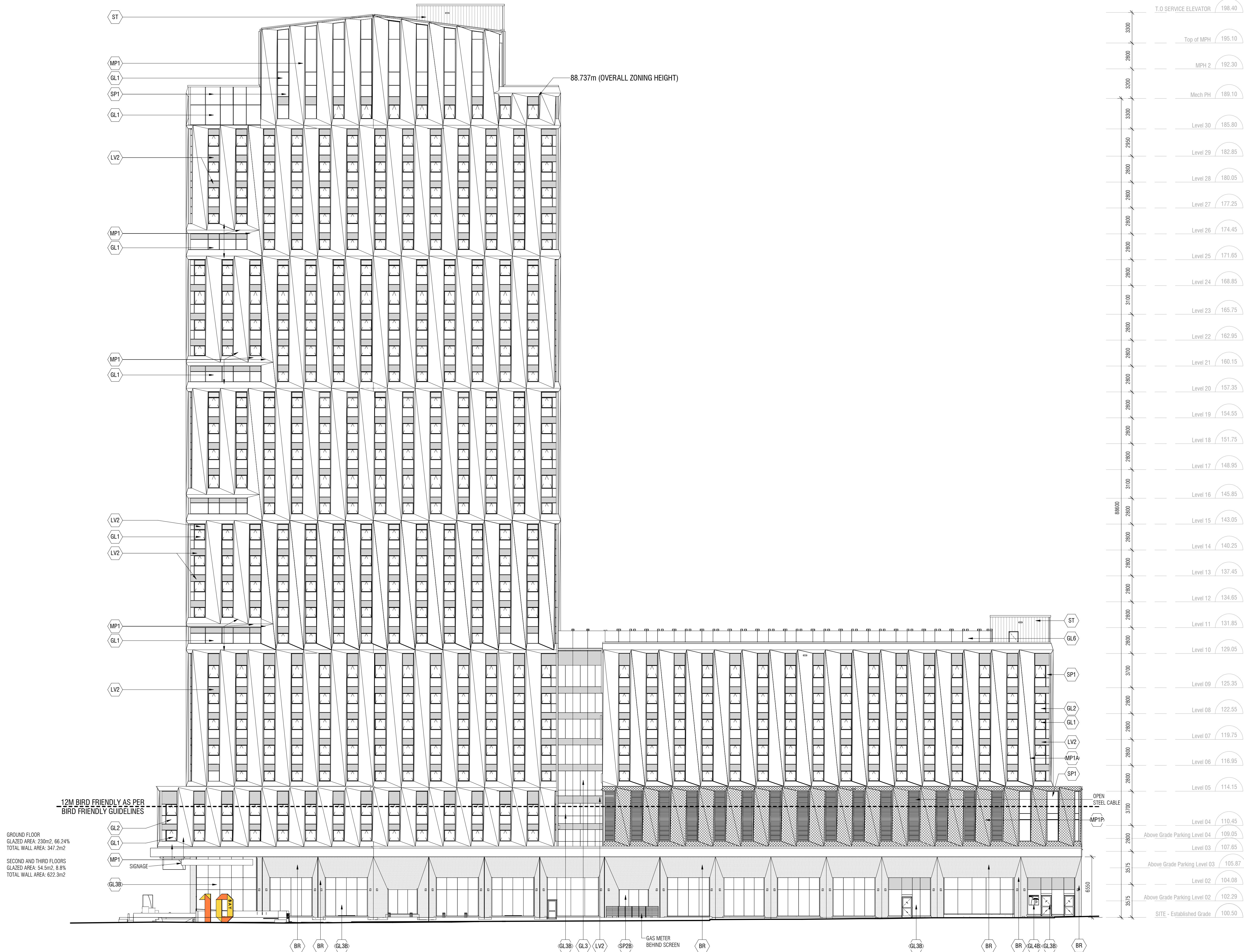
SITE PLAN

Scale: As indicated
Project No: 1903
Date: 21/06/17

A.003

BM 360 / McMaster Graduate Student Residence 1903 - McMasterU_GradRes_Building.rvt

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11	21/04/21	Issued for SPA Resubmission

