



Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> 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](mailto:cofa@hamilton.ca)

# NOTICE OF PUBLIC HEARING

## Application for Consent/Land Severance

APPLICATION NUMBER: HM/B-21:125

SUBJECT PROPERTY: 6-8 Steven St. & 571-575 King St. E, Hamilton

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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
- 

**APPLICANT(S):**

Agent Michale Barton  
Owner Malleum Real Estate Partners IV

**PURPOSE OF APPLICATION:**

To permit the conveyance of a parcel of land being the land known as 6-8 Steven St.(existing semi-detached dwelling to remain) and to retain a parcel of land known municipally as 571-575 King St E containing an existing mixed-use building. These properties inadvertently merged in title and the owner wishes to recreate the two original lots.

**Severed lands:**

12.186m<sup>±</sup> x 14.6m<sup>±</sup> and an area of 0.02 ha<sup>±</sup>

**Retained lands:**

15.017m<sup>±</sup> x 23.57m<sup>±</sup> and an area of 0.04 ha<sup>±</sup>

The Committee of Adjustment will hear this application on:

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**DATE:** Thursday, February 17<sup>th</sup> , 2022

**TIME:** 1:25 p.m.

**PLACE:** Via video link or call in (see attached sheet for details)

To be streamed at  
[www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)  
for viewing purposes only

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### 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.

HM/B-21: 125  
PAGE 2

**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](http://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](mailto:cofa@hamilton.ca)

DATED: February 1<sup>st</sup>, 2022

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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.***

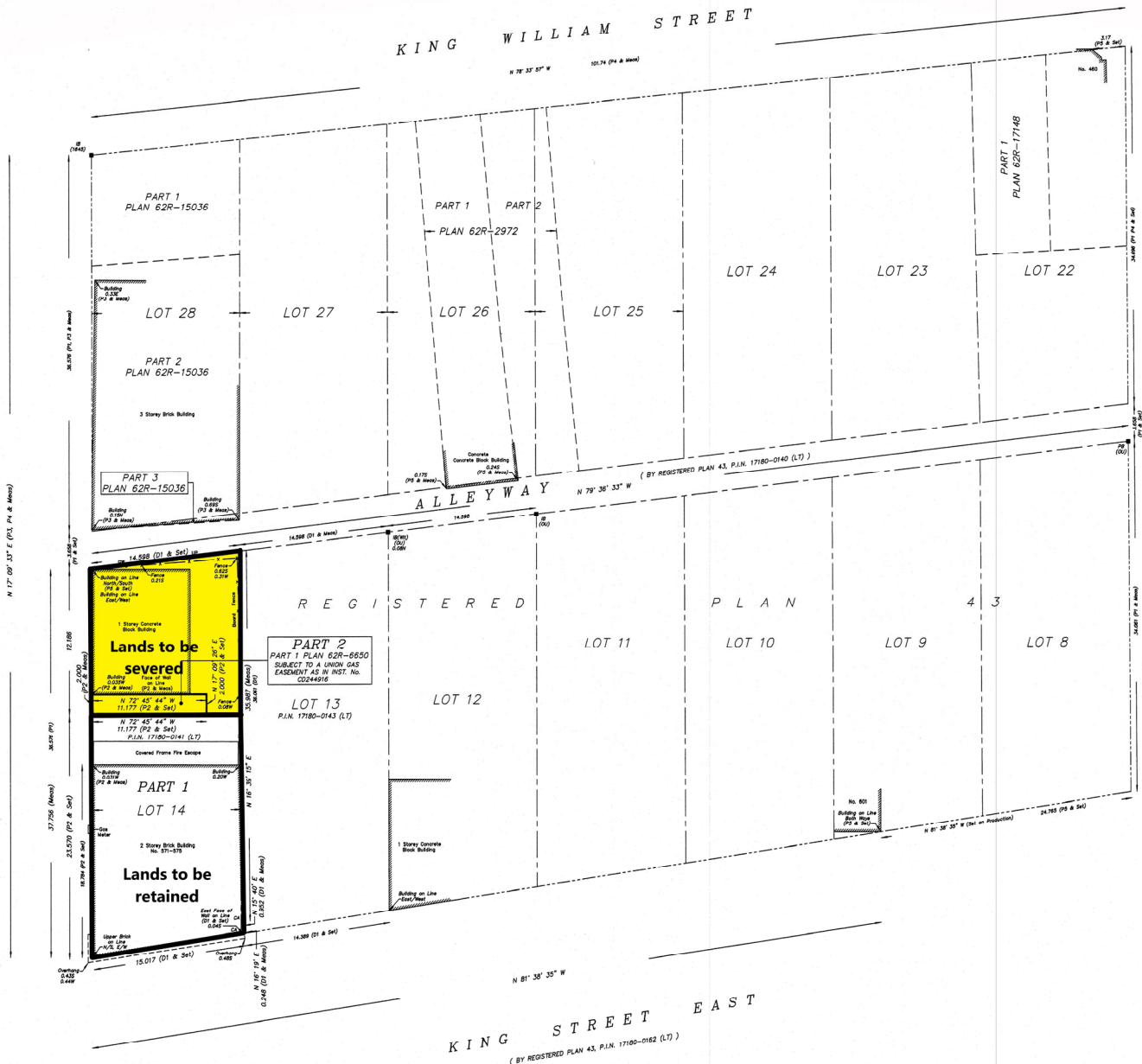


STEVEN STREET  
(BY REGISTERED PLAN 43, P.L.N. 17180-0001 (L1))

KING WILLIAM STREET  
(BY REGISTERED PLAN 43, P.L.N. 17180-0140 (L1))

KING STREET EAST  
(BY REGISTERED PLAN 43, P.L.N. 17180-0162 (L1))

ASHLEY STREET  
(BY REGISTERED PLAN 43, P.L.N. 17180-0140 (L1))



 Severed lands  
 Retained lands

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

PLAN 62R-  
RECEIVED AND DEPOSITED

DATE: \_\_\_\_\_ DATE: \_\_\_\_\_

REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF MINISTRY (PLN 42)

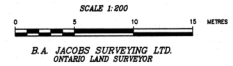
BRYAN JACOBS  
ONTARIO LAND SURVEYOR

SCHEDULE

PART	LOT	PLAN	P.L.N.
1	PART OF LOT	REGISTERED PLAN 43	PART OF P.L.N. 17180-0140 (L1)
2			
3			

PARTS 1, 2 & 3 COMPRISE ALL OF P.L.N. 17180-0141 (L1).

PLAN OF SURVEY OF  
LOT 14 & PART OF LOT 13  
REGISTERED PLAN 43  
CITY OF HAMILTON



- LEGEND AND NOTES:
- DENOTES SURVEY MONUMENT FOUND
  - DENOTES SURVEY MONUMENT PLANTED
  - SSB DENOTES SHORT STANDARD IRON BAR
  - FB DENOTES PLASTIC BAR
  - RB DENOTES RIV BAR
  - CA DENOTES CUT ARROW
  - CC DENOTES CUT CROSS
  - COB DENOTES CONCRETE ORNAMENT
  - WT DENOTES WITNESS
  - P1 DENOTES REGISTERED PLAN 43
  - P2 DENOTES PLAN 62R-6650
  - P3 DENOTES PLAN 62R-15036
  - P4 DENOTES PLAN 62R-17148
  - P5 DENOTES PLAN 62R-2972
  - D1 DENOTES INSTRUMENT NO. 02244916
  - (1845) DENOTES WICKLEY D.L.S.
  - G.M. DENOTES GUY WIRE
  - U.P. DENOTES UTILITY POLE

ALL SET SSB MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11 (4) OF O.R.E.G. 216/91.

FOR BEARING COMPARISONS, A ROTATION OF 630524° COUNTER CLOCKWISE WAS APPLIED TO BEARINGS ON PLAN 62R-6650, PLAN 62R-15036 & PLAN 62R-17148.

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

BEARINGS ARE UTM GRID, DERIVED FROM SPECIFIED CONTROL POINTS 07720100048 AND 07720100048, UTM ZONE 17, NAD83 (ORIGINAL).

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999994.

SPECIFIED CONTROL POINTS (SCPP): UTM ZONE 17, NAD83 (ORIGINAL) COORDINATES TO URBAN ACCURACY PER SEC. 14 (2) OF O.R.E.G. 216/91.

POINT ID	NORTHING	EASTING
SCP 07720100048	4789886.533	592871.621
SCP 07720100049	4790174.765	592460.161

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OF BOUNDARIES SHOWN ON THIS PLAN


SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYORS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON \_\_\_\_\_

DATE \_\_\_\_\_ DATE \_\_\_\_\_

BRYAN JACOBS  
ONTARIO LAND SURVEYOR

 B.A. JACOBS SURVEYING LTD.  
158 JACKSON STREET EAST, SUITE 108  
HAMILTON, ONTARIO (L8N 1L3)  
PHONE 905-521-1655 bjacobs@bajacobs.com

JOB No. 2140-B



Hamilton

Committee of Adjustment

City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

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

**APPLICATION FOR CONSENT TO SEVER LAND  
UNDER SECTION 53 OF THE PLANNING ACT**

Office Use Only

Date Application Received:	Date Application Deemed Complete:	Submission No.:	File No.:
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**1 APPLICANT INFORMATION**

1.1, 1.2

<b>Registered Owners(s)</b>	
<b>Applicant(s)*</b>	
<b>Agent or Solicitor</b>	

\* Owner's authorisation required if the applicant is not the owner.

