



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
E-mail: cofa@hamilton.ca

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-21:303

APPLICANTS: Agent Bousfields Inc. c/o Allison Chewter
Owner CityHousing Hamilton Corp

SUBJECT PROPERTY: Municipal address **106-114 Bay St. N., Hamilton**

ZONING BY-LAW: Zoning By-law 05-200, as Amended by By-law No. 21-143

ZONING: D1, H17, H19, H20, T8 district Downtown Central Business District (D1)

PROPOSAL: To permit the construction of a fifty-five (55) unit Multiple Dwelling in order to facilitate Site Plan Application File No. DA-21-008 notwithstanding that:

1. No setback from the building base façade height shall be required from the Bay Street North street line instead of the requirement that a minimum 3.0 metre setback be provided from the building base façade height of 18.5m from the Bay Street North street line.
2. A parking facility shall be permitted on the surface and outside of the building instead of the requirement that parking facilities shall only be contained within a building.
3. No maximum building setback shall be required from the Cannon Street West street line instead of the requirement that a maximum building setback of 4.5 metres shall be provided for any portion of building below 11.0 metres in height, except where a visibility triangle shall be provided for a driveway access.
4. Parking spaces and aisles shall be permitted between the required building façade and the flankage lot line (Cannon Street West) instead of the requirement no parking or aisles shall be located between the required building façade and the front lot line or flankage lot line.
5. The principal entrance from Bay Street North shall be permitted to be recessed into the main westerly façade and shall not be required to be setback the least distance from Bay Street North instead of the requirement that a minimum of one principal entrance shall be provided within the ground floor façade setback the least distance from a street.
6. No planting strip shall be provided between the parking spaces and aisles and the Bay Street North street line instead of the requirement that parking spaces and aisles, giving direct access to abutting parking spaces, excluding driveways extending directly from the street, shall provide a 3.0 metre wide planting strip being required and permanently maintained between the street line.

7. Parking spaces for the multiple dwelling shall be permitted to be located between the façade and the flankage lot line (Cannon Street East) instead of the requirement that on a lot containing a multiple dwelling required parking for multiple dwellings shall not be located between the façade and the flankage lot line.

NOTE:

- i) The variances are necessary to facilitate Site Plan File No. DA-21-008.
- ii) This lot has frontage along two (2) streets; therefore, it is considered a through lot. The definition of “Front Lot Line” for a through lot states:
“Shall mean any lot line abutting a street, and:
With reference to a through lot, shall mean, at the option of the owner, either of the lot lines abutting a public street.”

The Site Plan identifies Bay Street North as the Front Lot Line; therefore, the lot line along Cannon Street West is the flankage side lot line for purposes of this development. Further, the easterly 41.551m lot line is considered the rear lot line and the remaining lot lines are side lot lines.

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

DATE: Thursday, September 23rd, 2021
TIME: 1:35 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

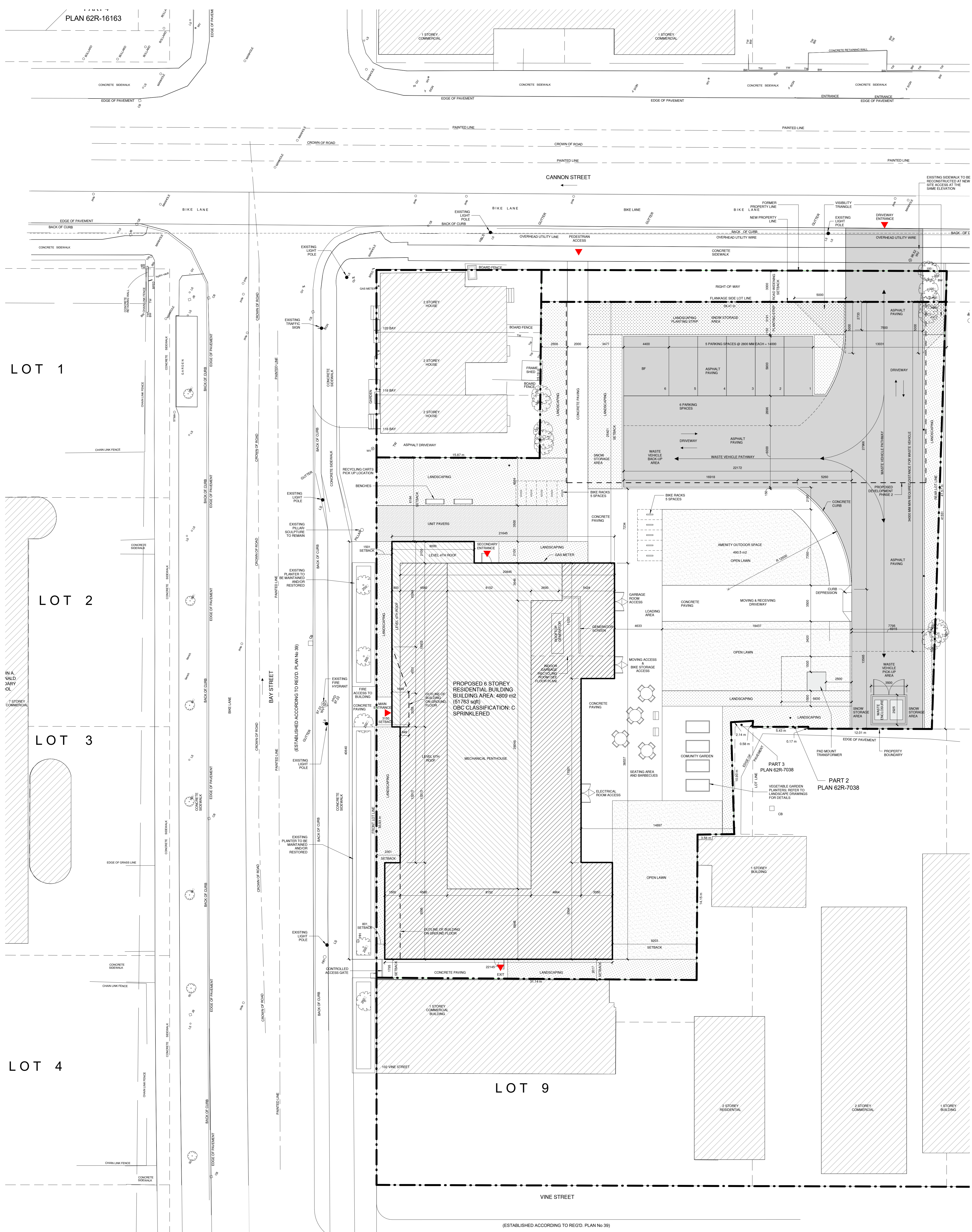
For more information on this matter, including access to drawings illustrating this request:

- 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: September 7th, 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.



FILE No. DA-21-008
 UNDERTAKING
 RE: _____ 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.
 (e) That the Owner agrees to physically affix the municipal number (106) or full address (106 Bay Street North) to the building or on a sign in accordance with the City's Sign By-law, in a manner that is visible from the street.
 (f) The developer is responsible for all waste removal up until the time that an "Agreement for On-site Collection of Solid Waste" is finalized, and municipal collection services are initiated.
 (g) Prior to the start of service, the development must be free of construction debris and construction related activities.
 (h) To include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 i) that the home/business mail delivery will be from a designated Centralized Mail Box.
 j) that the developers/owners are responsible for officially notifying the purchasers of the exact Centralized Mail Box facility prior to the closing of any home sales.
 (i) The Owner further agrees to:
 i) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
 ii) install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes
 iii) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
 iv) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
 (j) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (Lock Box Assembly) at their own expense (less than 100 units will require a front loading Lock Box Assembly & more than 100 units will require a rear loading Lock Box Assembly which will require a mail room) will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.
 (k) Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416-212-8865). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.212.7499).
 (l) The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.
 (m) The Owner agrees that should any conflict arise with existing Bell Canada facilities or easements within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.
 (n) The Owner is advised to contact Bell Canada at planninganddevelopment@bell.ca during the detailed utility design stage to confirm the provision of communication/telecommunication infrastructure needed to service the development.
 (o) It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada's existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.
 (p) If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.
 Dated this _____ day of _____, 20____ (seal)
 Witness (signature) _____ Owner(s) (signature) _____
 Witness (print) _____ Owner (print) _____
 Address of Witness _____

GENERAL NOTES

- ALL PARKING, DRIVE ASLE AND GARBAGE TRUCK ROUTE ACCESS ARE TO BE HEAVY DUTY ASPHALT PAVING TYPE
- SEE LANDSCAPE DRAWINGS FOR PLANTING, LANDSCAPE AND SITE DETAILS
- SEE SITE SERVICES AND LANDSCAPE DRAWINGS FOR SITE GRADING.
- EXISTING URBAN BRALLE WITHIN THE RIGHT-OF-WAY TO BE RETAINED AND/OR RESTORED AS NEEDED.

SITE PLAN NOTES

- ALL WORK INVOLVED IN THE CONSTRUCTION, RELOCATION, REPAIR OR MUNICIPAL SERVICES FOR THE PROJECT SHALL BE TO THE SATISFACTION OF THE DIRECTOR OF PLANNING AND CHIEF PLANNER, PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT.
- FIRE ROUTE SIGNS AND 3-WAY FIRE HYDRANTS SHALL BE ESTABLISHED TO THE SATISFACTION OF THE CITY FIRE DEPARTMENT AND AT THE EXPENSE OF THE OWNER.
- MINIMUM DRIVEWAY DIMENSIONS AT THE PROPERTY LINE BOUNDARIES ARE PLUS OR MINUS 7.5M UNLESS OTHERWISE STATED.
- ALL DRIVEWAYS FROM PROPERTY LINES FOR THE FIRST 7.5M SHALL BE WITHIN 5% MAXIMUM GRADE, THEREAFTER ALL DRIVEWAYS SHALL BE WITHIN 10% MAXIMUM GRADE.
- THE APPROVAL OF THIS PLAN DOES NOT EXEMPT THE OWNER'S BONDED CONTRACTOR FROM THE REQUIREMENTS TO OBTAIN THE VARIOUS PERMITS/APPROVALS NORMALLY REQUIRED TO COMPLETE A CONSTRUCTION PROJECT, SUCH AS, BUT NOT LIMITED TO THE FOLLOWING:
 - BUILDING PERMITS
 - ROAD CUT PERMITS
 - APPROACH APPROVAL PERMITS
 - COMMITTEE OF ADJUSTMENT
 - SEWER AND WATER PERMITS
 - RELOCATION OF SERVICES
 - ENCROACHMENT AGREEMENTS (IF REQUIRED)
- ABANDONED ACCESSES MUST BE REMOVED AND THE CURB AND BOULEVARD RESTORED WITH SOIL AT THE OWNERS EXPENSE TO THE SATISFACTION OF THE CORRIDOR MANAGEMENT SECTION, PUBLIC WORKS DEPARTMENT.
- MAINTAIN A 5.0 METRE BY 5.0 METRE VISIBILITY TRIANGLES IN WHICH THE MAXIMUM HEIGHT OF ANY OBJECTS OR MATURE VEGETATION IS NOT TO EXCEED A HEIGHT OF 0.60 METRES ABOVE THE CORRESPONDING PERPENDICULAR CENTRELINE ELEVATION OF THE ADJACENT STREET.
- ALL SIGNS MUST COMPLY WITH SIGN BY-LAW NO. 10-197
- THE DEVELOPER IS RESPONSIBLE FOR ALL WASTE REMOVAL UP UNTIL THE TIME THAT AN AGREEMENT FOR ON-SITE COLLECTION OF SOLID WASTE IS FINALIZED AND MUNICIPAL COLLECTION SERVICES ARE INITIATED. NOTE: THE SITE WILL ONLY RECEIVE MUNICIPAL WASTE COLLECTION SERVICE ONCE REVIEWED FOR SERVICEABILITY BY CITY STAFF.
- ANY LANDSCAPING OR STREET PLANTERS PROPOSED WITHIN THE MUNICIPAL ROW WILL REQUIRE AN ENCROACHMENT AGREEMENT.

ELECTRA UTILITIES

- RELOCATION, MODIFICATION, OR REMOVAL OF ANY EXISTING HYDRO FACILITIES, SHALL BE AT THE OWNERS EXPENSE.
- DO NOT EXCAVATE WITHIN 2M OF HYDRO POLE OR ANCHORS
- EXCAVATION WITHIN 1M OF UNDERGROUND HYDRO PLANT IS NOT PERMITTED UNLESS APPROVAL IS GRANTED BY A HORIZON UTILITIES REPRESENTATIVE AND IS PRESENT TO PROVIDE DIRECT SUPERVISION. COST ASSOCIATED WITH THIS TASK SHALL BE AT THE OWNERS EXPENSE.
- HORIZON UTILITIES MUST BE CONTACTED IF REMOVAL, ISOLATION OR RELOCATION OF EXISTING PLAN IS REQUIRED. ALL COST ASSOCIATED WITH THIS WORK WILL BE AT THE OWNERS EXPENSE.