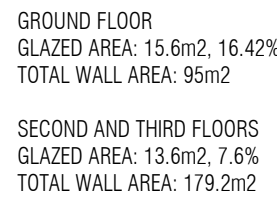
LEGEND	
BR	BRICK MASONRY
LV1	LOUVER
LV2	LOUVER WINDOW WALL
MP1	LIGHT BRONZE METAL PANEL
MP1A	MEDIUM GREY METAL PANEL
MP1P	LIGHT BRONZE PERFORATED PANEL
MP2	SPANDREL METAL PANEL - GREY
MP3	GREY ALUM PANEL
MP4	ALUM PANEL
ST	GREY STEEL CLADDING
SP1	SPANDREL GLASS WINDOW WALL
SP2	SPANDREL GLASS CURTAIN WALL
GL1	VISION GLASS
GL2	VISION GLASS - TEMPERED
GL3	VISION GLASS - CURTAIN WALL
GL4	VISION GLASS - CW EXTERIOR DOORS
GL5	VISION GLASS - WW EXTERIOR DOORS
GL6	GLASS GUARD
GL#A	'A' AFTER THE GLAZING No. DENOTES ACID ETCHED
GL#B	'B' AFTER THE GLAZING No. DENOTES BIRD FRIENDLY FRIT

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McMaster University Graduate Student Residence

OVERALL NORTH ELEVATION

Scale: As indicated
Project No: 1903
Date: 21/02/09



ISSUED		
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6	20/12/15	Issued for SPA Resubmission
11	21/04/21	Issued for SPA Resubmission

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GL6	GLASS GUARD
IR	OPERABLE WINDOW
GL#A	'A' AFTER THE GLAZING NO. DENOTES ACET ETCHED
GL#B	'B' AFTER THE GLAZING NO. DENOTES BIRD FRIENDLY FIT

Diamond Schmitt Architects
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McMaster University Graduate
Student Residence