1.3 All correspondence should be sent to  Owner  Applicant  Agent/Solicitor

**2 LOCATION OF SUBJECT LAND** Complete the applicable lines

2.1 Area Municipality Hamilton	Lot	Concession	Former Township
Registered Plan N°.	Lot(s) 13 (Part) and 14	Reference Plan N°. 43	Part(s)
Municipal Address 6-8 Steven Street & 571-575 King Street East			Assessment Roll N°.

2.2 Are there any easements or restrictive covenants affecting the subject land?  
 Yes  No

If YES, describe the easement or covenant and its effect:

Union Gas easement (instrument number CD244916)

**3 PURPOSE OF THE APPLICATION**

3.1 Type and purpose of proposed transaction: (check appropriate box)

a) Urban Area Transfer (do not complete Section 10):

creation of a new lot

Other:  a charge

- addition to a lot  
 an easement

- a lease  
 a correction of title

b) **Rural Area / Rural Settlement Area Transfer (Section 10 must be completed):**

- creation of a new lot  
 creation of a new non-farm parcel  
 ( i.e. a lot containing a surplus farm dwelling  
 resulting from a farm consolidation)  
 addition to a lot

- Other:  a charge  
 a lease  
 a correction of title  
 an easement

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

N/A

3.3 If a lot addition, identify the lands to which the parcel will be added:

N/A

**4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION**

4.1 Description of land intended to be **Severed**:

Frontage (m)	Depth (m)	Area (m <sup>2</sup> or ha)
12.186	14.6	0.02 ha

Existing Use of Property to be severed:

- Residential  
 Agriculture (includes a farm dwelling)  
 Other (specify) \_\_\_\_\_
- Industrial  
 Agricultural-Related
- Commercial  
 Vacant

Proposed Use of Property to be severed:

- Residential  
 Agriculture (includes a farm dwelling)  
 Other (specify) \_\_\_\_\_
- Industrial  
 Agricultural-Related
- Commercial  
 Vacant

Building(s) or Structure(s):

Existing: Semi-detached dwellings (legal non-conforming)

Proposed: Existing semi-detached dwellings to be retained

Type of access: (check appropriate box)

- provincial highway  
 municipal road, seasonally maintained  
 municipal road, maintained all year
- right of way  
 other public road

Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system  
 privately owned and operated individual well
- lake or other water body  
 other means (specify) \_\_\_\_\_

Type of sewage disposal proposed: (check appropriate box)

- publicly owned and operated sanitary sewage system  
 privately owned and operated individual septic system  
 other means (specify) \_\_\_\_\_

4.2 Description of land intended to be **Retained**:

Frontage (m)	Depth (m)	Area (m <sup>2</sup> or ha)
15.017	23.57	0.04 ha

Existing Use of Property to be retained:

- Residential  
 Agriculture (includes a farm dwelling)  
 Other (specify) \_\_\_\_\_
- Industrial  
 Agricultural-Related
- Commercial  
 Vacant

Proposed Use of Property to be retained:

- Residential
  Industrial
  Commercial  
 Agriculture (includes a farm dwelling)
  Agricultural-Related
  Vacant  
 Other (specify) \_\_\_\_\_

Building(s) or Structure(s):

Existing: Mixed use building (ground floor commercial, 3 apartment units on second floor)

Proposed: Mixed use building to be retained

Type of access: (check appropriate box)

- provincial highway
  right of way  
 municipal road, seasonally maintained
  other public road  
 municipal road, maintained all year

Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system
  lake or other water body  
 privately owned and operated individual well
  other means (specify) \_\_\_\_\_

Type of sewage disposal proposed: (check appropriate box)

- publicly owned and operated sanitary sewage system  
 privately owned and operated individual septic system  
 other means (specify) \_\_\_\_\_

4.3 Other Services: (check if the service is available)

- electricity
  telephone
  school bussing
  garbage collection

## 5 CURRENT LAND USE

5.1 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): \_\_\_\_\_

Urban Hamilton Official Plan designation (if applicable) Mixed Use - Medium Density

Please provide an explanation of how the application conforms with a City of Hamilton Official Plan.

Please refer to Planning Justification Report submitted with this application.

5.2 What is the existing zoning of the subject land?

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? Mixed Use (TOC1)

5.3 Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard	<input type="checkbox"/>	
A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	

<b>A provincially significant wetland within 120 metres</b>	<input type="checkbox"/>	
<b>A flood plain</b>	<input type="checkbox"/>	
<b>An industrial or commercial use, and specify the use(s)</b>	<input type="checkbox"/>	
<b>An active railway line</b>	<input type="checkbox"/>	
<b>A municipal or federal airport</b>	<input type="checkbox"/>	

**6 PREVIOUS USE OF PROPERTY**

- Residential                       Industrial                       Commercial  
 Agriculture                               Vacant                               Other (specify)

- 6.1 If Industrial or Commercial, specify use existing ground floor commercial
- 6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?  
 Yes             No    Unknown
- 6.3 Has a gas station been located on the subject land or adjacent lands at any time?  
 Yes             No    Unknown
- 6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?  
 Yes             No    Unknown
- 6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?  
 Yes             No    Unknown
- 6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?  
 Yes             No    Unknown
- 6.7 Have the lands or adjacent lands ever been used as a weapons firing range?  
 Yes             No    Unknown
- 6.8 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
- 6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?  
 Yes             No    Unknown
- 6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?  
 Yes             No    Unknown
- 6.11 What information did you use to determine the answers to 6.1 to 6.10 above?  
Knowledge of previous and current uses
- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, 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

**7 PROVINCIAL POLICY**

- 7.1 a) Is this application consistent with the Policy Statements issued under subsection of the *Planning Act*? (Provide explanation)
- Yes                       No

Please refer to Planning Justification Report submitted with this application.

- b) Is this application consistent with the Provincial Policy Statement (PPS)?  
 Yes       No      (Provide explanation)

Please refer to Planning Justification Report submitted with this application.

- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?  
 Yes       No      (Provide explanation)

Please refer to Planning Justification Report submitted with this application.

- d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)  
 Yes       No

Please refer to Planning Justification Report submitted with this application.

- e) Are the subject lands subject to the Niagara Escarpment Plan?  
 Yes       No

If yes, is the proposal in conformity with the Niagara Escarpment Plan?

- Yes       No  
(Provide Explanation)

- f) Are the subject lands subject to the Parkway Belt West Plan?  
 Yes       No

If yes, is the proposal in conformity with the Parkway Belt West Plan?

- Yes       No      (Provide Explanation)

- g) Are the subject lands subject to the Greenbelt Plan?  
 Yes       No

If yes, does this application conform with the Greenbelt Plan?

- Yes       No      (Provide Explanation)

## 8 HISTORY OF THE SUBJECT LAND

- 8.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or a consent under sections 51 or 53 of the *Planning Act*?  
 Yes       No       Unknown

If YES, and known, indicate the appropriate application file number and the decision made on the application.

- 
- 8.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.

N/A

- 
- 8.3 Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land?  Yes       No

If YES, and if known, provide for each parcel severed, the date of transfer, the name of



the transferee and the land use.

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8.4 How long has the applicant owned the subject land?

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8.5 Does the applicant own any other land in the City?  Yes  No  
 If YES, describe the lands in "11 - Other Information" or attach a separate page.

**9 OTHER APPLICATIONS**

9.1 Is the subject land currently the subject of a proposed official plan amendment that has been submitted for approval?  Yes  No  Unknown

If YES, and if known, specify file number and status of the application.

---

9.2 Is the subject land the subject of any other application for a Minister's zoning order, zoning by-law amendment, minor variance, consent or approval of a plan of subdivision?  Yes  No  Unknown

If YES, and if known, specify file number and status of the application(s).

File number \_\_\_\_\_ Status Concurrent with this application

**10 RURAL APPLICATIONS**

10.1 Rural Hamilton Official Plan Designation(s)

- Agricultural  Rural  Specialty Crop
- Mineral Aggregate Resource Extraction  Open Space  Utilities
- Rural Settlement Area (specify) \_\_\_\_\_  
Settlement Area Designation

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate the existing land use designation of the abutting or non-abutting farm operation.