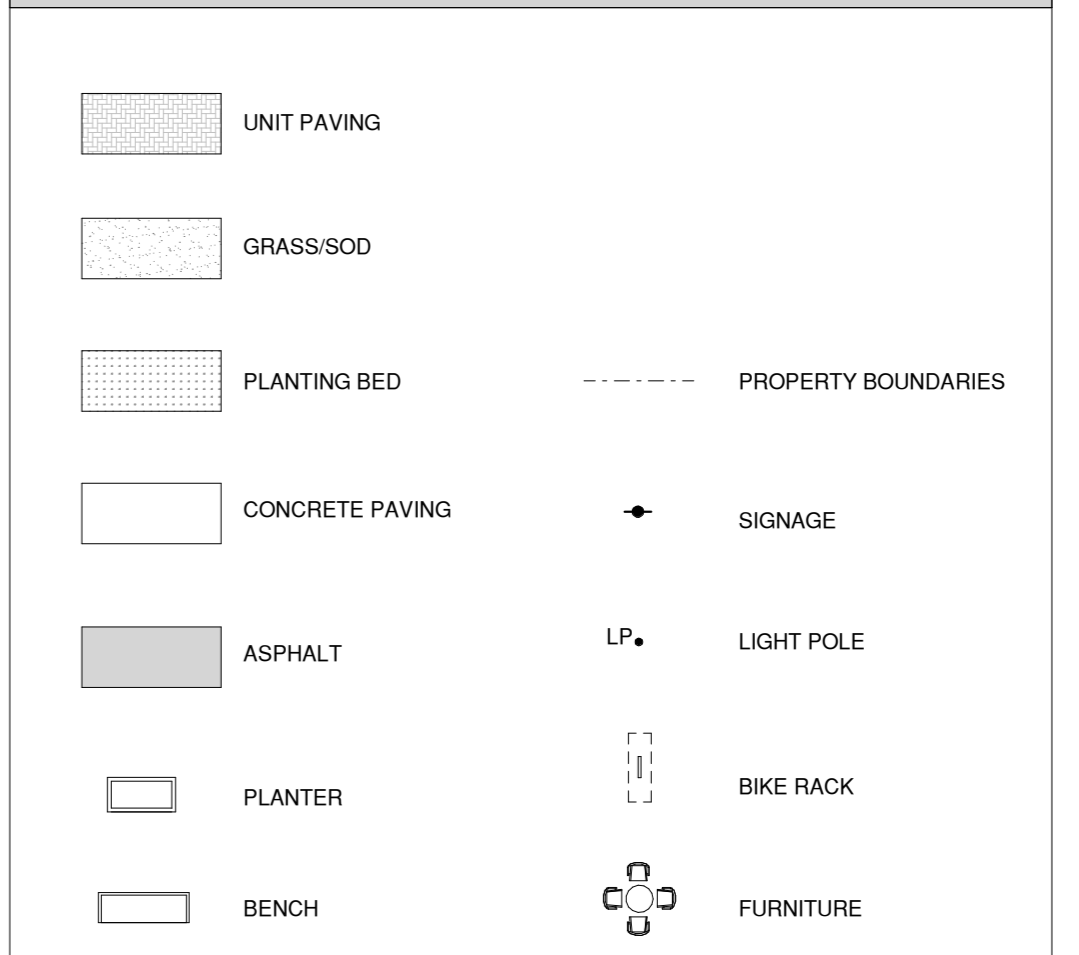
DETAILS OF DEVELOPMENT

	PROPOSED	MAXIMUM
LOT AREA:	2,942 m ²	-
BUILDING FOOTPRINT:	781.7 m ²	-
LOT COVERAGE:	26.5%	50%
GROSS FLOOR AREA:	4,849 m ²	-
END FLOOR FACADE WIDTH:	43.64 m	-
BUILDING HEIGHT:	6 STOREYS	30 STOREYS
	21.5 m	94 m

RESIDENTIAL UNIT BREAKDOWN:		
	COUNT	AREA
TOTAL NO. OF UNITS	55	
1 BEDROOM	27	38.9 m ²
1 BEDROOM BF	6	50.1 m ²
2 BEDROOM	16	78.4 m ²
3 BEDROOM BF	4	98.8 m ²
INDOOR AMENITY SPACE	1	84.4 m ²
OUTDOOR AMENITY SPACE	1	400.5 m ²
TOTAL AMENITY SPACE	-	589.9 m ²

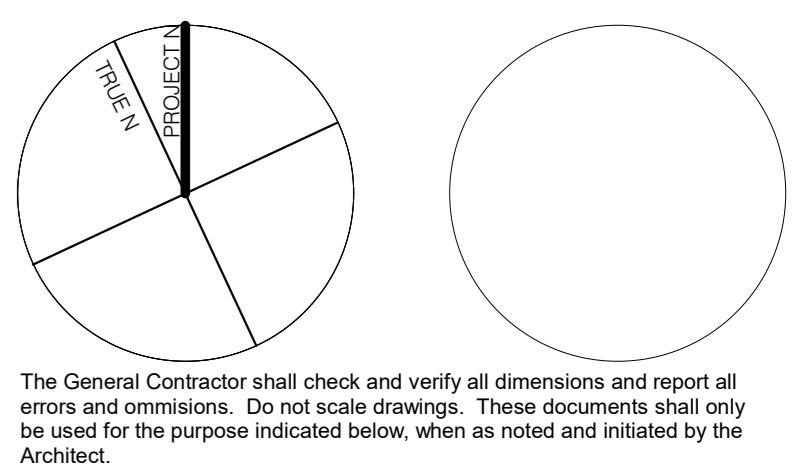
PARKING		
	PROPOSED	REQUIRED
PARKING SPACES	6	6
BARRIER FREE SPACES	1	1
LOADING SPACES	0	0
VISITOR PARKING	0	0
LONG TERM BICYCLE SPACES	28	27
SHORT TERM BICYCLE SPACES	10	5

SITE PLAN LEGEND



87 Hewitt Avenue, Suite 412
 Toronto, Ontario M9B 3E3
 T: 416.338.5566 F: 416.338.8262
 kmj.com

KEARNS MANCINI ARCHITECTS



The General Contractor shall check and verify all dimensions and report all errors and omissions. Do not scale drawings. These documents shall only be used for the purposes indicated below, when as noted and initiated by the Architect.

Certificate of Practice No.: 1796
 Architect's BCIN: _____

SPA Permit Tender Contract Construction

No.	Description	Chk'd	Date
2	ISSUED FOR SPA	KMA	DEC 11, 2020
3	ISSUED FOR CM RFP	KMA	FEB 24, 2021
4	ISSUED FOR PRE-DESIGN DEVELOPMENT SIGN OFF	KMA	MAR 3, 2021
5	ISSUED FOR MINOR VARIANCE SUBMISSION	KMA	AUG 4, 2021

City Housing Hamilton (CHH)
 20-004 BAY CANNON CHH DEVELOPMENT
 104-106 Bay Street North
 Hamilton, ON

Scale: As Indicated
 Date Plotted: 8/3/2021 11:09:44 AM
 Drawn: Author
 Checked: Checker

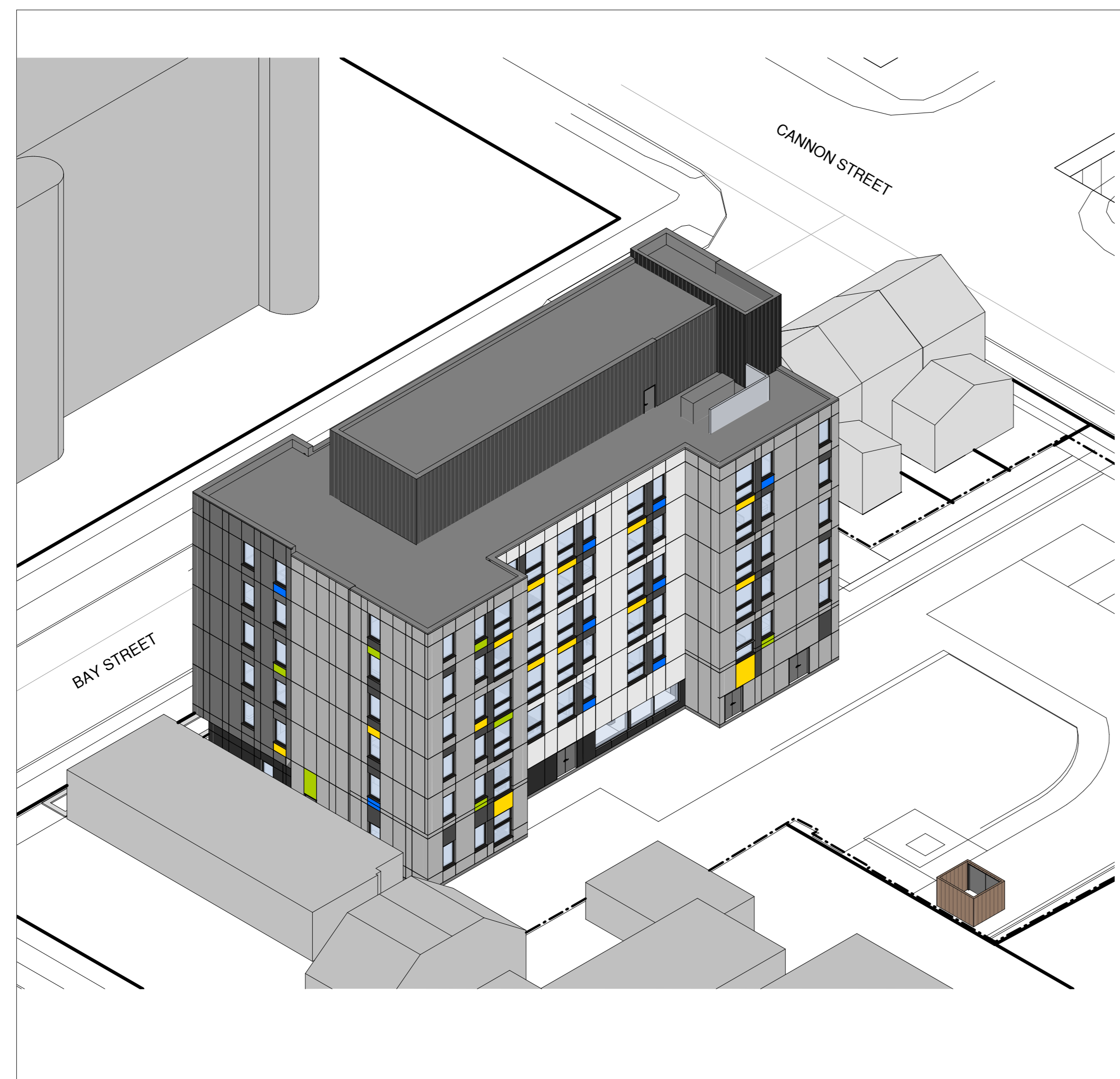
Project No.: 20-004
 Drawing No.:

DA-21-008
 Site Plan Phase 1

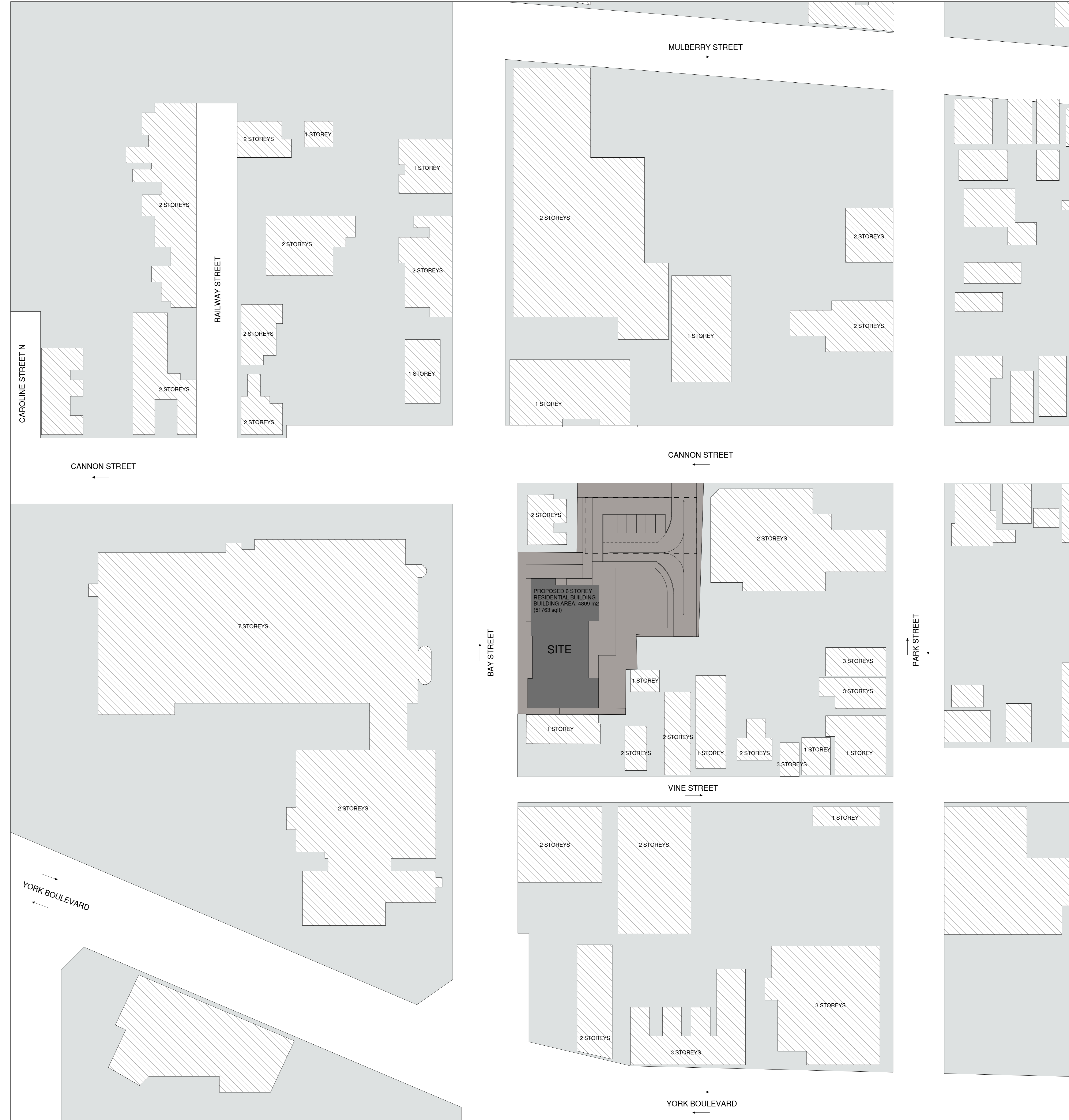
A004



PROPOSED BUILDING - AXONOMETRIC VIEW FROM NORTH - WEST

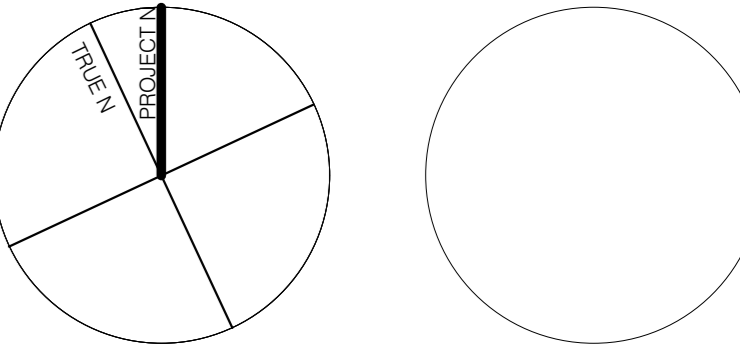


PROPOSED BUILDING - AXONOMETRIC VIEW FROM SOUTH - EAST



URBAN CONTEXT PLAN

67 Mowat Avenue, Suite 432
Toronto, Ontario, M6K 3E3
T: 416.536.5666 F: 416.536.8626
kma.com



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Project
City Housing Hamilton
(CHH)
20-004 BAY CANNON CHH
DEVELOPMENT
104-106 Bay Street North
Hamilton, ON