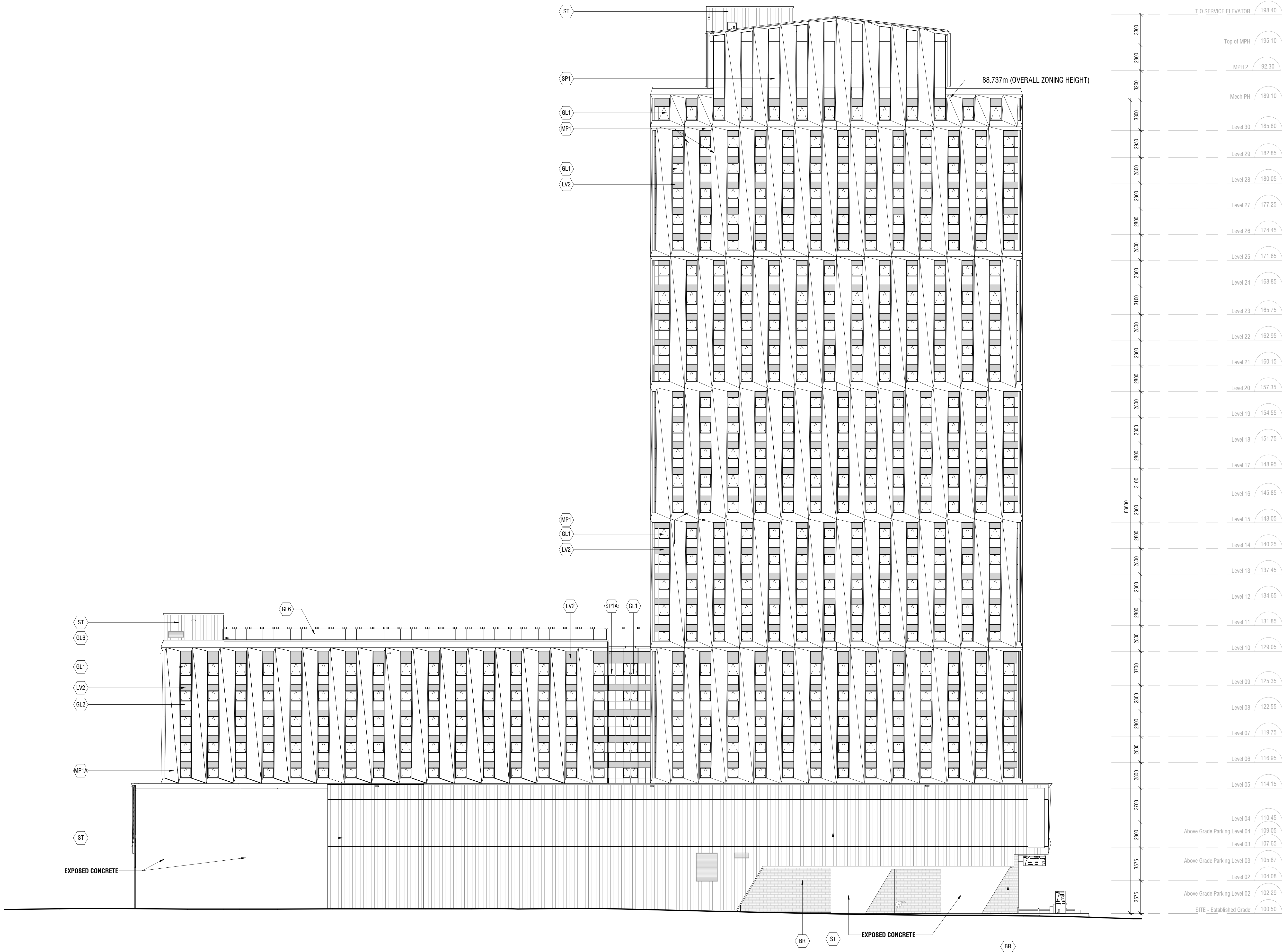
OVERALL EAST ELEVATION

Scale: As indicated
Project No: 1903
Date: 21/02/09

A.302

BM 360 / McMaster Graduate Student Residence 1903 - McMasterU_GradRes_Building.rvt

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No.	Date	Description
1	20/03/31	Issued for Site Plan Approval
6	20/12/15	Issued for SPA Resubmission
10	21/03/26	Issued for Addendum 1
11	21/04/21	Issued for SPA Resubmission

LEGEND	
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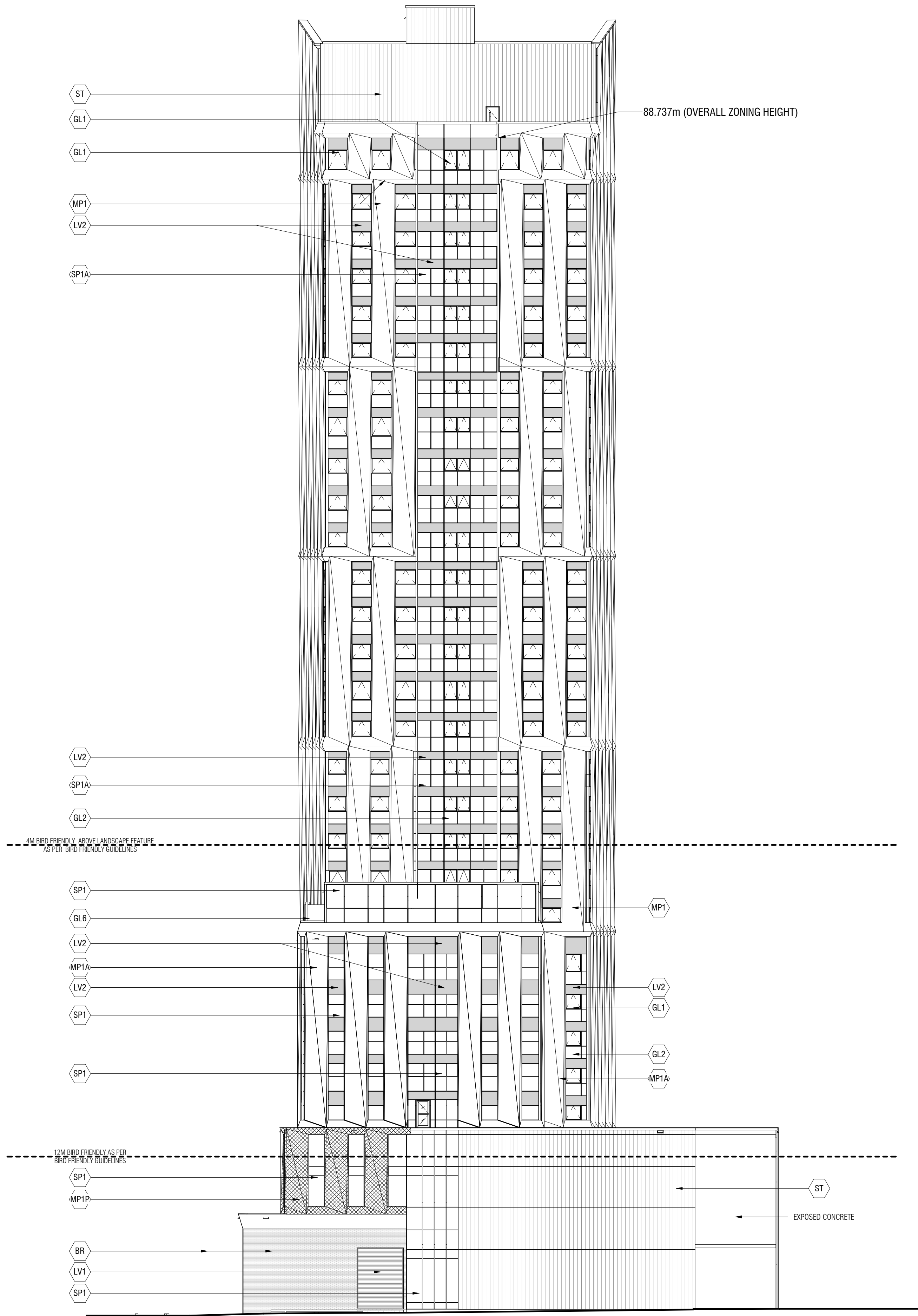
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McMaster University Graduate Student Residence