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10.2 **Type of Application** (select type and complete appropriate sections)

- Agricultural Severance or Lot Addition
  - Agricultural Related Severance or Lot Addition
  - Rural Resource-based Commercial Severance or Lot Addition
  - Rural Institutional Severance or Lot Addition
  - Rural Settlement Area Severance or Lot Addition
- } (Complete Section 10.3)
- Surplus Farm Dwelling Severance from an Abutting Farm Consolidation (Complete Section 10.4)
  - Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation (Complete Section 10.5)

10.3 **Description of Lands**

a) Lands to be Severed:

Frontage (m): (from Section 4.1)	Area (m <sup>2</sup> or ha): (from in Section 4.1)
----------------------------------	--

Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

b) Lands to be Retained:

Frontage (m): (from Section 4.2)	Area (m <sup>2</sup> or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

#### 10.4 Description of Lands (Abutting Farm Consolidation)

a) Location of abutting farm:

\_\_\_\_\_  
(Street) (Municipality) (Postal Code)

b) Description abutting farm:

Frontage (m):	Area (m <sup>2</sup> or ha):
---------------	------------------------------

Existing Land Use(s): \_\_\_\_\_ Proposed Land Use(s): \_\_\_\_\_

c) Description of consolidated farm (excluding lands intended to be severed for the surplus dwelling):

Frontage (m):	Area (m <sup>2</sup> or ha):
---------------	------------------------------

Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

d) Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1)	Area (m <sup>2</sup> or ha): (from Section 4.1)
----------------------------------	---

Front yard set back: \_\_\_\_\_

e) Surplus farm dwelling date of construction:

Prior to December 16, 2004  After December 16, 2004

f) Condition of surplus farm dwelling:

Habitable  Non-Habitable

g) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m <sup>2</sup> or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

#### 10.5 Description of Lands (Non-Abutting Farm Consolidation)

a) Location of non-abutting farm

\_\_\_\_\_  
(Street) (Municipality) (Postal Code)

b) Description of non-abutting farm

Frontage (m):	Area (m <sup>2</sup> or ha):
---------------	------------------------------

Existing Land Use(s): \_\_\_\_\_ Proposed Land Use(s): \_\_\_\_\_

c) Description of surplus dwelling lands intended to be severed:

Frontage (m): (from Section 4.1)	Area (m <sup>2</sup> or ha): (from Section 4.1)
----------------------------------	---

Front yard set back: \_\_\_\_\_

d) Surplus farm dwelling date of construction:

Prior to December 16, 2004  After December 16, 2004

e) Condition of surplus farm dwelling:

Habitable

Non-Habitable

f) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m <sup>2</sup> or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

## 11 OTHER INFORMATION

Is there any other information that you think may be useful to the Committee of Adjustment or other agencies in reviewing this application? If so, explain below or attach on a separate page.

Please refer to Planning Justification Report submitted with this application.

## 12 SKETCH (Use the attached Sketch Sheet as a guide)

12.1 The application shall be accompanied by a sketch showing the following in metric units:

- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained;
- (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- (e) the approximate location of all natural and artificial features (for example, buildings, barns, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that,
  - i) are located on the subject land and on land that is adjacent to it, and
  - ii) in the applicant's opinion, may affect the application;
- (f) the current uses of land that is adjacent to the subject land (for example, residential, agricultural or commercial);
- (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
- (h) the location and nature of any easement affecting the subject land.

## 13 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.

2021-12-01

Date

*TPearson*

Signature of Owner

**Planning Justification Report  
6 – 8 Steven Street & 571 – 575 King Street East, Hamilton, ON**

**Prepared for:**

**The City of Hamilton  
October 2021**

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## 1. Introduction and Overview

### 1.1 *Qualifications and Expertise*

I (Michael Barton) am a Registered Professional Planner (RPP) and full member of the Ontario Professional Planners Institute (OPPI). I am the President and Founder of MB1 Development Consulting Inc. (“MB1”) and a highly qualified land use planning and real estate development professional with extensive and diverse experience in all aspects of commercial and residential real estate development. I have practiced land use planning for over 20 years in communities across Ontario and Canada. I have been qualified as an expert in land use planning by the Ontario Land Tribunal (formerly Local Planning Appeal Tribunal (LPAT) and Ontario Municipal Board (OMB)), as well as the Toronto Local Appeal Body (TLAB).

### 1.2 *Retainer*

I have been retained by the Owner of 6 – 8 Steven Street and 571 – 575 King Street East in Hamilton. These properties have merged on title to form the “Subject Property”. I have prepared this Planning Justification Report in support of a proposed consent to sever the existing semi-detached dwelling structure at 6 – 8 Steven Street (the “conveyed lands”) from 571 – 575 King Street East and the balance of the Subject Property (the “retained lands”).

### 1.3 *Background*

The Subject Property includes a semi-detached dwelling (6 – 8 Steven Street) and two-storey mixed use building (571 – 575 King Street East) that are situated on properties that have merged on title. The proposal includes consent to sever the semi-detached dwelling from the balance of the Subject Property through creation of a new lot. The conveyed lands will include only the area covered by the semi-detached dwelling while the retained lands will include the mixed use building and common vehicular circulation area. In addition to the consent, an application for minor variance has been submitted to permit zero parking on the conveyed and retained lands and to permit the proposed building setbacks.

### 1.4 *Summary of Land Use Planning Opinion*

It is my opinion that the proposed consent application will result in a land use pattern and built form that is appropriate and compatible with surrounding community, and:

- Satisfies the criteria under section 51(24) of the Planning Act;
- Is consistent with the applicable policies of the Provincial Policy Statement, 2020;
- Conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe; and
- Conforms to the Urban Hamilton Official Plan, including policies related to land division.

It is also my opinion that the requested minor variances:

- Are consistent with the Provincial Policy Statement, 2020;
- Conform to the Growth Plan;
- Maintain the general purpose and intent of Urban Hamilton Official Plan;
- Maintain the general purpose and intent of Zoning By-Law 05-200;
- Are minor in nature; and
- Are desirable for the appropriate development and use of the Subject Property.

## **1.5 Recommendations**

Based on my land use planning analysis and opinion outlined in this Planning Justification Report, it is my recommendation that that the City of Hamilton approve the requested consent and minor variance applications for the Subject Property.

## **2. Existing Conditions and Context**

### **2.1 Site Location and Existing Conditions**

The Subject Property is located on the northeast corner of the intersection of King Street East and Steven Street as illustrated in **Figure 1**. **Figure 2** includes an excerpt from the existing property survey for the Subject Property that illustrates the existing property limits and structures. The Subject Property is currently occupied by the following:

- A 1-storey semi-detached dwelling known municipally as 6 – 8 Steven Street;
- 2-storey mixed use building known municipally as 571 – 575 King Street East, that includes 3 apartment units on the second floor and 3 commercial units (total of just over 250 m<sup>2</sup> floor area);
- Common driveway and vehicular circulation area.

These addresses have merged on title to form the Subject Property. **Figure 3** provides an aerial view of the subject property and surrounding area. **Figure 4 and Figure 5** include street views of the existing structures at 571 – 575 King Street East and 6 – 8 Steven Street respectively.

The following existing conditions are important to keep in mind:

- The mixed use building at 571 – 575 King Street East has been constructed up to the westerly property line along Steven Street, the southerly property line along King Street East and the easterly property line abutting 579 King Street East;
- The 1-storey semi-detached dwelling has been constructed up to the westerly property line along Steven Street;
- Both structures on the Subject Property are accessed from Steven Street via a shared driveway that provides access to a common vehicle circulation area;
- There is no formal surface parking area on the property for either the semi-detached dwelling or the residential units in the mixed use building (i.e. residents, employees and customers rely on off-site parking, transit and active modes of transportation).