Scale: 1:500
Date Plotted: 8/3/2021 11:09:39 AM
Drawn: Author
Checked: Checker

Project No.: 20-004
Drawing No.:

Urban Context Plan &
Building Massing

A002

IN THE ANDREW'S MILLER'S SURVEY

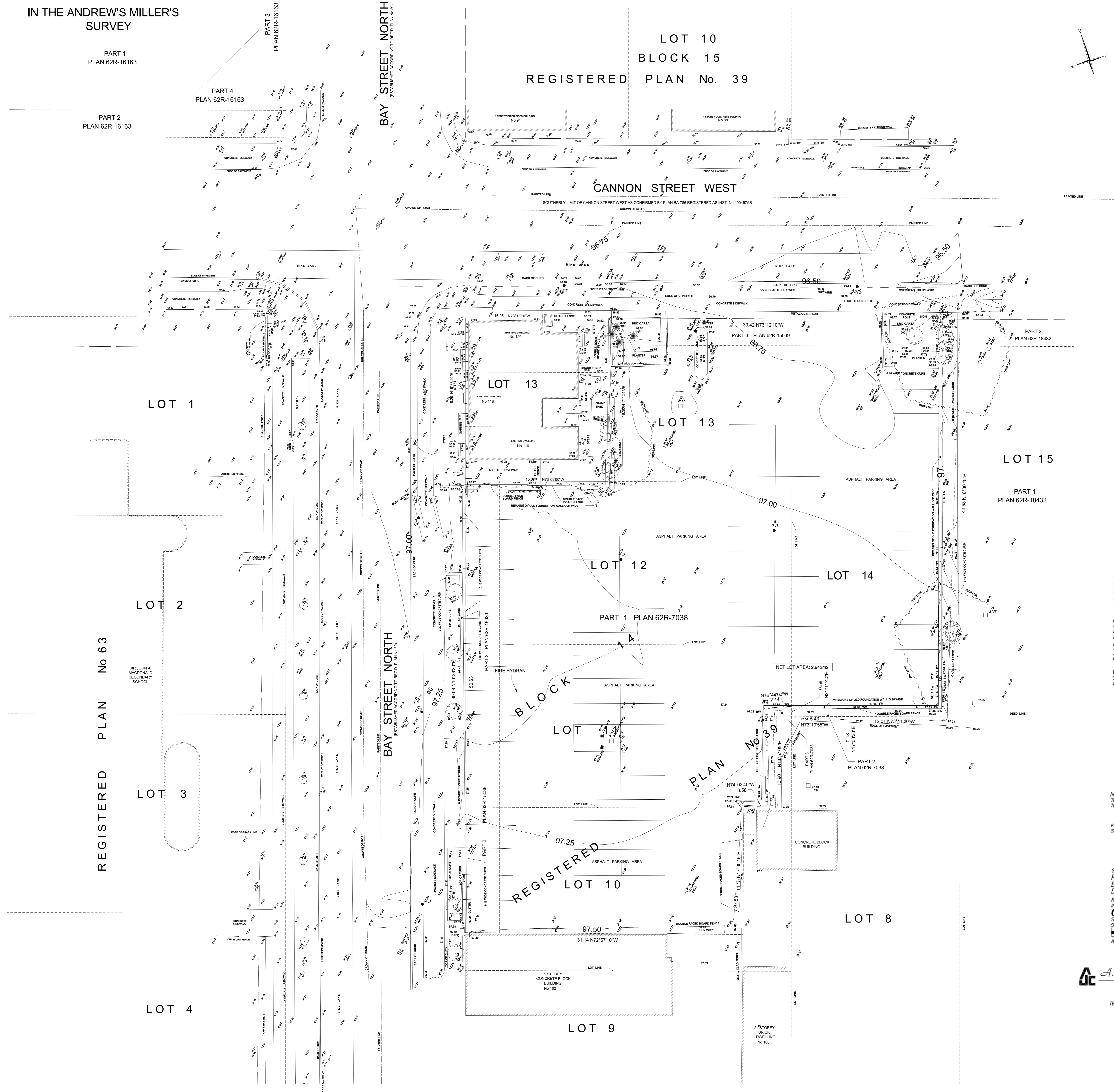
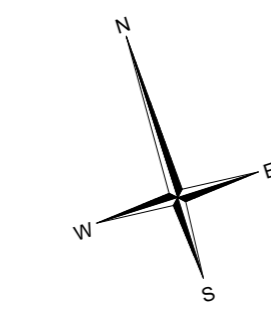
PART 1
PLAN 62R-16163

PART 2
PLAN 62R-16163

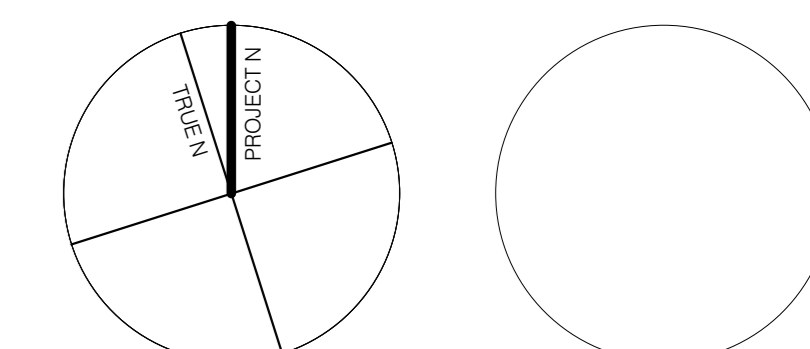
PART 4
PLAN 62R-16163

PART 3
PLAN 62R-16163

LOT 10
BLOCK 15
REGISTERED PLAN No. 39



1 Atlantic Avenue, Suite 104
Toronto, Ontario, M5K 3E7
T 416 536 2666 F 416 536 8626
kma.com



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BEARINGS HEREON ARE UTM GRID AND ARE REFERRED TO EASTERLY LIMIT OF BAY STREET WITH A BEARING OF N76°20'00" AS SHOWN ON THE PLAN OF SURVEY BY A. J. CLARKE & ASSOCIATES LTD. DATED DECEMBER 17, 2018 (INDEXED T-2776)

BENCH MARK
CITY OF HAMILTON
MONUMENT No. 07720100049
RIB WITH BRASS CAP
MONUMENT IS LOCATED AT THE EAST SIDE OF BAY FRONT PARK, ~85.0m WEST OF THE CENTRE LINE OF BAY STREET NORTH AND ~22.0m SOUTHWEST OF THE CENTRE LINE OF HARBOUR FRONT DRIVE. ELEVATION=85.228 CGVD 28

METRIC:
DISTANCES AND ELEVATIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

- LEGEND:
- BPED DENOTES BELL PEDESTAL
 - BR DENOTES BOTTOM OF WALL
 - CB DENOTES CATCH BASIN
 - CTB DENOTES CABLE TV BOX
 - HALS DENOTES HYDRO & LIGHT STANDARD
 - HYD DENOTES FIRE HYDRANT
 - HS DENOTES HAND SIGN
 - LS DENOTES LIGHT STANDARD
 - SMWH DENOTES SANITARY MANHOLE
 - STWH DENOTES STORM MANHOLE
 - TW DENOTES TOP OF WALL
 - WV DENOTES WATER VALVE
 - 100W DENOTES 100mm DIA. TREE
 - GV DENOTES GAS VALVE
 - JB DENOTES JUNCTION BOX
 - BN DENOTES BENCHMARK

NOTE:
THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED OTHER THAN THE PURPOSE THAT IS SHOWN ON THE TITLE BLOCK.

FIELD WORK WAS COMPLETED ON SEPTEMBER 8, 2020 TO UPDATE SKETCHES T-2776A AND T-2776B.

SKETCH SHOWING EXISTING CONDITIONS OVER PART OF LOT 13
BLOCK 14
DAVID KIRKENDALL SURVEY
REGISTERED PLAN No. 39
CITY OF HAMILTON
SCALE 1:150
ATHITHAN KANAGANAYAGAM O.L.S.

A.J. Clarke and Associates Ltd.
SURVEYORS • PLANNERS • ENGINEERS
25 MAIN STREET WEST, SUITE 300
HAMILTON, ONTARIO, L8P 1H1
TEL. 905-528-8761 FAX 905-528-2289
email: ajc@ajclarke.com

SEPTEMBER 24, 2020
DATE

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Project
City Housing Hamilton (CHH)
20-004 BAY CANNON CHH DEVELOPMENT
104-106 Bay Street North
Hamilton, ON

Scale	1:150
Date Plotted	8/30/2021 11:09:40 AM
Drawn	Author
Checked	Checker

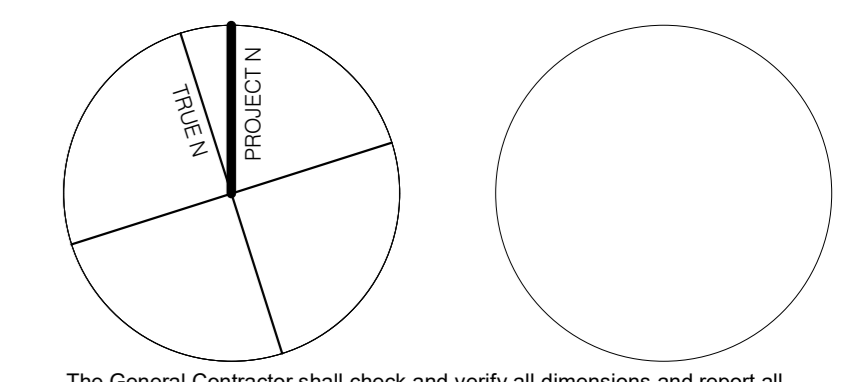
Project No. 20-004
Drawing No.

Existing Site Survey

A003

KEARNS MANCINI ARCHITECTS

1 Atlantic Avenue, Suite 104
Toronto, Ontario M5K 3E7
T 416 536 2666 F 416 536 8626
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SPA Permit Tender Contract Construction

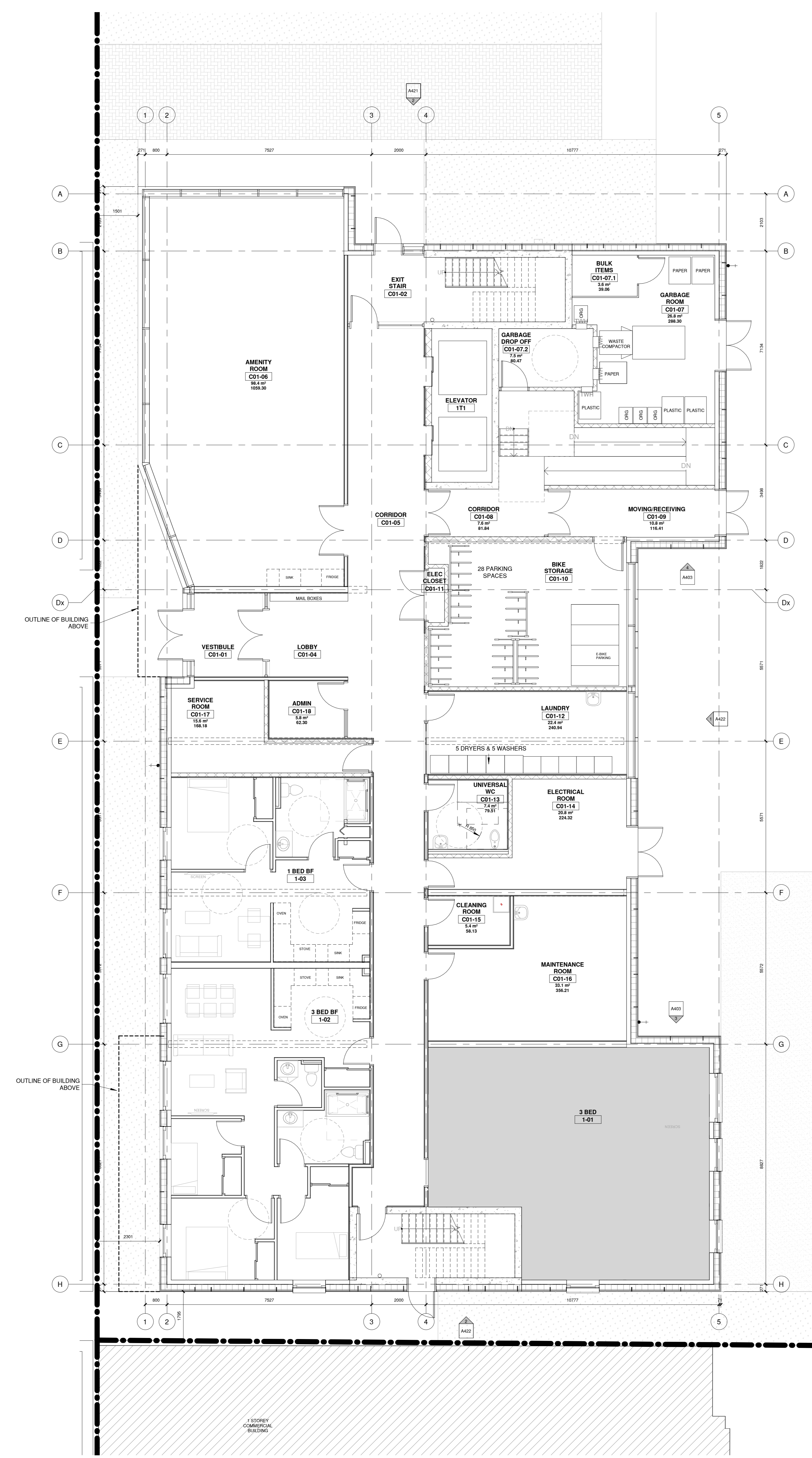
No.	Description	Chk'd	Date
1	ISSUED FOR DESIGN REVIEW PANEL	KMA	OCT 23, 2020
3	ISSUED FOR CM RFP	KMA	FEB 24, 2021
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City Housing Hamilton (CHH)
20-004 BAY CANNON CHH DEVELOPMENT
104-106 Bay Street North
Hamilton, ON