OVERALL SOUTH ELEVATION

Scale: As indicated
Project No: 1903
Date: 21/02/09

A.303



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LEGEND

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McMaster University Graduate Student Residence

OVERALL WEST ELEVATION

Scale: As indicated
Project No: 1903
Date: 21/02/09

July 20, 2021

Jamila Sheffield
Secretary-Treasurer, Committee of Adjustment
City of Hamilton – Planning and Economic Development Department
71 Main Street West, 5th Floor
Hamilton, Ontario L8P 4Y5

Dear Ms. Sheffield:

Re: *Minor Variance Application*
191 King Street West and 22 Bay Street South, Hamilton

OVERVIEW

On behalf of our client, Leggat Investments Ltd., (the owners of 191 King Street West), collectively referred to as the “owners” of the properties municipally known as 191 King Street West (the “subject site”), we are pleased to submit this Minor Variance application in order to facilitate the construction of a 30-storey McMaster University student residential building. In support, the following will provide an overview of the background, description of the site and surrounding, the proposed minor variances, and our planning opinion.

BACKGROUND

On April 17, 2020, Site Plan Application DA-20-058 was submitted to the Planning Department in order to facilitate the construction of a 30-storey McMaster University student residence building on the subject site.

On May 29, 2020, Zoning Staff issued comments related to the initial site plan submission and identified areas of non-compliance with Zoning By-law 05-200 specifically related to the building design. In December 2020 the following minor variances were approved (HM/A-20:237):

1. Notwithstanding the definition of "Lot" in Section 3 and the consolidated lot regulation in 4. 1-6 a), the lands located at 191 King Street West and 22 Bay Street South will be deemed a lot and the internal lot lines shall not be

construed to be lot lines for the purpose of any zoning regulations provided that all applicable regulations of By-Law 05-200 to the consolidated lot development and its external lot lines are complied with; and

2. To permit a 9.1 m building setback from a street line to be permitted whereas the Bylaw requires that a building setback from a street line be a maximum of 2.0 m for any portion of the building below 11.0 m in height, except where a visibility triangle shall be provided for a driveway access; and
3. That no principle entrance shall be provided within the ground floor building façade setback the least distance from a street, whereas a minimum of one principle entrance shall be provided within the ground floor building façade setback the least distance from a street is required; and
4. A minimum 9.0 m setback from the side yard lot line be permitted for the south tower along the side yard abutting 10 George Street, whereas the By-Law requires for any portion of building exceeding 44.0 m in height be a minimum of 12.5 m from all side and rear lot lines; and
5. A 20.0 m tower separation distance be provided between the towers on the subject site, whereas the By-Law requires for any portion of building exceeding 44.0 m in height a distance of 25.0 m shall be provided between exterior wall on the same property; and
6. A 3.575 m ground floor storey height and a 2.8 m 3rd storey height be permitted, whereas the ground floor storey shall be no less than 3.6 m in height and no greater than 4.5 m in height and that the second and third storeys shall each be no less than 3.0 m. in height and no greater than 4.0 m in height; and
7. Where a column is located abutting or within any parking space within an above ground or underground parking structure, the minimum clearance shall be 50mm whereas the By-Law requires that where a wall, column, or any other obstruction is located abutting or within any parking structure, the minimum width of a parking space shall be increased by 0.3 m.