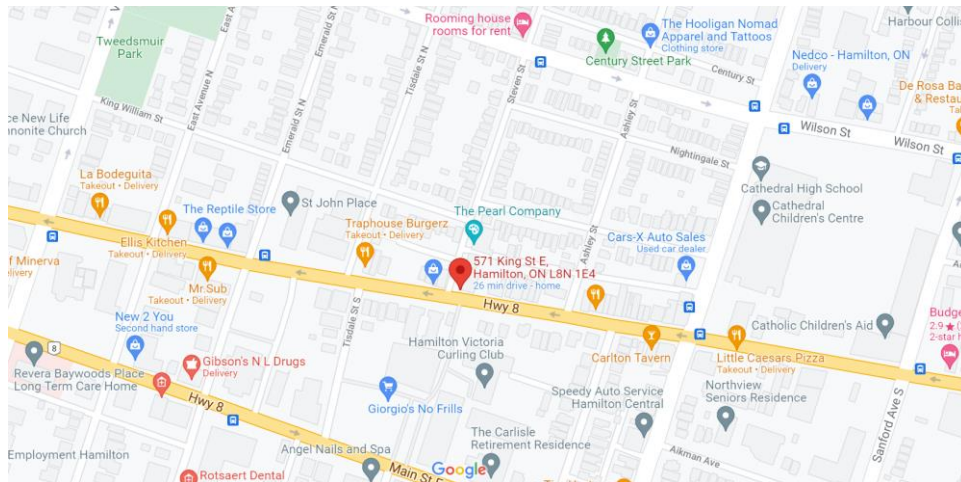


Figure 1 – Site Location



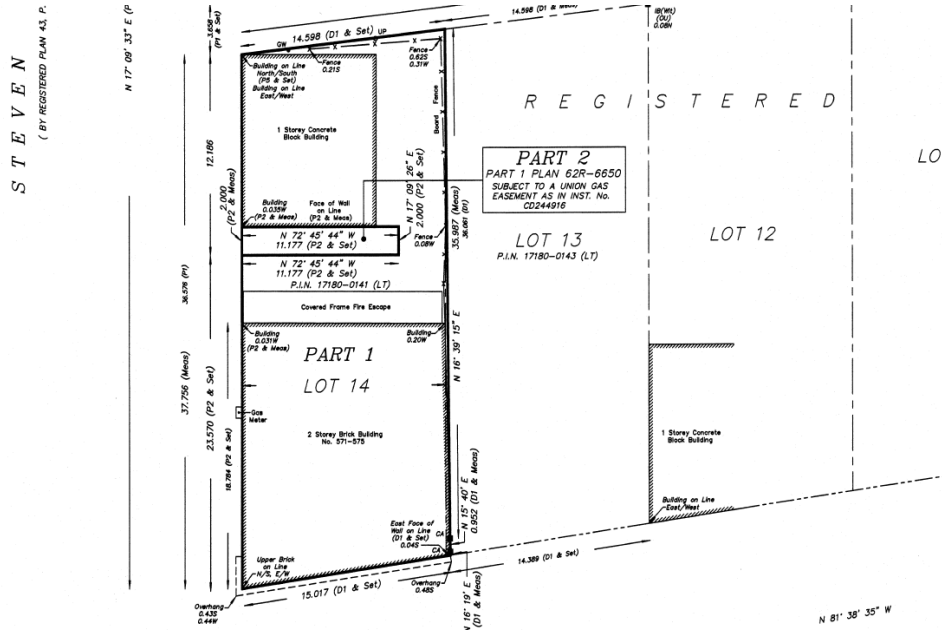


Figure 2 – Existing Property Survey

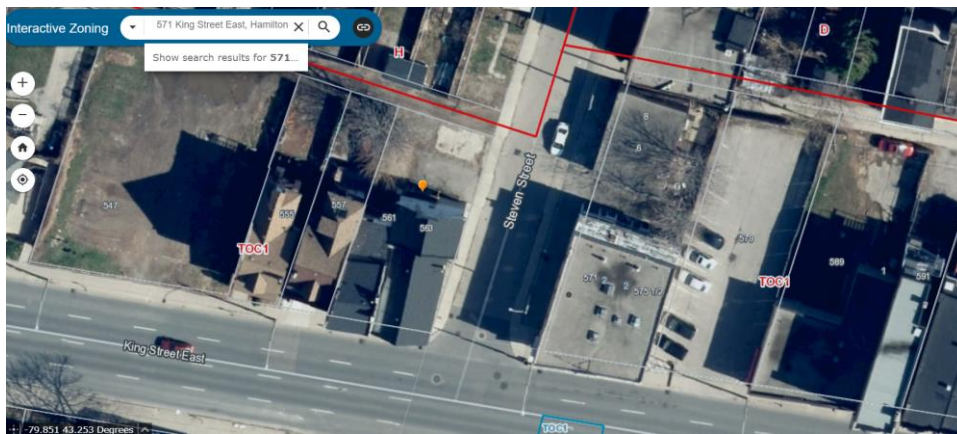


Figure 3 – Aerial View of Subject Property and Surrounding Uses



Figure 4 – Mixed Use Building at 571 – 575 King Street East (from King Street East)



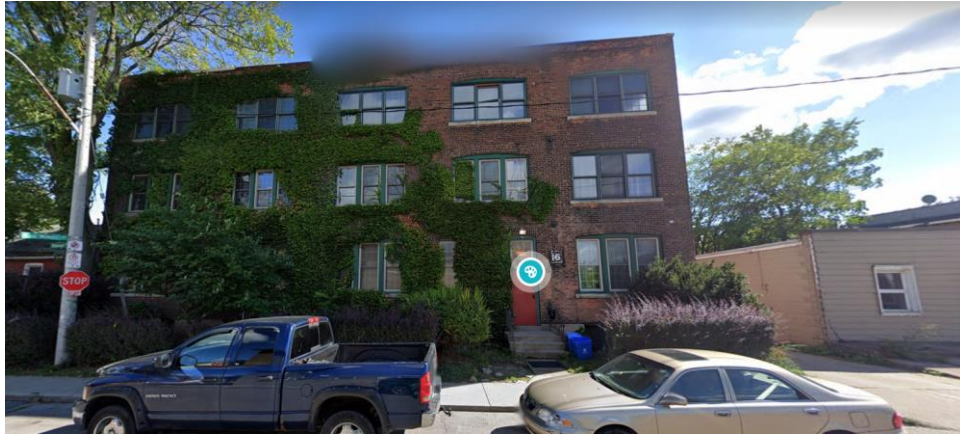
Figure 5 – Semi-Detached Dwelling at 6 – 8 Steven St and Rear of 571 – 575 King St E (from Steven Street)

## 2.2 Surrounding Uses and Built Form

The subject property is surrounded by the following uses:

- To the north: 3-storey apartment building occupying the most of the property area at 16 Steven Street with no on-site parking for the apartment units (Figure 6);
- To the south: Single detached dwelling and apartment buildings on south side of King Street East with minimal on-site parking and vehicular circulation area (Figure 7);
- To the east: Surface parking lot (Figure 8); and
- To the west: Mixed use building on the northwest corner of the King Street East and Steven Street intersection (Figure 9).

The Subject Property benefits from sidewalks on both sides of King Street East and Steven Street. There is also existing transit service along King Street East with an existing stop directly in front of 571 – 575 King Street East.



**Figure 6 – Apartment Building to North of Subject Property (6 – 8 Steven St on right side of picture)**



**Figure 7 – Single Detached Dwellings to South of Subject Property**





Figure 8 – Surface Parking Lot to East of Subject Property



Figure 9 – Mixed Use Building to West of Subject Property (Northwest Corner of King/Steven)

## 2.3 Existing Land Use Designations

### 2.3.1 Urban Hamilton Official Plan

**Figure 10** includes an excerpt from Urban Hamilton Official Plan Schedule E-1 and indicates that the Subject Property is designated “Mixed Use – Medium Density”. **Figure 11** includes an excerpt from Schedule E, which designates the Subject Property a part of the “Neighbourhoods” structural element. King Street East is also identified as a “Primary Corridor”.

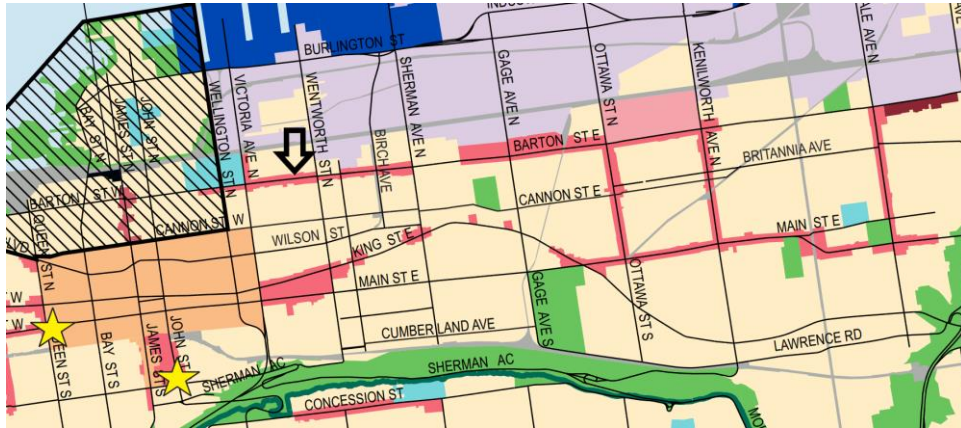


Figure 10 – Excerpt from Schedule E-1 of the Urban Hamilton Official Plan

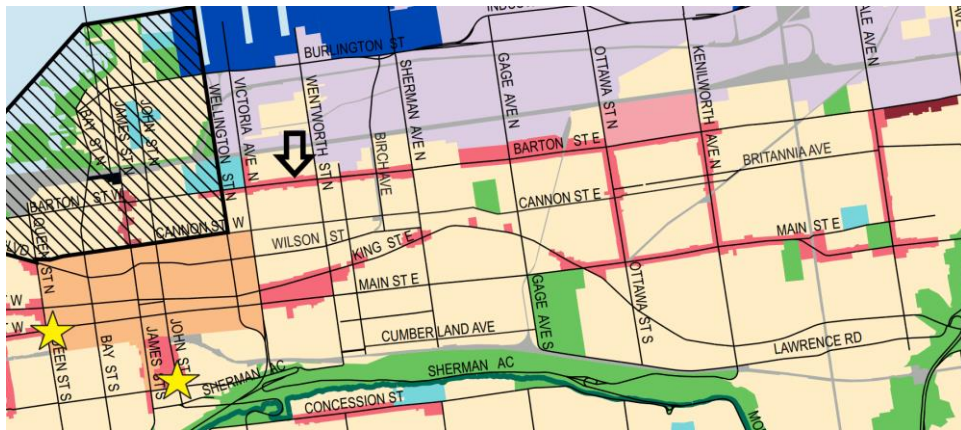


Figure 11 – Excerpt from Schedule E

### 2.3.2 City of Hamilton Zoning By-Law 05-200

As illustrated in **Figure 12**, the subject property is zoned *Mixed Use (TOC1)*, as well as the adjacent properties fronting onto King Street East.