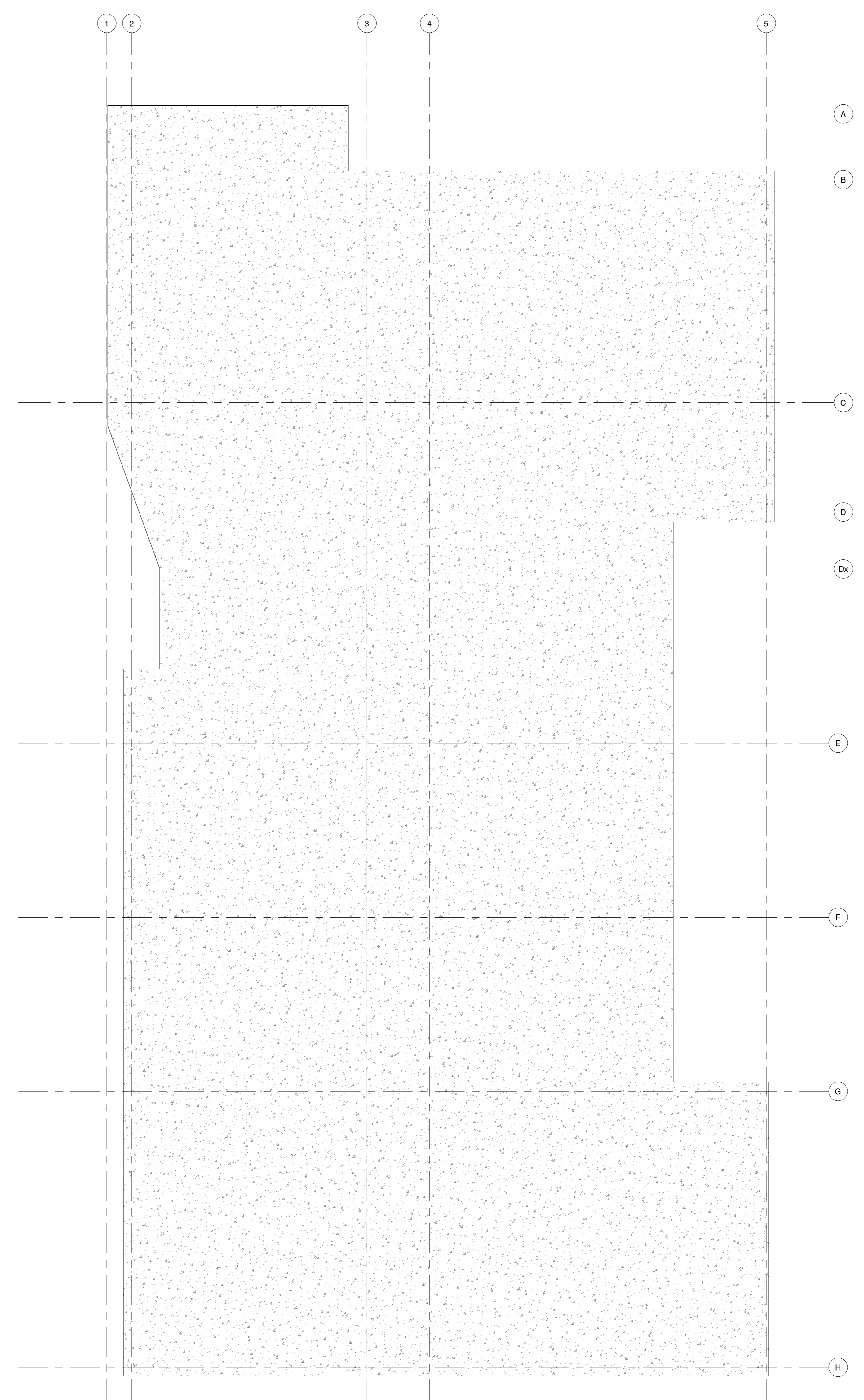
Scale: 1:75
Date Plotted: 8/30/21 11:09:47 AM
Drawn: Author
Checked: Checker

Project No.: 20-004
Drawing No.: Foundation and Ground Floor Floor Demising Partition Plan

A201

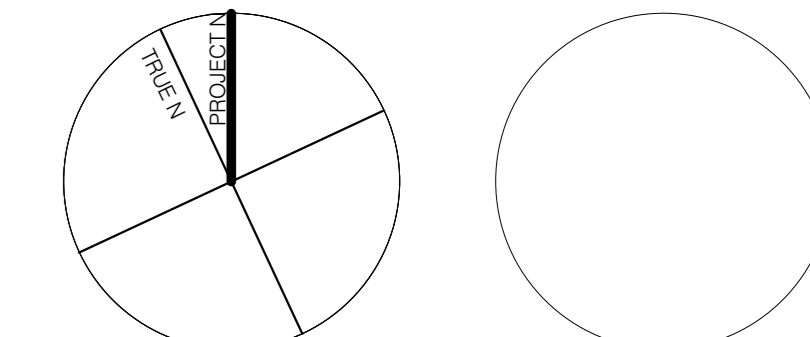


1 GROUND FLOOR DEMISING PARTITION PLAN
A201 1:75



2 FOUNDATION PLAN
A201 1:75

87 Mowat Avenue, Suite 412
Toronto, Ontario, M6K 3E3
T: 416.538.5666 F: 416.538.8626
kma.com



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1	ISSUED FOR DESIGN REVIEW PANEL	KMA	OCT 23, 2020
2	ISSUED FOR SPA	KMA	DEC 17, 2020
3	ISSUED FOR CA RFP	KMA	FEB 26, 2021
4	ISSUED FOR PRE-DESIGN DEVELOPMENT	KMA	MAR 3, 2021
5	ISSUED FOR MINOR VARIANCE SUBMISSION	KMA	AUG 4, 2021



GENERAL NOTE: BUILDING HEIGHT IS MEASURED FROM THE AVERAGE GRADE OF 97.525M, WHICH HAS BEEN DETERMINED IN ACCORDANCE WITH THE DEFINITION OF GRADE PER ZONING BY-LAW 05-200.

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City Housing Hamilton (CHH)
20-004 BAY CANNON CHH DEVELOPMENT
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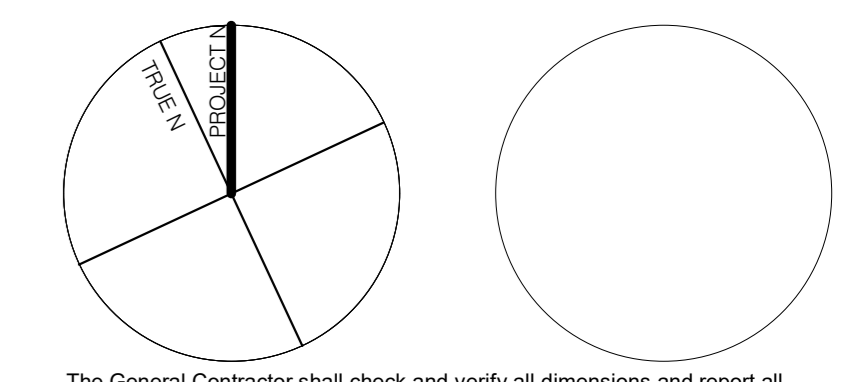
Scale: 1:100
 Date Plotted: 8/3/2021 11:06:02 AM
 Drawn: Author
 Checked: Checker

Project No.: 20-004
 Drawing No.:

DA-21-008
 Building Elevations

A401

87 Mowat Avenue, Suite 412
 Toronto, Ontario M5R 3E3
 T 416.538.5666 F 416.538.8626
 kma.com



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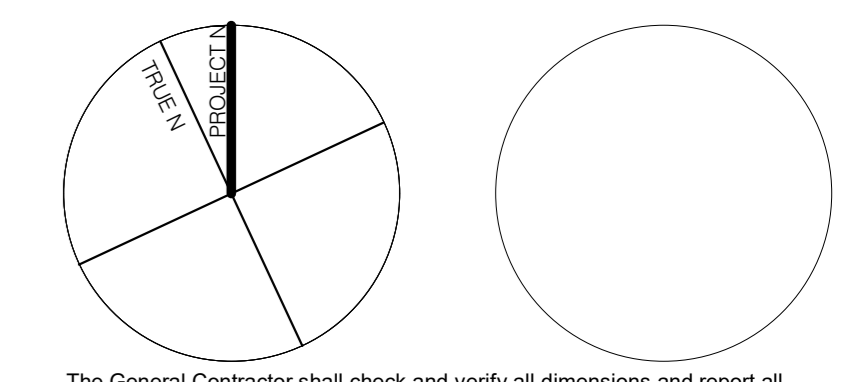
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 Checked: Checker

Project No.: 20-004
 Drawing No.:

DA-21-008
 Building Elevations

A402

87 Mowat Avenue, Suite 412
 Toronto, Ontario, M6K 3E3
 T: 416.538.5666 F: 416.538.8626
 kma1.com



The General Contractor shall check and verify all dimensions and report all errors and omissions. Do not scale drawings. These documents shall only be used for the purpose indicated below, when as noted and initiated by the Architect.

Certificate of Practice No.: 1796
 Architect's BCN: _____

SPA Permit Tender Contract Construction

No.	Description	Chk'd	Date
2	ISSUED FOR SPA	KMA	DEC 11, 2020
3	ISSUED FOR CM RFP	KMA	FEB 24, 2021
4	ISSUED FOR PRE-DESIGN DEVELOPMENT SIGN OFF	KMA	MAR 3, 2021
5	ISSUED FOR MINOR VARIANCE SUBMISSION	KMA	AUG 4, 2021



GENERAL NOTE: BUILDING HEIGHT IS MEASURED FROM THE AVERAGE GRADE OF 97.525M, WHICH HAS BEEN DETERMINED IN ACCORDANCE WITH THE DEFINITION OF GRADE PER ZONING BY-LAW 05-200.

Project
City Housing Hamilton (CHH)
20-004 BAY CANNON CHH DEVELOPMENT
 104-106 Bay Street North
 Hamilton, ON

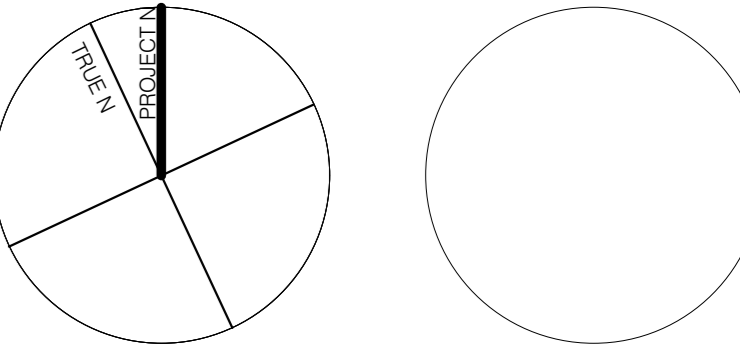
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 Checked: Checker

Project No.: 20-004
 Drawing No.:

DA-21-008
 Building Elevations

A403

87 Hewitt Avenue, Suite 412
Toronto, Ontario M6K 3E3
T: 416.536.5666 F: 416.536.8626
kma.com

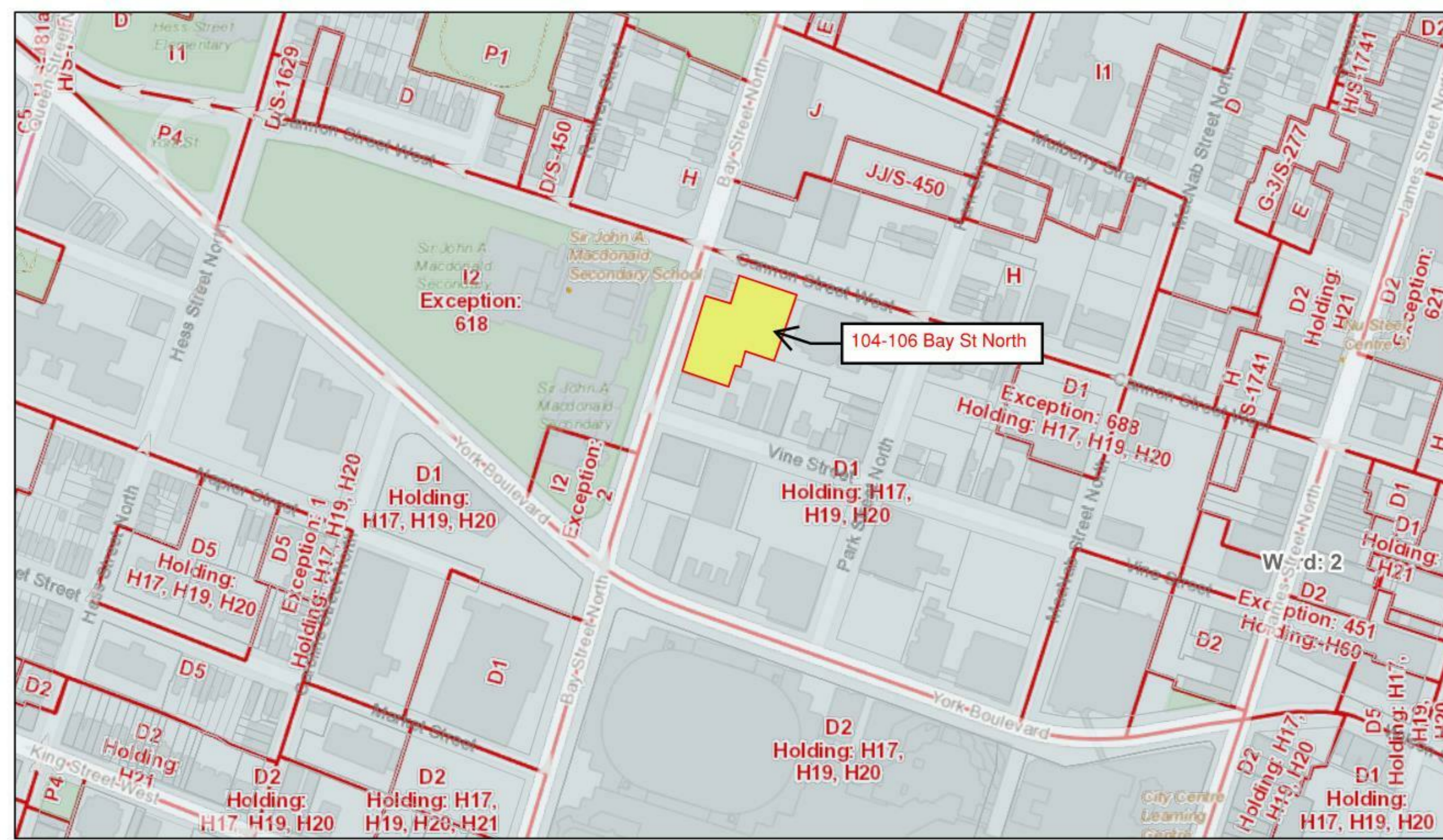


The General Contractor shall check and verify all dimensions and report all errors and omissions. Do not scale drawings. These documents shall only be used for the purpose indicated below, when as noted and initiated by the Architect.

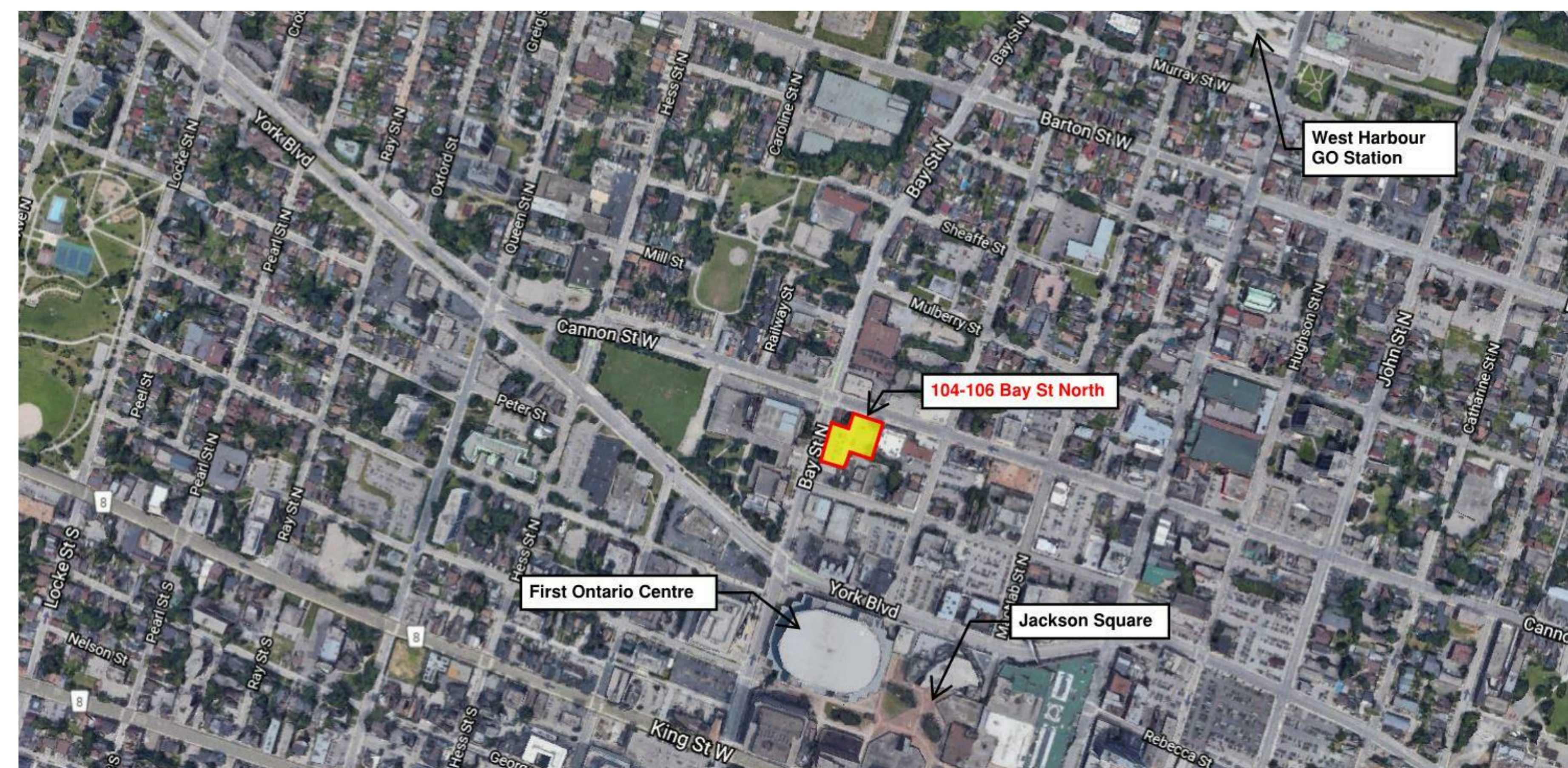
Certificate of Practice No.: 1796
Architect's BCN:

SPA Permit Tender Contract Construction

No.	Description	Chk'd	Date
2	ISSUED FOR SPA	KMA	DEC 11, 2020
3	ISSUED FOR CM RFP	KMA	FEB 24, 2021
4	ISSUED FOR PRE-DESIGN DEVELOPMENT SIGN OFF	KMA	MAR 3, 2021
5	ISSUED FOR MINOR VARIANCE SUBMISSION	KMA	AUG 4, 2021



ZONING MAP



CONTEXT PLAN

PLANNING CONSULTANT	CIVIL CONSULTANT	LANDSCAPE ARCHITECT & ARBORIST	MECHANICAL & ELECTRICAL CONSULTANT	STRUCTURAL CONSULTANT	ARCHITECT
BOUSFIELDS INC. 1 Main Street East, Suite 200 Hamilton, Ontario L8N 1E7 t: 905 549-3005	S.LLEWELLYN & ASSOCIATES LIMITED 3228 South Service Road, #105, East Wing Burlington, Ontario L7N 3H8 t: 905 631-6978	ADESSO DESIGN INC. 218 Locke Street South, 2nd Floor Hamilton, Ontario L8P 4B4 t: 905 526-8876	REINBOLD ENGINEERING GROUP 214 King Street West, Suite 212 Toronto, Ontario M5H 3S6 t: 647 352-1166	READ JONES CHRISTOFFERSEN 100 University Ave, North Tower, Suite 400 Toronto, Ontario M5J 2L7 416 977-1427	KEARNS MANCINI ARCHITECTS 1 Atlantic Ave., Suite 104 Toronto, Ontario M6K 3E7 t: 416 536-5666

CIVIL DRAWING LIST	
Sheet Number	Sheet Name

LANDSCAPE DRAWING LIST	
Sheet Number	Sheet Name

ARCHITECTURAL DRAWINGS SPA SET		
Sheet Number	Sheet Name	
A404	DA-21-008	Elevation Materials

Project
City Housing Hamilton (CHH)
20-004 BAY CANNON CHH DEVELOPMENT
104-106 Bay Street North
Hamilton, ON

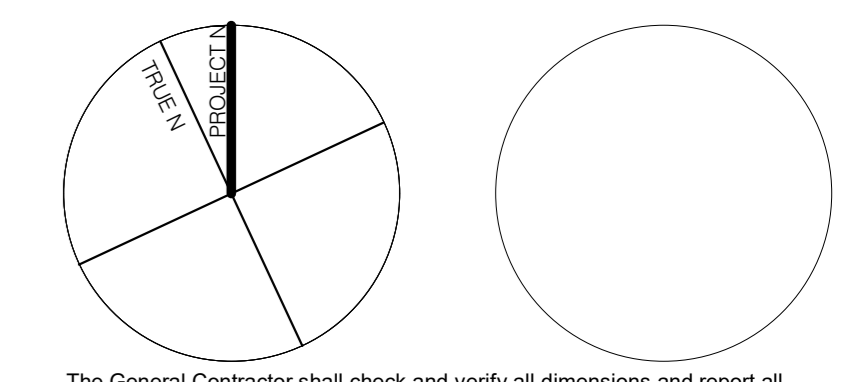
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Drawn: Author
Checked: Checker

Project No.: 20-004
Drawing No.:

Project Title

A000

87 Mowat Avenue, Suite 432
 Toronto, Ontario M6K 3E3
 T: 416.536.5666 F: 416.536.8626
 kma.com

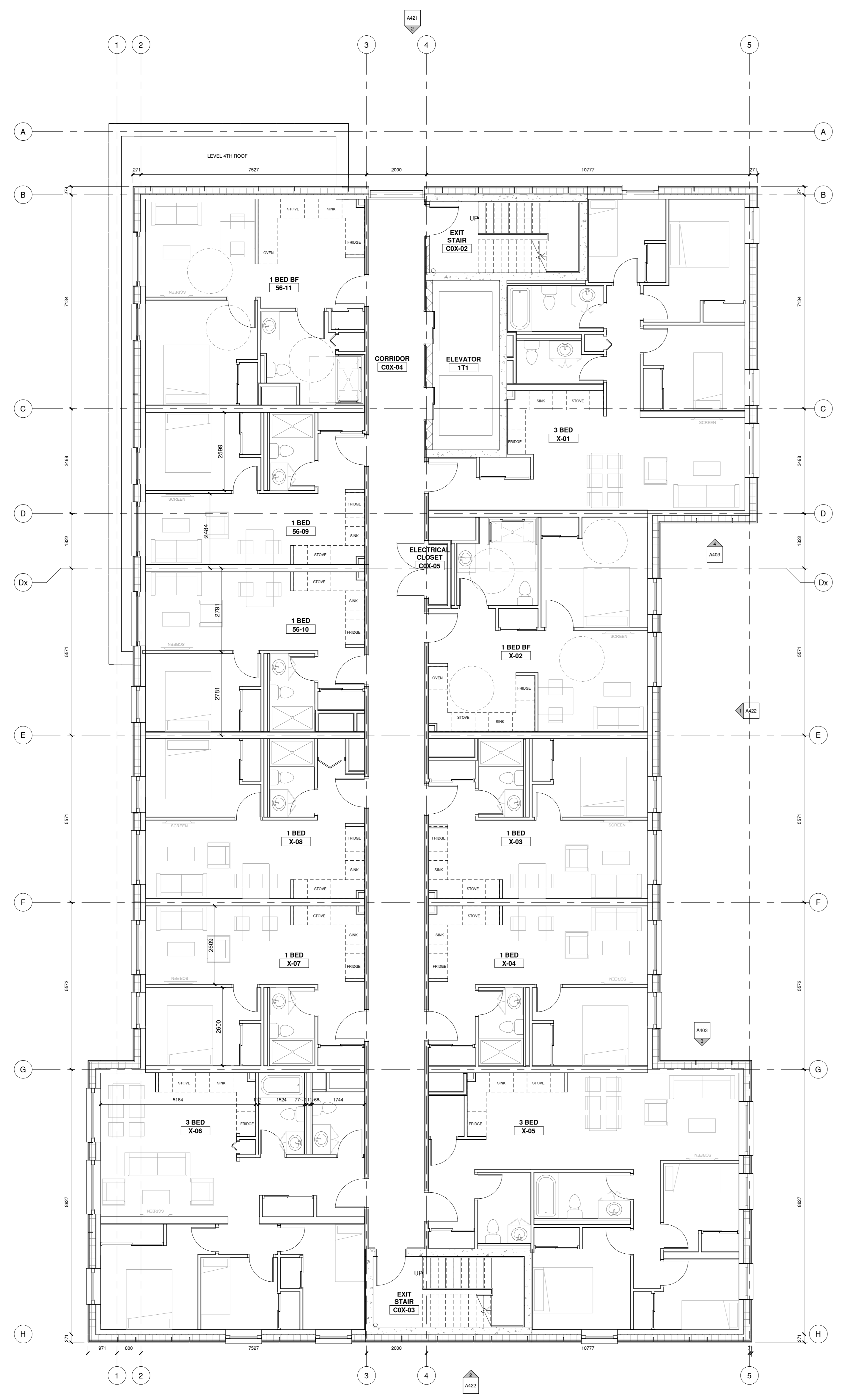


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Certificate of Practice No.: 1796
 Architect's BCN: _____

SPA Permit Tender Contract Construction

No.	Description	Chk'd	Date
2	ISSUED FOR SPA	KMA	DEC 11, 2020
3	ISSUED FOR CAR/PP	KMA	FEB 24, 2021
4	ISSUED FOR PRE-DESIGN DEVELOPMENT SIGN OFF	KMA	MAR 3, 2021
5	ISSUED FOR MINOR VARIANCE SUBMISSION	KMA	AUG 4, 2021



1 5TH TO 6TH FLOOR DEMISING PARTITION PLAN
 A202 1:75



2 2ND TO 4TH FLOOR DEMISING PARTITION PLAN
 A202 1:75

Project
City Housing Hamilton (CHH)
20-004 BAY CANNON CHH DEVELOPMENT
 104-106 Bay Street North
 Hamilton, ON