On April 13, 2021 conditional Site Plan Approval was granted by the City of Hamilton. Since April 2021 the owners have been working with City staff on refining the Site Plan and Elevation drawings including building materiality. In this regard, the exterior elevation of the proposal has evolved and it is our understanding that City staff are in support of the building aesthetic, elevations, and building materiality in principle. However, a minor variance is required to address the percentage of clear glazing in the lower podium of the proposed building to implement the agreed upon building elevations.

SITE AND SURROUNDINGS

The subject site is located at the south-west corner of King Street West and Bay Street South in the City's downtown core. The subject site is generally rectangular in shape and has a site area of approximately 3,739 square metres with frontages of approximately 39.39 metres along Bay Street South and 101.7 metres along King Street West. The subject site is currently occupied by a commercial surface parking lot.

In terms of surrounding uses, the subject site is surrounded by:

- low rise commercial retail and restaurant uses to the north (along the north side of King Street West);
- high-rise buildings accommodating a commercial mall with office, entertainment and hotel uses to the north-east;
- a surface parking lot with low and high-rise buildings accommodating cultural, entertainment and office uses to the east;
- low and high-rise buildings accommodating hotels, office and institutional uses to the south and south-east;
- a high-rise mixed use building to the south west; and,
- low and mid-rise commercial uses to the west.

Proposal

The proposed development seeks to evolve McMaster's Downtown precinct, which includes the existing McMaster University David Braley Health Sciences Centre, the subject site and the surface parking lot at the south-east corner of King and Bay. The evolution includes the addition of a 30-storey McMaster University graduate student residence building and a future 29-storey McMaster University mixed use building on 22 Bay Street. The proposed building will reimagine this surface parking lot with an architecturally significant buildings that will frame and animate the King Street West and Bay Street South public realms and add enhance the City's changing skyline with a new slender tower.

The 30-storey graduate student residence has received conditional Site Plan Approval and the owner is in the final stages of clearing the conditions of Site Plan Approval in order to commence construction.

REQUESTED MINOR VARIANCES

A Minor Variance application is needed to facilitate the development of the 30-storey McMaster University graduate student resident building (as filed in Site Plan Application DA-20-058). The minor variances being sought in support of the proposal are as follows:

2nd and 3rd Storey Glazing Requirements Regulation 6.0 e) ii) of Zoning By-law 05-200

That a minimum of 8% of the façade of second and third storeys be composed of windows whereas the By-law requires a minimum of 25% and a maximum of 40% of the façade of the second and third storeys be comprised of windows. Window and doorframes, clear glazed transoms and sidelights, doors with at least 50% clear glazing, and a sill up to 0.6m in height are permitted to be included in the calculation of the clear glazed area. Signage and opaque/spandrel glazing shall not be included in the calculation of the clear glazed area.

PLANNING ANALYSIS

Section 45(1) of the *Planning Act* authorizes the Committee of Adjustment the authority to grant a minor variance from the provisions of the by-law, in respect of the land, building or structure, or the use thereof, if, in its opinion, it meets the following four tests:

1. Maintaining the general intent and purpose of the Official Plan

The subject site is designated *Downtown Mixed-Use Area* within the Urban Hamilton Official Plan (the "UHOP"), Schedule E-1 and designated *Downtown Mixed Use* and identified as *Pedestrian Focused* within the Secondary Plan on Map B.6.1-1. As the proposal seeks to develop the subject site for a use that is permitted by the UHOP and Secondary Plan and in a tall building development form that conforms to the built form and urban design policies of the secondary plan, it is our opinion that the proposal maintains the general intent and purpose of the Official Plan.