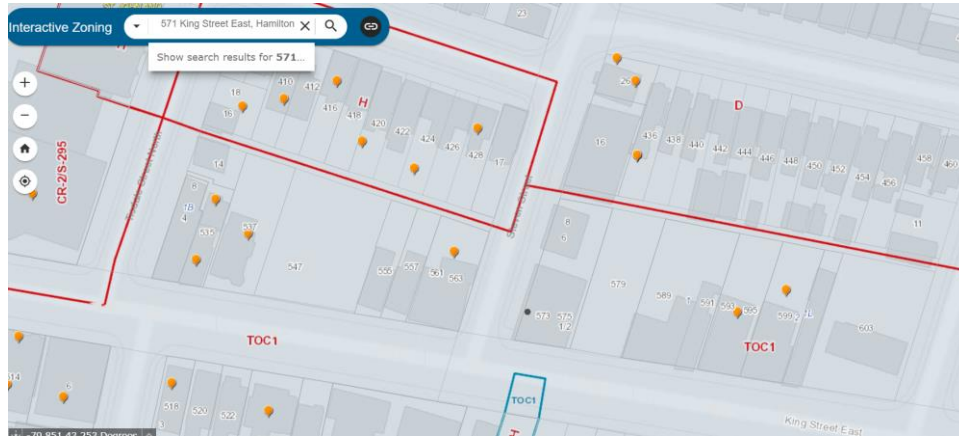


Figure 12 – Zoning By-Law Designation on Subject Property

### 3. Development Proposal

#### 3.1 Proposal Details

The proposal for the Subject Property involves an application to sever the existing semi-detached dwelling structure from the balance of the property, as illustrated in the reference plan in **Figure 13**. The common vehicular circulation area east and south of 6 – 8 Steven Street will remain with the retained lands, with the conveyed lands being comprised of only of the lands occupied by the existing structure at 6 – 8 Steven Street.

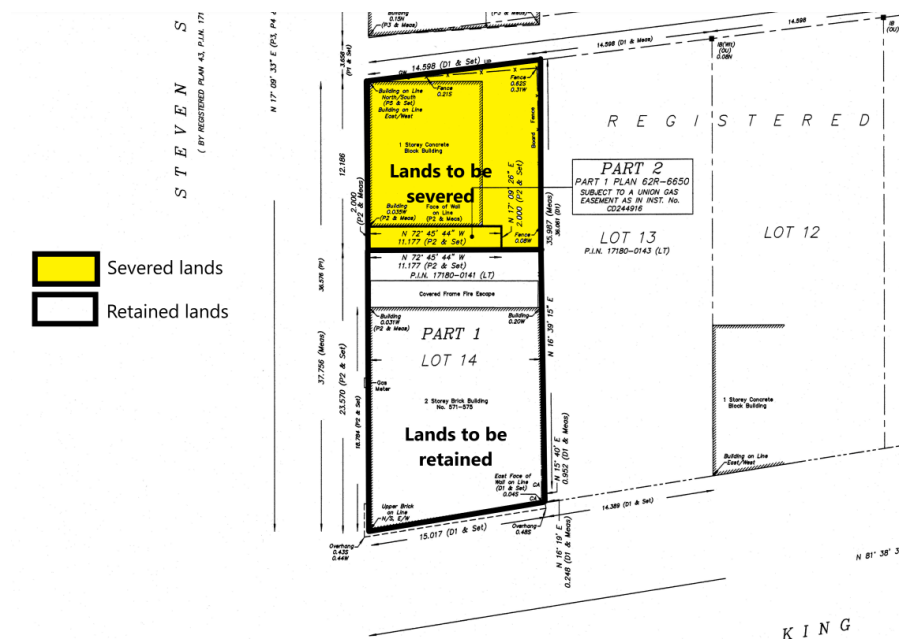


Figure 13 – Proposed Severance Reference Plan

The following are key considerations to keep in mind in evaluating the proposal and Committee of Adjustment applications:

- The Subject Property represents a merger of previously separately registered properties; the proposed consent will establish the semi-detached dwelling and mixed use building as separate parcels and allow for separate ownership and use of these structures and properties;
- The two structures on the property are legally recognized with separate addresses and separate MPAC assessments and tax roll numbers;
- The existing residential units at 6 – 8 Steven Street will be separated from the mixed use building at 571 – 575 King Street East;
- The proposal provides an opportunity for the semi-detached dwelling (currently a legal non-conforming use) to be developed for a use permitted under the current zoning designation;
- The existing structures on both the conveyed and retained lands will be maintained in their current form, and these structures existed at the time the properties merged; and
- There is existing transit service and stops, as well as sidewalks and surface and on-street parking in close proximity to the Subject Property that facilitate transit and active modes of transportation.

### **3.2 Land Use Planning Applications**

An application has been submitted to the City of Hamilton for consent to sever the Subject Property to establish separate parcels for the semi-detached dwelling at 6 – 8 Steven Street and the mixed use building and vehicular circulation area at 571 – 575 King Street East. The following minor variances are also requested to facilitate the proposed consent:

#### *Conveyed lands*

- To permit zero parking spaces while 2 spaces (1 per dwelling unit) are required (existing condition);
- To permit a building setback from the street line on Steven Street of 0.0 metres while 3.0 metres is required (existing condition); and
- To permit the existing minimum rear yard setback.

#### *Retained lands*

- To permit zero parking spaces while 1 space is required for the 3 apartment units (0.3 spaces per unit in a Transit Oriented Corridor zone) (existing condition);
- To permit a minimum rear yard setback of 6.79 metres while 7.5 metres is required.

## 4. Land Use Planning Analysis

### 4.1 Provincial Policy Context

#### 4.1.1 Provincial Policy Statement, 2020

The Provincial Policy Statement, 2020 (PPS 2020) is issued under the authority of section 3 of the Planning Act and came into effect on May 1, 2020. Section 3 of the Planning Act requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act. Comments, submissions or advice that affect a planning matter that are provided by the council of a municipality, a local board, a planning board, a minister or ministry, board, commission or agency of the government “shall be consistent with” this Provincial Policy Statement.

It is my opinion that the development proposal and Committee of Adjustment applications are consistent with the applicable policies of PPS 2020. The following policy matrix summarizes the policies of PPS 2020 that are applicable to this application and my land use planning analysis.

**Policy Analysis Matrix – PPS 2020**

Policy Section	Policy Analysis
<p><b>Part V: Policies</b></p> <p><b>1.0 Building Strong Healthy Communities</b></p> <p>1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns</p> <p>1.1.1 Healthy, liveable and safe communities are sustained by:</p> <p>a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;</p> <p>b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;</p> <p>c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;</p> <p>d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;</p> <p>e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective</p>	<ul style="list-style-type: none"> <li>• The development proposal will maintain the existing semi-detached dwelling units and second floor dwelling units in the mixed use building while separating these uses onto separate parcels;</li> <li>• The proposed dwelling units are and will remain connected to existing municipal services already installed and available in the community;</li> <li>• The proposal will provide opportunities for separate owners to undertake enhancement of the existing uses and increase their positive contribution and support to the community;</li> <li>• The Subject Property is located within the existing Urban Area and is only just over 500 metres from the downtown core;</li> <li>• The maintenance of the existing residential units on separate properties with no on-site parking spaces represents efficient land use that is transit-supportive and also compatible with the existing land use and built form character of the surrounding area.</li> </ul>



<p>development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;</p> <p>f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;</p> <p>g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;</p> <p>h) promoting development and land use patterns that conserve biodiversity; and</p> <p>i) preparing for the regional and local impacts of a changing climate.</p>	
<p><b>1.1.3 Settlement Areas</b></p> <p>Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario’s settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available. The vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities.</p> <p>Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.</p> <p><b>1.1.3.1 Settlement areas shall be the focus of growth and development.</b></p> <p><b>1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:</b></p> <ul style="list-style-type: none"> <li>a) efficiently use land and resources;</li> <li>b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;</li> <li>c) minimize negative impacts to air quality and climate change, and promote energy efficiency;</li> <li>d) prepare for the impacts of a changing climate;</li> <li>e) support active transportation;</li> <li>f) are transit-supportive, where transit is planned, exists or may be developed; and</li> <li>g) are freight-supportive.</li> </ul> <p>Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.</p> <p><b>1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health</b></p>	<ul style="list-style-type: none"> <li>• The Subject Property is located within the existing Urban Area and the designated “Mixed Use – Medium Density” under the Urban Hamilton Official Plan; the Subject Property is also located within the “Neighbourhoods” community structure;</li> <li>• The proposal will make more efficient use of an existing property located on a primary corridor and in a Transit-Oriented zone;</li> <li>• The proposed severance in conjunction with no parking on the conveyed or retained lands will facilitate the objectives of “Transit-Supportive” development and “Active Transportation” as defined in Section 6.0;</li> <li>• The proposal represents compact land use and built form character that respects the quality and character of the surrounding community, including the mix of uses, minimal building setbacks and lack of on-site parking</li> </ul>