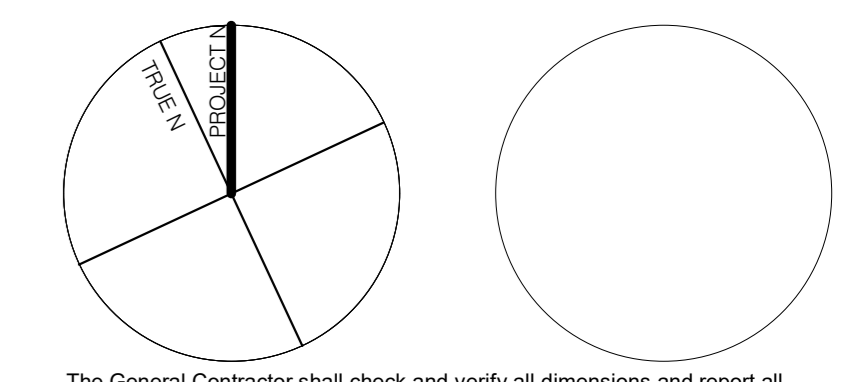
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 Drawn: Author
 Checked: Checker

Project No.: 20-004
 Drawing No.:

2nd to 4th and 5th to 6th
 Demising Partition Plan

A202

87 Mowat Avenue, Suite 432
 Toronto, Ontario M5R 3E3
 T: 416.536.5566 F: 416.536.8626
 kma.com

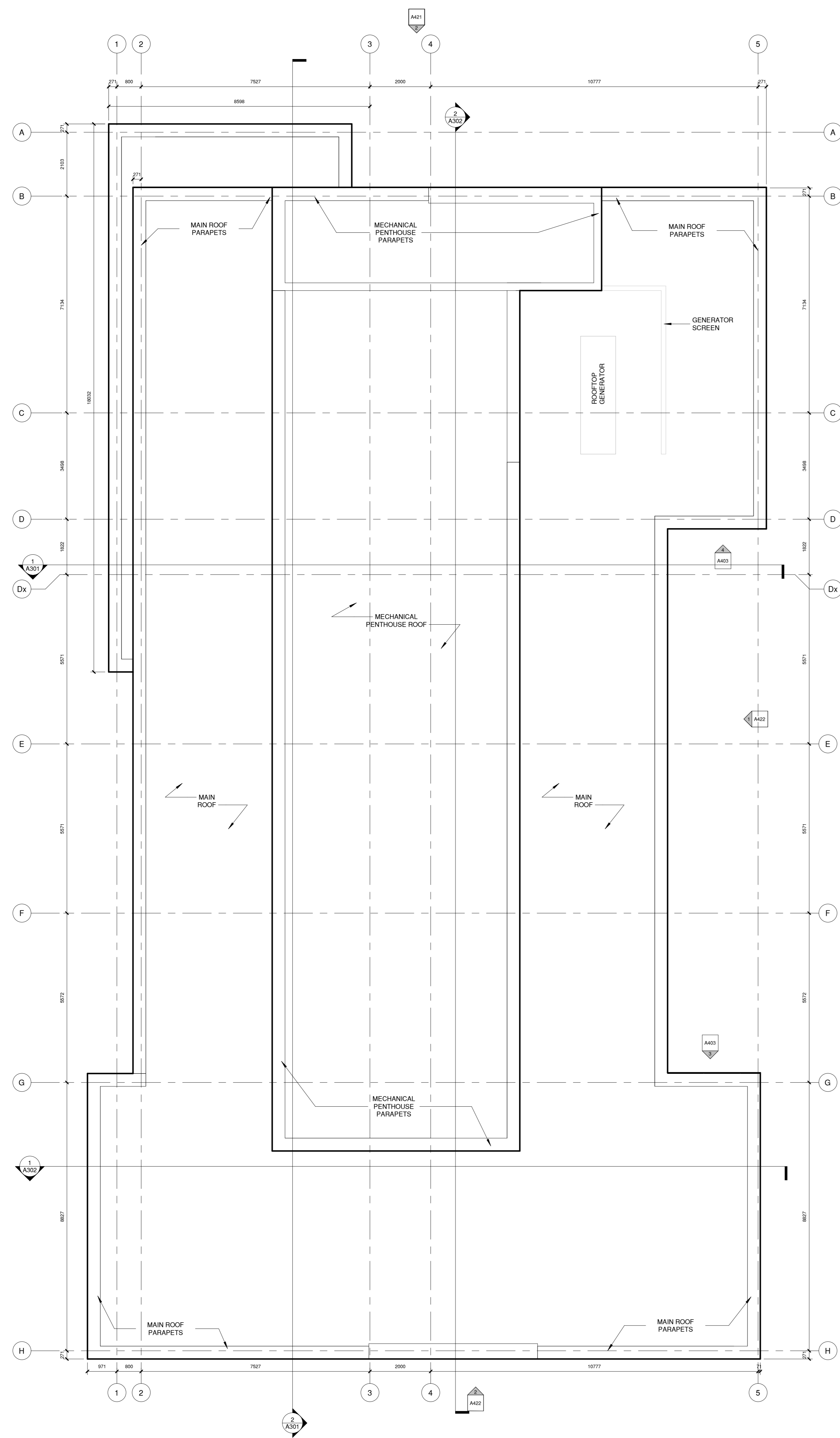


The General Contractor shall check and verify all dimensions and report all errors and omissions. Do not scale drawings. These documents shall only be used for the purpose indicated below, when as noted and initiated by the Architect.

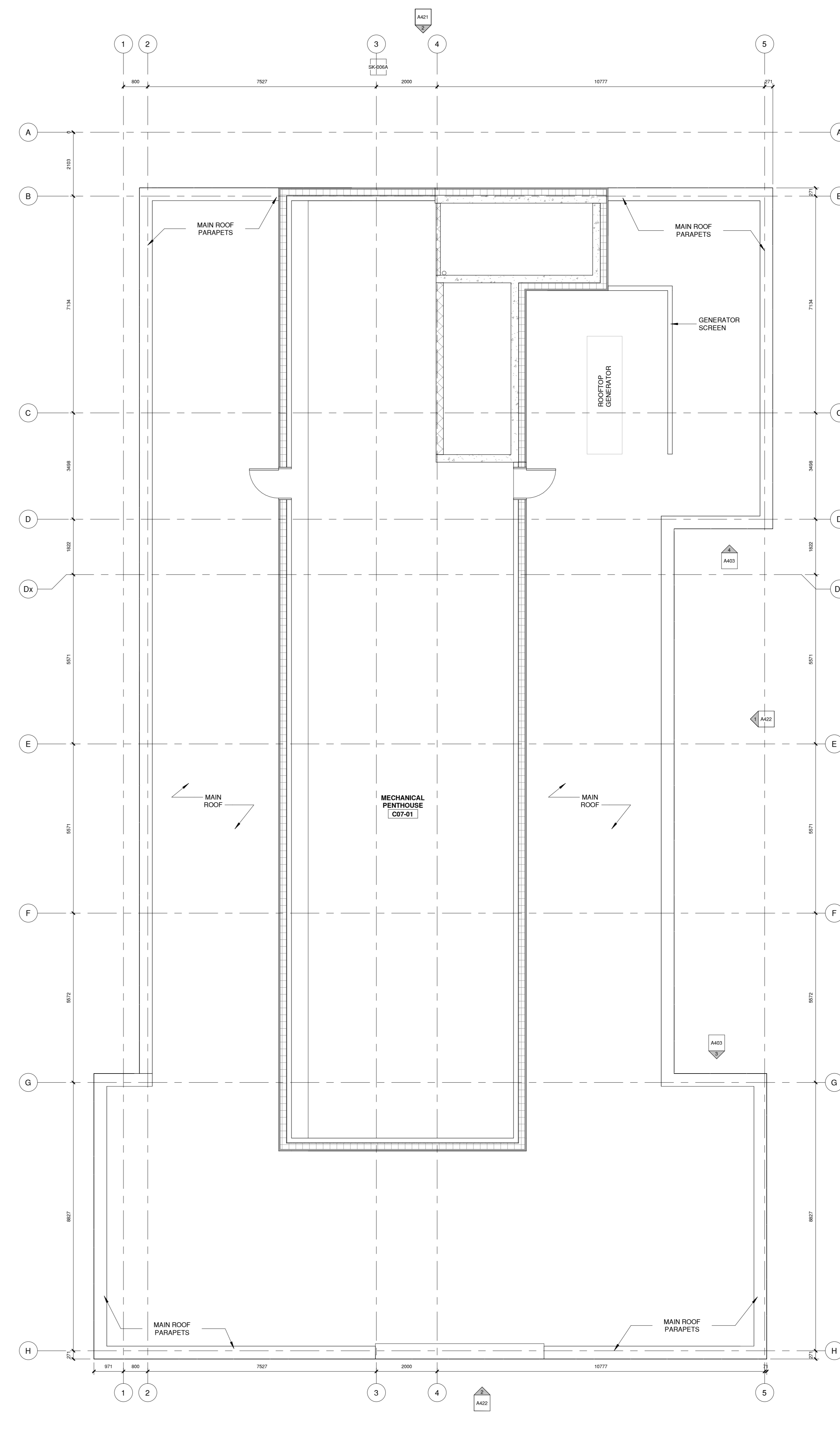
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 Architect's BCN: _____

SPA Permit Tender Contract Construction

No.	Description	Chk'd	Date
2	ISSUED FOR SPA	KMA	DEC 11, 2020
3	ISSUED FOR CM RFP	KMA	FEB 24, 2021
4	ISSUED FOR PRE-DESIGN DEVELOPMENT SIGN OFF	KMA	MAR 3, 2021
5	ISSUED FOR MINOR VARIANCE SUBMISSION	KMA	AUG 4, 2021



2 ROOF PLAN
 A200 1:75



1 MECHANICAL PENTHOUSE PARTITION PLAN
 A203 1:75

Project
City Housing Hamilton (CHH)
20-004 BAY CANNON CHH DEVELOPMENT
 104-106 Bay Street North
 Hamilton, ON

Scale: 1:75
 Date Plotted: 8/30/21 11:09:55 AM
 Drawn: Author
 Checked: Checker

Project No.: 20-004
 Drawing No.: Mechanical Penthouse Demising Partition and Roof Plan



Hamilton

Committee of Adjustment

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

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

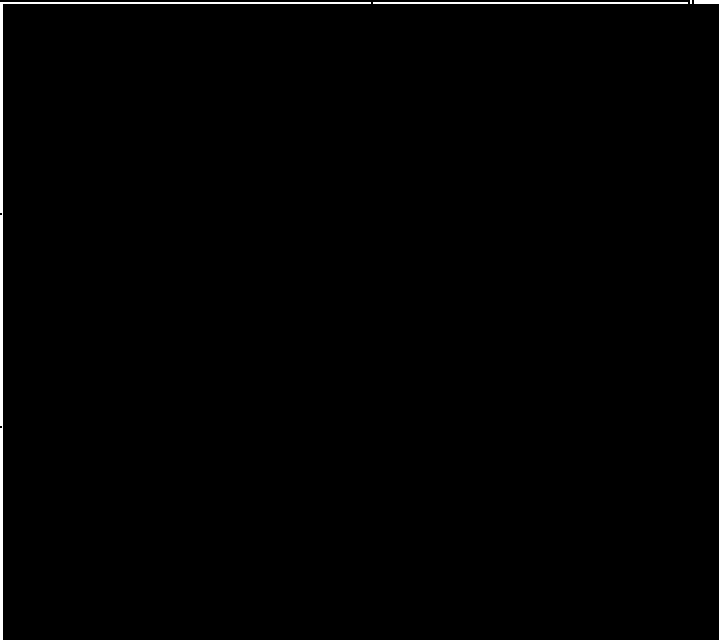
APPLICATION FOR A MINOR VARIANCE

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)		
Applicant(s)*		
Agent or Solicitor		

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:

Secondary Dwelling Unit Reconstruction of Existing Dwelling

5. Why it is not possible to comply with the provisions of the By-law?

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**):

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
Agricultural Vacant Other

Other _____

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?

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



_____ Signature Property Owner(s)

_____ Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage _____

Depth _____

Area _____

Width of street _____

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: _

Proposed

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

Existing:

Proposed:

Phase One and Two Environmental Site Assessments from Englobe dated September and December 2018 (included in submission package to satisfy previous use inventory requirement).

- 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.

7/21/2021
Date

Tim Huth Chad Collins
Signature Property Owner(s)

CityHousing Hamilton Corporation
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>50.63 m (along Bay Street North)</u>
Depth	<u>Varies - maximum depth approximately 54 metres.</u>
Area	<u>2,942 square metres</u>
Width of street	<u>Approx. 23.0 metres (Bay Street North)</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: _

N/A - Site is vacant and was previously in use as a municipal surface parking lot.

Proposed

The first phase of development comprises a 6-storey (21.825 m) multi-unit rental residential building is proposed, with a total gross floor area of 4,849 square metres.

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

Existing:

N/A - Site is vacant and was previously in use as a municipal surface parking lot.

Proposed:

The proposed phase 1 building is setback a minimum of 0.5 metres to the Bay Street North property line. 8.2 metres to the north property line abutting 116 Bay

13. Date of acquisition of subject lands:

14. Date of construction of all buildings and structures on subject lands:

15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
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:
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
21. Has the owner previously applied for relief in respect of the subject property?
- | | |
|-----|----|
| Yes | No |
|-----|----|
- If the answer is yes, describe briefly.
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
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.



BOUSFIELDS INC.

Project No. 2071

August 6, 2021

City of Hamilton
Committee of Adjustment
Hamilton City Hall
71 Main Street West, 5th Floor
Hamilton, Ontario L8P 4Y5

Dear Mr./Madam Chair and Members of Committee:

Re: *Committee of Adjustment Application*
106 Bay Street North, Hamilton
Related Site Plan Control Application No. DA-21-008

We are the planning consultants to Kearns Mancini Architects, on behalf of CityHousing Hamilton Corporation (the “owner”) as it relates to the property municipally known as 106 Bay Street North (the “subject site”). The subject site is located along the east side of Bay Street North and the south side of Cannon Street West and most recently operated as a municipal surface parking lot.