2. Maintaining the general intent and purpose of the Zoning By-law

The applicable zoning for the subject site requires that a minimum of 25% and a maximum of 40% of the façade of the second and third storeys for lots delineated within a Heritage Character Zone on Figure 2 of Schedule “F” be comprised of windows.

In our opinion, the parking structure portion of the façade should not be counted towards the minimum glazing. In this regard, I note the following definitions in the Zoning By-law:

Building - Shall mean a structure, whether permanent or temporary, with walls or a roof or part thereof, used or intended to be used for shelter, accommodation or enclosure of persons, animals, goods or chattels. For the purposes of this By-law, a shipping storage container shall be construed to be a building when located on a lot.

Façade - Shall mean a building wall or series of building walls facing a street.

In addition, regulation 6.2.1.1.3 C of the Zoning By-law states that “any parking structure located above the ground floor shall be screened from view from the public sidewalk”. In our opinion, regulation 6.0 e) ii) is intended to apply to the occupied portions of a “building” and not the parking structure, which is required to be screened from view from the public sidewalk (i.e. absence of clear glazing). This interpretation is reflected in the areas provided.

The general and intent behind this regulation is to encourage a rhythm and fenestration that complements building facades within the same Heritage Character Zone and to establish performance standards to maintain the heritage character of the area. In this regard, as part of the site plan control application process, the Owners retained ERA Architects Inc. who reviewed the proposal and concluded that proposed fenestration, window placement, building materiality, and double-height windows on the ground floor and second/third storey offer a contemporary and modern interpretation of the existing and planned context surrounding the site. The owner has worked in collaboration with City urban design and planning staff who are supportive of the proposed design. In the Cultural Heritage Impact Assessment prepared for Site Plan Approval by ERA Architects , they note:

The proposed building has been designed to respond to the fine-grained fabric, rhythm and massing of the 19th century commercial storefront buildings along King Street West (11-13 Bay Street, 158, 160-168, 170, 176 and 178 King Street West) by proposing compatible building elements, such as:

- Frequent vertical piers and angled soffits above the double-height ground-floor amenity and office spaces, which visually divide the horizontal plane of the building into smaller units;
- Consistent two-storey podium base along King Street West, compatible with the massing of the 3-storey 19th century commercial buildings along King Street West;
- Adequate set back of the tower (2.9m) from the podium, to maintain compatibility with the historic streetwall height; and
- Use of brick in the podium, to visually respond to the existing adjacent building fabric.

It is our opinion that the proposed 8% of windows on the second and third storeys meets the general intent and purpose of the Zoning By-law as the proposed fenestration, rhythm, and building materials complement the existing building facades within the same Heritage Character Zone. Confirmed in the Cultural Heritage Impact Assessment, the building has been designed to ensure the podium base will be compatible with the surrounding historic context and maintain the heritage character of the area.

3. Desirable and appropriate for the development of the land

It is our opinion that the variance being requested is desirable and appropriate for the development of the land as it will allow for the subject site to continue the evolution of the McMaster Downtown precinct with uses and a built form that is planned for by the recently approved Secondary Plan.

4. Minor in nature

In our opinion, the requested variance is minor in both a quantitative and qualitative perspective. Minor can not only be contemplated through a numerical calculation, but also based on an analysis and potential impact the subject site or surrounding area may be exposed to. In our opinion, the minor variance generally relates to prescriptive design and aesthetic regulations in the Zoning By-law, which are subjective and do not consider the subject site's specific characteristics and the

nuanced design direction of the proposed building. The proposed variance is minor in nature and seeks to slightly modify the Zoning By-law requirement related to the amount of clear glazing to implement the City's vision, as described in the Secondary Plan. Accordingly, it is our opinion that the proposed variance is minor and should be supported.

Summary Opinion

Based on the foregoing, it is our opinion that the requested variance satisfies the four-part test set out in the Planning Act and we respectfully respect that the Committee of Adjustment approve the application.

In addition to the proposed minor variance application, we would request that the City's Building Division identify any other variances required to implement the conditionally approved site plan application. Accordingly, and in support of the requested minor variance application we submit the following:

- Architectural plans (site plan and floor plans) prepared by Diamond Schmitt Architects; and,
- Building Elevation Plans prepared by Diamond Schmitt Architects.

We trust that the foregoing is satisfactory. However, if you have any questions or require additional information, please do not hesitate to contact the undersigned or Ashley Paton of our office at apaton@bousfields.ca.