<p>and safety.</p> <p>1.1.3.5 Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. However, where provincial targets are established through provincial plans, the provincial target shall represent the minimum target for affected areas.</p> <p>1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.</p>	
<p>1.3 Employment</p> <p>1.3.1 Planning authorities shall promote economic development and competitiveness by:</p> <p>a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;</p> <p>b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;</p> <p>c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;</p> <p>d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4; and</p> <p>e) ensuring the necessary infrastructure is provided to support current and projected needs.</p>	<ul style="list-style-type: none"> <li>• The proposal will maintain the existing ground floor commercial area on the retained lands that will be immediately available for a wide range of commercial and employment activities;</li> <li>• The existing structures on the conveyed and retained lands cover a significant portion of these lands and represent compact and transit-supportive built form;</li> <li>• The proposal will separate the semi-detached dwelling from the mixed use building but maintain the mix of uses in the community;</li> <li>• The conveyed and retained lands will utilize existing services and infrastructure;</li> <li>• The proposed severance will not adversely impact the parking supply available to the conveyed and retained lands relative to existing conditions;</li> </ul>
<p>1.4 Housing</p> <p>1.4.1 To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:</p> <p>a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and</p> <p>b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered</p>	<ul style="list-style-type: none"> <li>• The proposal will maintain range of housing options on the Subject Property and available in the community in close proximity to transit service and infrastructure supportive of active modes of transportation;</li> <li>• The proposed density and built form character are compatible with the surrounding community, including the building setbacks and proposed parking supply; and</li> <li>• The proposed built form and density is transit-supportive and will make efficient use of existing services and infrastructure.</li> </ul>

<p>plans. Upper-tier and single-tier municipalities may choose to maintain land with servicing capacity sufficient to provide at least a five-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.</p> <p>1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:</p> <p>a) establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;</p> <p>b) permitting and facilitating:</p> <ol style="list-style-type: none"> <li>1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and</li> <li>2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;</li> </ol> <p>c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;</p> <p>d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;</p> <p>e) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and</p> <p>f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.</p>	
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It is my opinion that the development proposal is consistent with PPS 2020 on the following basis:

- The proposal will represent efficient and compact use of land and available municipal services in an existing mixed use community;

- The proposal will maintain the number and range of dwelling types available in the community, along with commercial floor area that is available for immediate employment use;
- The proposed lots and structures will be compatible with the existing land use and built form character of the surrounding area, including setbacks and lack of on-site parking supply; and
- The proposal supports objectives for transit and active transportation, particularly given the location of the Subject Property in close proximity to existing transit corridors and does not provide on-site parking opportunities.

#### 4.1.2 A Place to Grow – Growth Plan for the Greater Golden Horseshoe, 2020

The Growth Plan for the Greater Golden Horseshoe 2019 was prepared and approved under the Places to Grow Act, 2005 to take effect on May 16, 2019. Amendment 1 (2020) to the Growth Plan for the Greater Golden Horseshoe 2019 was approved by the Lieutenant Governor in Council, Order in Council No 1244/2020 to take effect on August 28, 2020. As set out in Section 1.2.2 of this Plan, all decisions in respect of the exercise of any authority that affects a planning matter will conform with this Plan, subject to any legislative or regulatory provisions providing otherwise.

The following policy matrix provides an overview of the relevant policies of the Growth Plan.

**Policy Matrix – A Place to Grow – Growth Plan for the Greater Golden Horseshoe, 2020**

Policy Section	Policy Analysis
<p><b>Section 1.2.1 Guiding Principles</b></p> <ul style="list-style-type: none"> <li>• Support the achievement of complete communities that are designed to support healthy and active living and meet people’s needs for daily living throughout an entire lifetime.</li> <li>• Prioritize intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability.</li> <li>• Support a range and mix of housing options, including additional residential units and affordable housing, to serve all sizes, incomes, and ages of households.</li> <li>• Protect and enhance natural heritage, hydrologic, and landform systems, features, and functions.</li> </ul>	<p>The development proposal is supportive of these Guiding Principles for the following reasons:</p> <ul style="list-style-type: none"> <li>• The proposal will intensify land use while maintaining the existing residential density and commercial floor area, which will ensure compatibility of land use in the established urban area and mixed use neighbourhood;</li> <li>• The proposal seeks to maintain existing built form character with minimal building setbacks and no on-site parking as opposed to providing new surface parking and open space characteristics;</li> <li>• There are no natural heritage features on or adjacent to the Subject Property that will be impacted by the proposal;</li> <li>• The proposal supports the concept of “complete communities” per the following definition from Section 6.0:</li> </ul> <p><b>Complete Communities:</b> Places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing,</p>

	<p>transportation options and public service facilities. Complete communities are age-friendly and may take different shapes and forms appropriate to their contexts.</p>
<p><b>2.2 Policies for Where and How to Grow</b></p> <p><b>2.2.1 Managing Growth</b></p> <p>2. Forecasted growth to the horizon of this Plan will be allocated based on the following:</p> <p>a) the vast majority of growth will be directed to settlement areas that:</p> <ul style="list-style-type: none"> <li>i. have a delineated built boundary;</li> <li>ii. have existing or planned municipal water and wastewater systems; and</li> <li>iii. can support the achievement of complete communities;</li> </ul> <p>c) within settlement areas, growth will be focused in:</p> <ul style="list-style-type: none"> <li>i. delineated built-up areas;</li> <li>ii. strategic growth areas;</li> <li>iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and</li> <li>iv. areas with existing or planned public service facilities;</li> </ul> <p>d) development will be directed to settlement areas, except where the policies of this Plan permit otherwise;</p> <p>e) development will be generally directed away from hazardous lands; and</p> <p>f) the establishment of new settlement areas is prohibited.</p> <p>4. Applying the policies of this Plan will support the achievement of complete communities that:</p> <p>a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;</p> <p>b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;</p> <p>c) provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;</p> <p>d) expand convenient access to:</p> <ul style="list-style-type: none"> <li>i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;</li> <li>ii. public service facilities, co-located and integrated in community hubs;</li> <li>iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and</li> <li>iv. healthy, local, and affordable food options, including through urban agriculture;</li> </ul>	<ul style="list-style-type: none"> <li>• The Subject Property is an appropriate location for growth and intensification due to its location in the existing urban area and in close proximity to transit corridors;</li> <li>• The development proposal will connect to and make efficient use of existing municipal services;</li> <li>• The proposal will facilitate “compact built form” per the following definition:</li> </ul> <p><b>Compact Built Form:</b> A land use pattern that encourages the efficient use of land, walkable neighbourhoods, mixed land uses (residential, retail, workplace, and institutional) all within one neighbourhood, proximity to transit and reduced need for infrastructure. Compact built form can include detached and semi-detached houses on small lots as well as townhouses and walk-up apartments, multi-storey commercial developments, and apartments or offices above retail. Walkable neighbourhoods can be characterized by roads laid out in a well-connected network, destinations that are easily accessible by transit and active transportation, sidewalks with minimal interruptions for vehicle access, and a pedestrian-friendly environment along roads to encourage active transportation.</p>

<p>e) provide for a more compact built form and a vibrant public realm, including public open spaces;          f) mitigate and adapt to the impacts of a changing climate, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; and          g) integrate green infrastructure and appropriate low impact development.</p>	
<p>2.2.6 Housing</p> <p>1. Upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:</p> <p>a) support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:</p> <p>i. identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents; and          ii. establishing targets for affordable ownership housing and rental housing;</p>	<ul style="list-style-type: none"> <li>• The development proposal will maintain the range and availability of housing options in the community in a manner that is consistent and compatible with the built form and land use character.</li> <li>• The proposed severance will allow for separate ownership and operation of the semi-detached dwelling and mixed use building, and encourage enhancement of these uses.</li> </ul>

It is my opinion that the development proposal and Committee of Adjustment applications conform to the applicable policies of the Growth Plan for the following reasons:

- The proposal will maintain the population density and residential intensity of the Subject Property in a manner that is compatible with the land use and built form character of the surrounding community;
- The proposal supports the concept of “complete communities” by maintaining the number of residents living on the Subject Property and in the neighbourhood in a manner that encourages use of transit and active modes of transportation;
- The existing structures are connected to existing municipal services with available allocation rather than requiring extension or upgrades of services or infrastructure; and
- The proposal will facilitate compact built form that is transit-supportive and a hallmark of complete communities.