On behalf of the owner, we are pleased to submit this letter to the Committee of Adjustment in support of the enclosed minor variance application. This application requests 5 variances to Zoning By-law 05-200, as amended, in order to facilitate the development of a 6-storey rental residential building on the subject site. As outlined in further detail in this letter, it is our opinion that the requested variances satisfy the four tests set out in Section 45(1) of the *Planning Act*.

Site Context

The subject site is comprised of an irregularly shaped parcel with an area of approximately 2,943 square metres (0.29 hectares). Fronting onto Bay Street North and Cannon Street West, the subject site wraps around the adjacent residential properties directly abutting the intersection, and is considered a through lot for zoning purposes. Up until recently, the subject site operated as a municipal parking lot, prior to which it was vacant for a number of years after the earlier industrial uses ceased operations and the associated structure was demolished.

In terms of the surrounding context, the subject site is located within the northwest quadrant of Downtown Hamilton, in an immediate context that includes a mix of land uses in a variety built forms, including heritage registered (non-designated) residential dwellings and converted former industrial buildings, surface parking lots, commercial strip plazas and stand-alone retail stores and restaurants, and large-scale institutional and

entertainment uses. In this respect, the properties immediately surrounding the subject site are currently developed as follows:

- To the north and west: three 2-storey residential dwellings immediately abutting the subject site, adjacent to the intersection of Bay Street North and Cannon Street West, all of which are included on the City's Heritage Register (non-designated);
- To the south: an auto service centre, single-detached dwelling and two-storey retail market in a converted warehouse building fronting onto Vine Street, the latter two of which are included on the City's Heritage Register (non-designated);
- To the east: a two-storey grocery store and restaurant at the southwest corner of Park Street North and Cannon Street West;
- To the north: a one-storey commercial plaza with restaurant and service uses at the northeast corner of Bay Street North and Cannon Street West and a one-storey restaurant with drive-thru at the northwest corner; and
- To the west: the four-storey vacant former Sir John A. MacDonald secondary school (included on the City's Heritage Register (non-designated)) and associated playing fields, occupying the entire block bounded by Bay Street North, Cannon Street West, Hess Street North and York Boulevard.

Bay Street North is classified as a Minor Arterial Road on Schedule C, Functional Road Classification, of the UHOP. Adjacent to the subject site it has an existing right-of-way width of approximately 23.0 metres, containing two north-bound traffic lanes and a bi-directional cycle track on the west side. Sidewalks are accommodated on both sides of the roadway, along with boulevard areas for landscaping and streetscaping elements.

Cannon Street West is also classified as a Minor Arterial Road on Schedule C of the UHOP and has an existing right-of-way width of approximately 20.0 metres adjacent to the subject site. As set out in Schedule C-2, Future Right-of-Way Dedications, of the UHOP an ultimate width of 26.213 metres is planned for Cannon Street between Queen Street and Wellington Street. As such, a 3.0 metre road widening has been provided along the subject site's north property line. Cannon Street West currently contains three west-bound traffic lanes, with the northerly lane being available for on-street parking during off peak hours. In addition, a bi-directional cycle track is accommodated along the south side of the street and sidewalks are provided on both sides.

Background & Development Proposal

In December 2020, on behalf of the owner, Kearns Mancini Architects submitted a Site Plan Approval application (File No. DA-21-008) to facilitate the development of the subject site with a 6-storey rental residential building which will provide much-needed affordable rental dwelling units in the downtown. The owner intends to comprehensively redevelop the subject site in two phases – the proposed 6-storey building represents phase one of

the redevelopment, with phase two to proceed by way of a separate Site Plan Approval application in the future. Prior to the submission of the Site Plan Approval application, the proposal was reviewed by the City of Hamilton Design Review Panel on November 12, 2020 and the panel was generally supportive of the proposed site layout, building massing and Passivhaus design.

The Site Plan Approval application for the proposed phase one development was considered by the Development Review Team and conditionally approved by the Manager of Development Planning, Heritage and Design on May 3, 2021. The requested variances, as described below, were identified in the conditional approval letter and have been reviewed and deemed acceptable by Development Planning staff.

The proposed phase one development is oriented towards the subject site's Bay Street North frontage, with a varying setback to this property line between 0.8 and 2.3 metres. The principle building entrance is inset into this front façade by a depth of approximately 1.6 metres (resulting in a 3.15 metre setback from the entrance to the west property line), allowing for a weather protected entry-way and providing visual interest at the ground level. A variance is required to allow the proposed inset condition of the principle entrance, as the by-law requires the entrance to be located the least distance from a street line.

To the north, the proposed building is setback a minimum of 8.18 metres from the shared property line with the residential dwelling at 116 Bay Street North and 25.42 metres from the Cannon Street West property line. A variance is required to increase the permitted maximum setback to a street line, as the by-law permits only 4.5 metres.

The proposed building has an overall height of 6-storeys (21.825 metres), exclusive of the permitted rooftop mechanical elements. While some variation in the proposed massing (i.e. setbacks) have been provided along the north side of the building, no other setbacks have been contemplated, given the modest height of the proposal. A variance is required to exempt the proposed building from the by-law required 3.0 metre setback above the specified building base façade height of 18.5 metres. This by-law requirement is intended to ensure that a clear base building condition for tall buildings is established. As the proposal is only 6-storeys in height, City Planning and Urban Design staff have agreed that a setback at level 5 is not necessary to achieve the intent of this by-law provision.

Overall, the proposed phase one building has a total gross floor area of 4,849 square metres, comprised of 55 residential dwelling units, a large indoor common amenity room on the ground floor, and other supporting spaces, including a common laundry room, maintenance room and administrative space. The owner intends for the proposed phase one building to be certified by the Passive House Institute.

Exterior to the building, the proposal features a large outdoor amenity space in the interior of the site, as well as a waste collection area, access driveway and six surface parking

spaces (including one accessible parking space). The proposed parking spaces are located perpendicular to the Cannon Street West property line and will be buffered from the sidewalk by a 3.1 metre-wide landscaped planting strip, as well as the 3.0 metre-wide road widening to be dedicated to the City. As a result, the parking spaces will be setback a minimum of 6.1 metres from the current municipal sidewalk along Cannon Street West. A variance is required to permit the proposed location of the vehicle parking spaces between a building façade and a street line. It is noted that this condition is only temporary until the future phase two development is advanced. It is our understanding that the phase two development will feature an underground parking garage which will provide consolidated vehicle parking for both phases.

Requested Variances

As set out above, the following five variances to Zoning By-law 05-200, are required to permit the proposed development:

1. **Section 5.1 d) i)**
Parking spaces shall be permitted between the façade and the flankage lot line and within the required flankage yard, instead of the requirement that parking for multiple dwellings not be located between the façade and the flankage lot line or within the required flankage yard.
2. **Section 6.0 b) i)**
No setback from the building base façade height of 18.5 metres shall be required, instead of the requirement that a minimum 3.0 metre setback be provided from the building base façade height.
3. **Section 6.1.3 a) i)**
A maximum setback of 25.45 metres shall be provided along the Cannon Street West lot line for the portion of the building below 11.0 metres in height, instead of the maximum permitted 4.5 metre building setback from a street line for any portion of a building below 11.0 metres in height.
4. **Section 6.1.3 c) v)**
Parking spaces and aisles shall be permitted between the required building façade and the flankage lot line, instead of the requirement that no parking spaces or aisles be located between the required building façade and the flankage lot line.
5. **Section 6.1.3 c) vi)**
The principal entrance along Bay Street North shall be recessed into the main westerly façade, instead of the requirement that the principal entrance be provided within the ground floor façade setback the least distance from a street.

Planning Analysis

The following provides an analysis of each of the requested variances within the context of the applicable planning framework and the four tests for a minor variance as set out in Section 45(1) of the *Planning Act*, and listed below:

- (1) maintains the general intent and purpose of the Official Plan;
- (2) maintains the general intent and purpose of the Zoning By-law;
- (3) is minor in nature; and,
- (4) is desirable for the appropriate development and use of the land.

General Intent and Purpose of the Official Plan

The subject site is designated as Downtown Mixed Use on Schedule E-1, Urban Land Use Designations, in the Urban Hamilton Official Plan (the "UHOP"). The Downtown Hamilton Secondary Plan ("the Secondary Plan") further designates the subject site as Downtown Mixed Use on Land Use Plan Map B.6.1-1 and identifies it as High Rise 2 on Maximum Building Heights Map B.6.1-2.

Section E.4.4 of the UHOP provides that the area designated Downtown Mixed Use is the historic downtown of Hamilton, and that it is intended to have a full range of retail, service commercial, institutional, cultural, entertainment and office uses as well as a range of residential uses. Policy E.4.4.2 goes on to state the increasing the number of people who work and live in the Downtown shall enhance the day and night activity and contribute to its planned function as a vibrant people place.

In terms of scale and design, Policy E.4.4.8 provides that within the area designated Downtown Mixed Use, a higher density form of housing shall be encouraged, including affordable housing, while Policy E.4.4.10 states that it shall be designed as a pedestrian focused area with a high level of pedestrian comfort and amenities and that buildings shall generally be situated close to and oriented to the street. The Secondary Plan permits building heights of up to 30-storeys on the subject site, with a minimum height of two storeys as per Policy 6.1.4.13.

The proposed phase one building is compatible with the surrounding context, will help to support the pedestrian realm along Bay Street North and is well within the height permissions set out in the Secondary Plan. It is our opinion that the proposed variances, both individually and cumulatively, maintain the general intent and purpose of the UHOP and Secondary Plan. In this respect, the proposed 6-storey height (21.825 metres) is generally reflective of the existing right-of-way width of Bay Street North (approximately 23.0 metres) and will frame the street at good proportion. As no tower element is proposed, a stepback at the upper levels is not necessary to achieve a comfortable pedestrian scale at-grade, as this will be inherent to the overall building height. The proposed recessed

principle entrance will provide a weather-protected point of entry for future residents and visitors, encouraging pedestrian activity and providing a clear visual entrance to the building.

Due to the size and configuration of the subject site, the proposed increased setback to Cannon Street West is necessary to maintain the potential for future development on the site as part of phase two. This future development will frame the Cannon Street frontage in a pedestrian oriented manner consistent with the intent of the Downtown Mixed Use designation. While the surface parking spaces will be visible from the public realm along Cannon Street West until such time as phase two is developed, any impacts onto the public realm will be mitigated through setbacks and landscape plantings. To this effect, the proposed parking spaces will be further from the public sidewalk than the current surface parking spaces on the site, and will be visually separated by appropriate plants and shrubs.

General Intent and Purpose of the Zoning By-law

In our opinion, the requested variances maintain the general intent and purpose of the City of Hamilton Zoning By-law 05-200, under which the subject site is zoned D1 (Downtown Central Business District). As stated in the explanatory text in Section 6.1 of Zoning By-law 05-200, the “D1 Zone represents the cultural, institutional, residential and commercial make-up of Downtown Hamilton. The Zone provides for a wide variety of mixtures in stand-alone or mixed use buildings. The intent of the permitted uses and built form is to create a complete, vibrant, transit-oriented area where people come to live, work and play.”

It is our opinion that the requested variances considered both individually and cumulatively maintain the general intent and purpose of the zoning by-law. In this respect, the proposed development will result in much needed affordable housing units through the infilling of a large, vacant parcel of land in the Downtown core. The proposed building will fill a gap in the urban fabric along Bay Street North, with a modestly scaled built form that will house new residents in a variety of unit sizes. These residents will contribute to the vibrancy of the area, and the limited number of parking spaces will encourage future residents to utilize public transit service.

Minor in Nature

The test of minor is not intended as solely a numerical assessment but rather involves an assessment of impact. In our opinion, the impacts associated with the requested variances are minor in nature as they will not result in any undue impacts on the adjacent public realm or any sensitive surrounding land uses.

The proposed development will significantly improve the condition of the subject site and careful design considerations have been incorporated to ensure that an appropriate transition to the adjacent residential properties along Bay Street North can be achieved.

In this respect, the proposed building features stepping at its north end to provide a visual transition in scale and a substantial setback has been incorporated at grade. These elements have been prioritized over the upper level stepback required in the zoning by-law as they will have a greater positive impact on the proposal's compatibility with the existing surrounding context.

With respect to the parking location, the proposed parking stalls are not expected to impact the adjacent public realm as they will be setback more than 6 metres from the current public sidewalk along Cannon Street West – significantly greater than the current condition where parking stalls directly abut the sidewalk with a metal barrier.

Desirable for the Appropriate Development and Use of the Land

In our opinion, the proposed development and associated minor variances are desirable and appropriate for the use of the land. The subject site is located in an area of the city where development of this scale (and greater) has been planned. The requested variances will provide for the efficient use of land and infrastructure within a built form that is transit supportive and appropriate for the subject site's urban location.

In addition, the requested variances have resulted from a detailed design process that has been undertaken with the intent of creating a real, functional and energy-efficient building with high-quality, liveable residential units. These variances will help to facilitate the redevelopment of a significantly underutilized and highly visible property in a manner that is responsible, functional and appropriate for its context.

Conclusion and Enclosures

Overall, the proposed development will contribute positively to the ongoing revitalization of Downtown Hamilton, while providing affordable rental dwelling units on an underutilized property. The proposed phase one building will fill in a gap in the urban fabric with a built form that responds to the surrounding context at an appropriate scale and will strengthen the pedestrian realm along Bay Street North.

Based on the foregoing analysis, it is our opinion that the requested variances satisfy the four tests set out in Section 45(1) of the *Planning Act* from a land use planning perspective. These variances, both individually and collectively, meet the intent and purpose of the applicable Official Plan and Zoning By-law, are minor in nature and represent appropriate land use and development on the subject site. On this basis, it is our recommendation that the requested variances be approved.