Yours very truly,
Bousfields Inc.



David Falletta, MCIP, RPP

DF:ap:jobs

Cc: Client
M. Kehler and S. McKie, City of Hamilton (via e-mail)



Committee of Adjustment
City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221
Email: cofa@hamilton.ca

APPLICATION FOR A MINOR VARIANCE

FOR OFFICE USE ONLY.

APPLICATION NO. _____ DATE APPLICATION RECEIVED _____

PAID _____ DATE APPLICATION DEEMED COMPLETE _____

SECRETARY'S
SIGNATURE _____

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1, 2	NAME	MAILING ADDRESS
Registered Owners(s)	Leggat Investments Ltd. c/o Paul Leggat (191 King St W)	
Applicant(s)*	Same as owner	
Agent or Solicitor	Bousfields Inc. c/o David Falletta	

Note: Unless otherwise requested all communications will be sent to the agent, if any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:

Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

4. Nature and extent of relief applied for:
Please refer to attached planning letter

☐ Secondary Dwelling Unit ☐ Reconstruction of Existing Dwelling

5. Why it is not possible to comply with the provisions of the By-law?
Please refer to attached planning letter

6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):
191 King Street West

7. PREVIOUS USE OF PROPERTY

Residential ☐ Industrial ☐ Commercial ☐
Agricultural ☐ Vacant ☐ Other ☒

Other Surface parking lot

- 8.1 If Industrial or Commercial, specify use _____
- 8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
Yes ☐ No ☒ Unknown ☐
- 8.3 Has a gas station been located on the subject land or adjacent lands at any time?
Yes ☐ No ☒ Unknown ☐
- 8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
Yes ☐ No ☒ Unknown ☐
- 8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
Yes ☐ No ☒ Unknown ☐
- 8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?
Yes ☐ No ☒ Unknown ☐
- 8.7 Have the lands or adjacent lands ever been used as a weapon firing range?
Yes ☐ No ☒ Unknown ☐
- 8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
Yes ☐ No ☒ Unknown ☐
- 8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?
Yes ☐ No ☒ Unknown ☐

- 8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes ☐ No ☒ Unknown ☐

- 8.11 What information did you use to determine the answers to 8.1 to 8.10 above?

Historical understanding of property and discussion with owners

- 8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes ☐ No ☒

9. ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

Date 2021/07/23

Signature Property Owner(s)

Leggat Investments Ltd.

Print Name of Owner(s)

PAUL LEGGAT (PRES.)

I HAVE AUTHORITY TO BIND THE CORPORATION

10. Dimensions of lands affected:

Frontage	<u>+/-101 metres (King) and +/-39 metres (Bay)</u>
Depth	<u>+/-101 metres (King) and +/-35-72 metres (Bay)</u>
Area	<u>4,192 sq m (191 King St W) and 2,163 sq m (22 Bay)</u>
Width of street	<u>+/- 21 m (King St W) and +/- 23 m (Bay St)</u>

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: _

None

Proposed

30-storey McMaster Graduate student residence

Please refer to attached site plan (conditionally-approved)

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing:

None

Proposed:

Please refer to attached site plan (conditionally-approved)

13. Date of acquisition of subject lands:
-
14. Date of construction of all buildings and structures on subject lands:
N/A
-
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Surface parking lot
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Surface parking lot, office, 32-storey mixed-use/multiple dwelling (20 George St)
17. Length of time the existing uses of the subject property have continued:
18. Municipal services available: (check the appropriate space or spaces)
Water ☒ Connected ☐
Sanitary Sewer ☒ Connected ☐
Storm Sewers ☒
19. Present Official Plan/Secondary Plan provisions applying to the land:
Downtown Mixed Use - Pedestrian Focused within Downtown Secondary Plan
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
D2 H17, H19, H20 - Downtown Mixed Use - Pedestrian Focused
21. Has the owner previously applied for relief in respect of the subject property?
Yes ☒ No ☐
If the answer is yes, describe briefly.
HM/A-20:237 December 3, 2021
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
Yes ☐ No ☒
23. Additional Information
Subject to Conditionally approved Site Plan DA-20-058 and Zoning By-law Amendment ZAD-20-021 to lift Holding Provisions
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.