## 4.2 **Municipal Policy Context**

### 4.2.1 Urban Hamilton Official Plan

The following policy matrix summarizes the relevant policies of the Urban Hamilton Official Plan.

#### **Policy Matrix – Urban Hamilton Official Plan**

Policy Section	Policy Analysis
<p><b>2.4 Residential Intensification</b></p> <p><b>2.4.1 General Residential Intensification Policies</b></p> <p>2.4.1.1 Residential intensification shall be encouraged throughout the entire built-up area, in accordance with the policies of Chapter E – Urban Systems and Designations and Chapter F – Implementation.</p> <p>2.4.1.2 The City’s primary intensification areas shall be the Urban Nodes and Urban Corridors as illustrated on Schedule E – Urban Structure and as further defined in secondary plans and corridor studies for these areas, included in Volume 2.</p> <p>2.4.1.3 The residential intensification target specified in Policy A.2.3.3.4 shall generally be distributed through the built-up area as follows:</p> <ul style="list-style-type: none"> <li>a) The Downtown Urban Growth Centre shall be planned to accommodate approximately 20% of the intensification target.</li> <li>b) The Urban Nodes and Urban Corridors identified in Section E.2.0 - Urban Structure, excluding the Downtown Urban Growth Centre, shall be planned to accommodate approximately 40% of the residential intensification target.</li> <li>c) 40% of the residential intensification target is anticipated to occur within the Neighbourhoods as illustrated on Schedule E – Urban Structure.</li> </ul> <p>2.4.1.4 Residential intensification developments shall be evaluated based on the following criteria:</p> <ul style="list-style-type: none"> <li>a) a balanced evaluation of the criteria in b) through g), as follows;</li> <li>b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;</li> <li>c) the development’s contribution to maintaining and achieving a range of dwelling types and tenures;</li> <li>d) the compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;</li> <li>e) the development’s contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;</li> <li>f) infrastructure and transportation capacity; and,</li> <li>g) the ability of the development to comply with all applicable policies.</li> </ul>	<ul style="list-style-type: none"> <li>• The number of dwelling units and residential density across the Subject Property will not change under the proposal. The conveyed and retained lands will have different residential density than the Subject Property under current conditions, but there will be no change in the built form character relative to existing conditions.</li> <li>• The built form on the conveyed and retained lands will be more compact in the sense that new setbacks are being created, including the conveyed lands having zero setbacks to the retained lands. However, the existing character of the built form will be maintained.</li> <li>• There is currently no on-site parking available for the semi-detached dwelling or mixed use building. Therefore, the proposal maintains this existing condition, which supports transit and active modes of transportation while also relying on existing on-street and off-street parking opportunities in the surrounding community.</li> <li>• There will be no net increase in parking demand or requirements associated with the proposal relative to the residential units under existing conditions.</li> <li>• The Subject Property is located on a “Primary Corridor”, which is an appropriate location for intensified land use and uses that rely on transit and active modes of transportation with no on-site parking.</li> <li>• The proposal maintains the existing land use and built form character in a manner that is also more compact and also supportive of transit and active modes of transportation.</li> </ul>

Urban Systems and Designations (Chapter E)

Section E.1.0 sets out goals for the urban systems and land use designations of UHOP, including the following:

- a) Designate land uses to facilitate the development of a node and corridor based urban structure.
- b) Support and facilitate development and investment that contributes to the development of the overall urban structure.
- c) Develop compact, mixed use urban environments that support transit and active transportation.
- d) Develop complete communities where people can live, work, learn, and play.
- e) Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs.
- f) Promote and support design which enhances and respects the character of existing neighbourhoods and creates vibrant, dynamic, and liveable urban places.
- g) Promote and support appropriate residential intensification throughout the urban area and focused in Urban Nodes and Urban Corridors.
- h) Recognize that Hamilton’s neighbourhoods are stable, not static.
- i) Protect and enhance a system of linked natural areas.
- j) Protect Hamilton’s existing and planned Employment Areas.

Section 2.1 further stresses that Hamilton’s urban structure shall be a node and corridor structure guided by the following general principles:

- a) Nodes and corridors are the focus of reurbanization activities (i.e. population growth, private and public redevelopment, and infrastructure investment).
- b) Nodes and corridors provide focal points of activity for Hamilton’s local communities and neighbourhoods.
- c) Nodes and corridors are connected to each other and are internally served by various modes of transportation, including higher order transit.
- d) Nodes and corridors provide a vibrant pedestrian environment and facilitate active transportation through careful attention to urban design.
- e) Nodes and corridors evolve with higher residential

- The proposal supports compact built form on a Primary Corridor in a manner that is consistent and compatible with the existing land use and built form character of the community.
- The compact built form character and lack of on-site parking support and encourage use of transit and active modes of transportation, which are directly accessible.
- The existing residential units and commercial floor area will be maintained in their current form for continued use.



<p>densities and mixed use developments to achieve their planned functions and support transit.</p>	
<p><b>3.3 Urban Design Policies</b></p> <p><b>3.3.1 Urban Design Goals</b></p> <p>The following goals shall apply in the urban area:</p> <p>3.3.1.1 Enhance the sense of community pride and identification by creating and maintaining unique places.</p> <p>3.3.1.2 Provide and create quality spaces in all public and private development.</p> <p>3.3.1.3 Create pedestrian oriented places that are safe, accessible, connected, and easy to navigate for people of all abilities.</p> <p>3.3.1.4 Create communities that are transit-supportive and promote active transportation.</p> <p>3.3.1.5 Ensure that new development is compatible with and enhances the character of the existing environment and locale.</p> <p>3.3.1.6 Create places that are adaptable and flexible to accommodate future demographic and environmental changes</p> <p>3.3.1.7 Promote development and spaces that respect natural processes and features and contribute to environmental sustainability.</p> <p>3.3.1.8 Promote intensification that makes appropriate and innovative use of buildings and sites and is compatible in form and function to the character of existing communities and neighbourhoods.</p> <p>3.3.1.9 Encourage innovative community design and technologies.</p> <p>3.3.1.10 Create urban places and spaces that improve air quality and are resistant to the impacts of climate change.</p> <p><b>3.3.2 General Policies and Principles</b></p> <p>This subsection contains policies describing general design principles and directions that contribute to the achievement of the goals stated in Section B.3.3.1. The successful integration of new development and redevelopment of in the urban area and its integration with surrounding neighbourhoods requires the form of development to follow appropriate urban design principles. Every design direction will not apply in all situations.</p> <p>3.3.2.1 The physical design of a site shall:</p> <p>a) relate to its role in the overall urban structure of the</p>	<ul style="list-style-type: none"> <li>• The proposal will maintain the current built form on Subject Property and provide opportunities for enhancement and/or redevelopment of the conveyed and retained lands through separate ownership.</li> <li>• The existing structures will cover significant portions of both the conveyed and retained lands, providing no on-site parking, which will encourage use of transit and active modes of transportation.</li> <li>• The proposal will support the existing transit, cycling and pedestrian infrastructure directly adjacent to the Subject Property, as well as existing on-street and off-street parking facilities.</li> <li>• Separating the existing semi-detached dwelling and mixed use building allows for separate ownership and operation to make changes over time to accommodate current and future needs.</li> <li>• The surrounding community will experience no changes in land use or built form as a result of the proposed severance and minor variances.</li> <li>• The proposal is appropriate in the context of the Subject Property on a Primary Corridor and in a transit-oriented corridor zone in that the result will be compact and efficient land use relying on transit and active modes of transportation.</li> <li>• The reduced setbacks to the street lines and the rear property lines facilitate appropriate built form that establishes and protects the streetscape and the context of the existing structures to one another and the structures on surrounding properties.</li> </ul>

<p>City;</p> <p>b) enhance the function of the applicable urban structure element described in Section E.2.0 – Urban Structure; and,</p> <p>c) be in accordance with the applicable policies of Chapter E – Urban Systems and Designations, secondary plans, specific design studies and other plans or studies that make specific design recommendations.</p> <p>3.3.2.2 The principles in Policies B.3.3.2.3 through B.3.3.2.10 inclusive, shall apply to all development and redevelopment, where applicable.</p> <p>3.3.2.3 Urban design should foster a sense of community pride and identity by:</p> <ul style="list-style-type: none"> <li>a) respecting existing character, development patterns, built form, and landscape;</li> <li>b) promoting quality design consistent with the locale and surrounding environment;</li> <li>c) recognizing and protecting the cultural history of the City and its communities;</li> <li>d) conserving and respecting the existing built heritage features of the City and its communities;</li> <li>e) conserving, maintaining, and enhancing the natural heritage and topographic features of the City and its communities;</li> <li>f) demonstrating sensitivity toward community identity through an understanding of the character of a place, context and setting in both the public and private realm;</li> <li>g) contributing to the character and ambiance of the community through appropriate design of streetscapes and amenity areas;</li> <li>h) respecting prominent sites, views, and vistas in the City; and,</li> <li>i) incorporating public art installations as an integral part of urban design.</li> </ul> <p>3.3.2.4 Quality spaces physically and visually connect the public and private realms. Public and private development and redevelopment should create quality spaces by:</p> <ul style="list-style-type: none"> <li>a) organizing space in a logical manner through the design, placement, and construction of new buildings, streets, structures, and landscaping;</li> <li>b) recognizing that every new building or structure is part of a greater whole that contributes to the overall appearance and visual cohesiveness of the urban fabric;</li> <li>c) using materials that are consistent and compatible with the surrounding context in the design of new buildings;</li> </ul>	
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- d) creating streets as public spaces that are accessible to all;
- e) creating a continuous animated street edge in urban environments;
- f) including transitional areas between the public and private spaces where possible through use of features such as landscaping, planters, porches, canopies, and/or stairs;
- g) creating public spaces that are human-scale, comfortable, and publicly visible with ample building openings and glazing;
- h) creating, reinforcing, and emphasizing important public vistas and view corridors; and,
- i) minimizing excessive street noise and stationary noise source levels through the design, placement, and construction of buildings and landscaping.