In support of this application, please find enclosed the following digital files:

1. A completed and signed Minor Variance Application form;

2. Architectural Drawings dated August 4, 2021, prepared by Kearns Mancini Architects;
3. Phase One Environmental Site Assessment dated September 2018, prepared by Englobe Corp.; and
4. Phase Two Environmental Site Assessment dated December 2018, prepared by Englobe Corp.

We trust that this is satisfactory to your needs at this time. However, should you require any additional information or clarification, please do not hesitate to contact the undersigned at any time.

Yours very truly,

Bousfields Inc.



Allison Chewter, Associate

cc. Rob Broughton, City of Hamilton
Irene Rivera & Peter Ng, Kearns Mancini Architects

<p>Approved minutes, Oct. 27th, 2020</p>			<p>Tuesday Sept. 29, 2020 Board Meeting 10:15am – 12noon <u>Special Notice:</u> Due to the COVID-19 and the Closure of City Hall, CHH Board mtgs will be held <i>via</i> WebEx audio/visual conferencing platform and YouTube Live Streaming: CHH Website: http://www.cityhousinghamilton.com/page1.aspx?page=BoD_2020_0929_Agenda&tab=5&menu=732 This mtg will be ‘Live Streamed’ for public access at: https://www.youtube.com/watch?v=5o-0s2BgAno URL for Board meeting Sept 29th</p>
<p>The Board of Directors for CityHousing Hamilton - Regular meeting</p>			
<p>There were present:</p>			<p>Councillor Collins, President Councillor J. Farr, Vice President Tom Hunter, CEO/Secretary Councillor Jackson Councillor Wilson Jacqueline Aird Nicholas But Adriana Harris</p>
<p>Regrets:</p>			<p>Councillor M Nann, Treasurer Patricia Reid</p>
<p>Also Present:</p>			<p>CHH Staff: S. Botham, A. Warren-Ritchie, B. Kinaschuk, B. Lilley, K. Mannen, L. Ward, S. Blackley, R. Desouza, Other City Depts: B. Kreps, K. Ryan, J. Warner, K. Maxwell, R. Broughton Guest for Item 4.a: D. McKenna, Solicitor Legal and Risk Management Services CoH Public: Live Streaming Inactivated, technical issues at time of meeting. A video link made available to the Public posted to CHH website.</p>
<p>1.</p>	<p><u>CALL TO ORDER</u> (Quorum is five) Councillor Collins, President, called the meeting to order at 10:35 a.m.</p> <ul style="list-style-type: none"> Due to meeting being held virtually and consent of each Board member, the Chair proceeded with Roll Call at the beginning of the meeting, calling out each member’s name and having the attending member say “present”. <p>Regrets received by Patricia Reid and Councillor Nann.</p>		

2.	<u>Conflict of Interest Declaration</u>	
	In response of a call from the President for conflict of interest declarations: None received.	
3.	<u>Confirmation of Minutes</u>	
	a)	Regular meeting held April 28, 2020 Motion by Councillor Farr, seconded by Nicholas But and carried to approve minutes of April 28, 2020 as distributed.
	b)	Audit & Finance meeting held April 21, 2020 Motion by Councillor Wilson, seconded by Councillor Jackson and carried to approve minutes of April 21, 2020 as distributed.
4.	<u>Finance</u>	
	a)	Resolution of the Board of Directors of the Corporation -Amendments to the By-Laws of the Corporation The Board was in receipt of the Resolution to the amendments to the By-Law from the CEO/Secretary dated September 29, 2020. David McKenna gave background of the By-Law amendment to specifically allow for virtual Shareholder meetings. David reviewed the three points of the resolution. It was moved by Councillor Wilson, seconded by Nicholas But and carried:
		<p>Board Approved as presented:</p> <p>RESOLUTION OF THE BOARD OF DIRECTORS OF THE CORPORATION</p> <p>RESOLVED that the by-laws of the Corporation are hereby amended as follows:</p> <p>(i) Section 9.06 is deleted and replaced with the following:</p> <p>"The holders of a majority of the shares entitled to vote at a meeting of shareholders present in person or in accordance with Section 9.13 herein constitute a quorum for the transaction of business at any meeting of the shareholders."</p> <p>(ii) A new Section 9.13 shall be added as follows:</p> <p>"Where all the holders of a majority of the shares entitled to vote at meeting of shareholders have consented, shareholder meetings may take place by means of conference telephone, electronic or other communications facilities as permit all persons participating in the meeting to communicate with each other simultaneously and instantaneously, and a person participating in such a meeting by such means is deemed to be present at the meeting."</p> <p>2. FINANCIAL STATEMENTS AND AUDITOR'S REPORT</p> <p>BE IT RESOLVED:</p> <p>That the financial statements of the Corporation for the fiscal year ended December 31, 2019 together with the auditor's report, if applicable, be approved.</p> <p>3. CONFIRMATORY ACTIONS</p> <p>RESOLVED that the officers of the Corporation are, and each acting alone is, hereby authorized to do and perform any and all such acts, including execution of any and all documents and certificates, as such officers shall deem necessary or advisable, to carry out the purposes and intent of the foregoing resolutions.</p> <p>BE IT FURTHER RESOLVED that any actions taken by such officers prior to the date of the foregoing resolutions adopted hereby that are within the authority conferred thereby are hereby ratified, confirmed and approved as the acts and deeds of the Corporation.</p> <p>THE FOREGOING RESOLUTIONS are hereby consented to by all of the directors of the Corporation pursuant to the <i>Corporations Act</i> (Ontario), R.S.O. 1990, c. C.38, as evidenced by such directors' signatures hereto.</p>

<p>b)</p>	<p>LHIN Declaration of Compliance, Signatures received for Report #20011 and Appendix A (In Lieu of meeting resolution)</p> <p>The Board was in receipt of Recommendation Report #20011 and Appendix A from the CEO/Secretary dated September 29, 2020.</p> <p>Rochelle Desouza LHIN Schedule G- Declaration of Compliance (Report # 20011), was signed and approved by the Board in August 2020 and this is brought forward to note, formally in the minutes, as completed.</p> <p>It was moved by Councillor Farr, seconded by Councillor Jackson and carried:</p>
	<p>That the Board of Directors approve the updated April 1, 2019 to March 31, 2020, 2019 Schedule G- Declaration of Compliance per attached Appendix 1.</p>
<p>c)</p>	<p>Operating Variance Report for August 31, 2020</p>
	<p>The Board was in receipt of Recommendation Report #20013 from the CEO/Secretary dated September 29, 2020.</p> <p>Rochelle Desouza gave an overview of this report including but not limited to; Trends for salaries & benefits / materials & services / utilities and appendix A, B and C.</p> <p>It was moved by Adriana Harris, seconded by Jacqueline Aird and carried:</p>
	<p>That Report 20013 be received for information.</p>
<p>d)</p>	<p>No Cash Policy</p> <p>The Board was in receipt of Recommendation Report #20014 from the CEO/Secretary dated September 29, 2020.</p> <p>Rochelle Desouza gave an overview of report and appendix A and staff will be contacting tenants who tend to pay by cash to review policy, effective January 2021. Under extenuating circumstances where a tenant can only pay by cash, staff will work with tenant on an individual basis. An update of the implemented no cash policy will be forwarded to the Board by March 2020.</p> <p>It was moved by Adriana Harris, seconded by Jacqueline Aird and carried:</p>
	<p>That the Board of Directors approve a No Cash Policy for CityHousing Hamilton effective January 1st, 2021.</p>
<p>5.</p>	<p><u>Asset Renewal & Maintenance / Property Management / Resident Engagement & Partnership Development</u></p>

	<p>a)</p>	<p>2021 Market Rent Increase</p> <p>The Board was in receipt of Recommendation Report #20012 from the CEO/Secretary dated September 29, 2020.</p> <p>Tom Hunter gave an overview of the standard annual report of market rent increases for 2020. However, an announcement is pending from the Ontario Government regarding a legislation to freeze rent in 2021. A letter has been sent to the Tenants outlining the rent increase of 1.5% is subject to change with a Government directive to freeze rent increases for 2021.</p> <p>It was moved by Councillor Jackson, seconded by Councillor Wilson and carried:</p>
		<p>That Report #20012 be received for information</p>
	<p>b)</p>	<p>Key Performance Indicators as of August 31, 2020</p>
		<p>The Board was in receipt of Recommendation Report #20015 from the CEO/Secretary dated September 29, 2020.</p> <p>Tom Hunter gave an overview of this report, including but not limited to; arrears, vacancy, maintenance data and appendix A.</p> <p>It was moved by Jacqueline Aird, seconded by Nicholas But and carried:</p>
		<p>That Report #20015 be received for information.</p>
	<p>c)</p>	<p>Development Reset Study</p> <p>The Board was in receipt of Recommendation Report #17021c from the CEO/Secretary dated September 29, 2020.</p> <p>Sean Botham introduced Samantha Blackley who has joined the Development Project Team. Sean proceeded with an overview of this report, including but not limited to; key sections, recommendations, executive summary, tables 1 to 5, measures 1 to 8, funding and alternatives summary. In conclusion, to seek authority from the Board of Directors, approving budget updates and to proceed with Phase 1 for Bay-Cannon and Queenston. Direction for staff, included in the recommendations, is to return to the Board with further assessment of the remaining projects.</p> <p>It was moved by Nicholas But, seconded by Councillor Farr and carried:</p>
		<p>That the Board of Directors approve the following resolution:</p> <p>WHEREAS CITYHOUSING HAMILTON CORPORATION (CHH) is in the pre-development phase for five social and affordable housing projects;</p> <p>AND WHEREAS a requirement of the Shareholder's Direction is the approval of redevelopment;</p>

			<p>AND WHEREAS a requirement of the Shareholder's Direction is the approval of any debt;</p> <p>AND WHEREAS a requirement of approval is for any budget changes of significance to be brought back to the Board;</p> <p>AND WHEREAS a requirement of funding applications is the guarantee of the debt and confirmation of the amortization period by the City of Hamilton (City) as sole shareholder of CHH;</p> <p>AND WHEREAS CHH can enter into debt/debenture/mortgage agreements under terms and conditions that are approved by the Board of Directors and Sole Shareholder;</p> <p>AND WHEREAS CHH has received approval for the sale of 100 single and semi-detached social housing units as approved in Report #17011;</p> <p>THEREFORE be it resolved that:</p> <p>(i) That the Board of Directors approve CityHousing Hamilton Corporation development plan outlined in Report #17021(c) to:</p> <ol style="list-style-type: none"> a) Proceed with Bay-Cannon Phase 1 and Queenston Phase 1, including the updated proforma with the project costs, funding sources, and affordability profile for gross project costs of \$46,719,746 and with the total project costs for all five sites of \$107,282,758 as per Appendix "A" to Report #17021(c). The CEO to be directed and authorized to negotiate and enter into funding agreements, with terms acceptable to legal counsel; b) Return to the Board following further analysis on development costing options and concepts for Macassa, Wellington-King William, Riverdale, and second phases for each of Bay-Cannon and Queenston. <p>(ii) That the City of Hamilton as Sole Shareholder be requested to:</p> <ol style="list-style-type: none"> a) Approve development plans outlined in Report #17021(c); and b) Guarantee the debt financing for the projects outlined in Report #17021 (c) to the upset limit of \$8.14M; and c) Enter into an agreement with CityHousing Hamilton Corporation and a security agreement with a collateral on the properties with the City of Hamilton for the purpose of accessing loan programs, with the City of Hamilton being in second place; and d) Approve amortization periods of up to forty years on behalf of CHH; and
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			<p>e) Prepare the necessary agreements with the terms and conditions that ensure that CHH is responsible for all debt or loan payments included in Report #17021(c), including right to allow a creditor to register security agreements against the property being mortgaged and seeking legal opinions where necessary;</p> <p>(iii) That Report #17021(c) be forwarded to Finance and Corporate Services at the City of Hamilton, at such time as is required for to facilitate funding agreements, for the approval and preparation of the necessary guarantee, security, and any related agreements, and for any request for a loan in an amount not to exceed \$8.14M from the City of Hamilton for development funding, with a repayment schedule with annual repayments favourable to CityHousing Hamilton Corporation and the City of Hamilton;</p> <p>(iv) That Report #17021(c) be forwarded to the City of Hamilton in its capacity as Service Manager for approval of all necessary consents.</p> <p>(v) That Appendix “B” to Report #17021(c), Development Reset Study be received for information.</p>
6.	CEO Written Updates		
		<p>The Board was in receipt of the CEO Written Updates from the CEO/Secretary dated September 29, 2020.</p>	
		<p>Tom Hunter gave an overview of the updates, including but not limited to:</p> <ul style="list-style-type: none"> 1.0 COVID-19 2.0 CMHC – Repair and Renewal Funding 3.0 Hamilton is Home 4.0 Annual Report 5.0 2021 Budget – Provincial Benchmarks / Shortfalls 6.0 Procurement Cards <ul style="list-style-type: none"> -Board direction for staff to seek all avenues of any Government rebates to cover COVID19 related costs 7.0 Development Update 	
		<p>It was moved by Councillor Farr, seconded by Nicholas But and carried:</p>	
		<p>That the CEO updates be received for information.</p>	
<p><u>New Business</u></p>			
<p>None received.</p>			
7.	ADJOURNMENT at 12:10pm		
	<p>Motion by Councillor Farr, seconded by Councillor Jackson and carried that the meeting be adjourned.</p>		

	TAKEN AS READ AND APPROVED
	CHAD COLLINS, PRESIDENT CityHousing Hamilton Corporation
	Teresa Herechuk CityHousing Hamilton Corporation September 29, 2020



Available Upon Request

CityHousing Hamilton

PHASE ONE ENVIRONMENTAL SITE ASSESSMENT

106-114 Bay Street North
Hamilton, Ontario

SEPTEMBER 2018

128-P-0016356-0-02-201-SG-R-0001-00

CityHousing Hamilton

PHASE TWO ENVIRONMENTAL SITE ASSESSMENT

106-114 Bay Street North
Hamilton, Ontario

DECEMBER 2018

128-P-0016356-0-05-204-HG-R-0001-00