3.3.2.6 Where it has been determined through the policies of this Plan that compatibility with the surrounding areas is desirable, new development and redevelopment should enhance the character of the existing environment by:

- a) complementing and animating existing surroundings through building design and placement as well as through placement of pedestrian amenities;
- b) respecting the existing cultural and natural heritage features of the existing environment by re-using, adapting, and incorporating existing characteristics;
- c) allowing built form to evolve over time through additions and alterations that are in harmony with existing architectural massing and style;
- d) complementing the existing massing patterns, rhythm, character, colour, and surrounding context; and,
- e) encouraging a harmonious and compatible approach to infilling by minimizing the impacts of shadowing and maximizing light to adjacent properties and the public realm.

3.3.2.8 Urban design should promote environmental sustainability by:

- a) achieving compact development and resulting built forms

3.3.2.9 Urban design plays a significant role in the physical and mental health of our citizens. Community health and well-being shall be enhanced and supported through the following actions, where appropriate:

- a) creating high quality, safe streetscapes, parks, and open spaces that encourage physical activity and active

- transportation;
- b) ensuring an equitable distribution of accessible and stimulating amenity areas, including the development of places for active and passive recreation uses; (OPA 142)
- c) encouraging development of complete and compact communities or neighbourhoods that contain a variety of land uses, transportation, recreational, and open space uses; and,
- d) reducing air, noise, and water pollution through the following:
  - i) facilitating and promoting the use of active transportation modes through building and site design;
  - ii) providing adequate green space, landscaped buffering, and storm water management facilities;
  - iii) using appropriate pavement treatments;
  - iv) promoting energy efficient design of sites and buildings; and,
  - v) promoting innovative construction materials and techniques.

### **3.3.3 Built Form**

3.3.3.1 New development shall be located and organized to fit within the existing or planned context of an area as described in Chapter E – Urban Systems and Designations.

3.3.3.2 New development shall be designed to minimize impact on neighbouring buildings and public spaces by:

- a) creating transitions in scale to neighbouring buildings;
- b) ensuring adequate privacy and sunlight to neighbouring properties; and,
- c) minimizing the impacts of shadows and wind conditions.

3.3.3.3 New development shall be massed to respect existing and planned street proportions.

3.3.3.4 New development shall define the street through consistent setbacks and building elevations. Design directions for setbacks and heights are found in Chapter E – Urban Systems and Designations and in the Zoning By-law.

3.3.3.5 Built form shall create comfortable pedestrian environments by:

- a) locating principal façades and primary building entrances parallel to and as close to the street as possible;
- b) including ample glazing on ground floors to create visibility to and from the public sidewalk;
- c) including a quality landscape edge along frontages where buildings are set back from the street;
- d) locating surface parking to the sides or rear of sites or

<p>buildings, where appropriate; and, e) using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas.</p>	
<p>Section 1.14 of Chapter F of UHOP provides policies for Division of Land.</p> <p>Section 1.14.3.1 includes the following criteria for permitting lot creation in the Urban Area and, more specifically, the Neighbourhoods Designation:</p> <p>a) The lots comply with the policies of this Plan, including secondary plans, where one exists; b) The lots comply with existing Neighbourhood Plans; c) The lots are in conformity with the Zoning By-law or a minor variance is approved; d) The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview; e) The lots are fully serviced by municipal water and wastewater systems; and f) The lots have frontage on a public road.</p>	<ul style="list-style-type: none"> <li>• The requested minor variances will establish zoning conformity for lots and structures that are consistent and compatible with the existing land use and built form character of the Subject Property and surrounding community.</li> <li>• The proposed lots represent properties with separate municipal addresses, structures and uses, and tax roll numbers.</li> <li>• The lots are fully serviced and will make use of the existing servicing connections without requiring any extensions or upgrades.</li> <li>• The conveyed and retained lands will both have frontage on public roads.</li> </ul>

It is my opinion that the development proposal and Committee of Adjustment applications conform to the applicable policies of the Urban Hamilton Official Plan and should be approved on the following basis:

- There will be no change in built form and land use character on the Subject Property and the proposed lot configuration is consistent and compatible with the built form character of the surrounding community;
- The proposal represents compact form and efficient land use that is appropriate for the location of the Subject Property on a “Primary Corridor” and in immediate proximity to transit, cycling and pedestrian infrastructure;
- The Subject Property has no on-site parking under existing conditions and this condition will be maintained, which supports the existing built form character and objectives for land use that supports transit and active modes of transportation;
- Separation of the semi-detached dwelling and mixed use building will provide opportunity for separate ownership, redevelopment and use under current and future conditions in a manner that is compatible with the character of the area; and
- In general, the proposal conforms to the policies specifically identified in this section, including urban design and division of land.

## 4.2.2 City of Hamilton Zoning By-Law 05-200

As outlined in Section 1.5 of Chapter F of the Urban Hamilton Official Plan, the Zoning By-law is one of the key implementation tools to “ensure the City’s goals, objectives and policies of this Plan are realized”. This is done through regulations on permitted uses and associated performance standards, setbacks, lot areas, height, landscaping and parking requirements.

The information and opinion outlined in this report demonstrate that the proposed severance and minor variances will facilitate land use and built form that conforms to the Urban Hamilton Official Plan. While minor variances are required to the parking and building setback regulations, these minor variances will establish compact, efficient and transit-supportive built form. These minor variances also reflect the existing conditions on the Subject Property that the semi-detached dwelling and mixed use building have been constructed up to the street lines and provide no on-site parking.

Given that the minor variances to the minimum building setbacks and parking requirements will facilitate appropriate land use and built form character that is consistent with the existing neighbourhood and supports objectives for transit and active modes of transportation, it is my opinion that the requested minor variances maintain the general purpose and intent of the Zoning By-Law.

## 4.2.3 Authority to Grant Consents (Ontario Planning Act)

Section 53(1) of the Planning Act authorizes consents to be granted if it is determined that a plan of subdivision is not required for the proper and orderly development of the municipality. Key to determining whether consent should be granted is section 53(12), which requires the approval authority to have regard to the matters under section 51(24), which are the following:

- a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
- b) whether the proposed subdivision is premature or in the public interest;
- c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- d) the suitability of the land for the purposes for which it is to be subdivided;
  - d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;
- e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- f) the dimensions and shapes of the proposed lots;

- g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- h) conservation of natural resources and flood control;
- i) the adequacy of utilities and municipal services;
- j) the adequacy of school sites;
- k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
- m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the *City of Toronto Act, 2006*.

Section 51(24)a) refers to the following matters of Provincial interest that the municipality shall have regard to:

- a) the protection of ecological systems, including natural areas, features and functions;
- b) the protection of the agricultural resources of the Province;
- c) the conservation and management of natural resources and the mineral resource base;
- d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- e) the supply, efficient use and conservation of energy and water;
- f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- g) the minimization of waste;
- h) the orderly development of safe and healthy communities;  
(h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
- i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
- j) the adequate provision of a full range of housing, including affordable housing;
- k) the adequate provision of employment opportunities;
- l) the protection of the financial and economic well-being of the Province and its municipalities;
- m) the co-ordination of planning activities of public bodies;
- n) the resolution of planning conflicts involving public and private interests;
- o) the protection of public health and safety;
- p) the appropriate location of growth and development;

- q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- r) the promotion of built form that,
  - is well-designed,
  - encourages a sense of place, and
  - provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.

It is my opinion that the proposed consent satisfies these matters on the following basis:

- The proposal conforms to the applicable policies of the Urban Hamilton Official Plan;
- The Subject Property is suitable for the proposed uses as the uses are existing and there will be no changes to the existing land use or built form character;
- The size and configuration of the proposed lots are consistent with the neighbourhood character and will allow the existing structures and used to be maintained on both the conveyed and retained lands;
- Existing municipal services are available and connected to the conveyed and retained lands;
- The conveyed and retained lands have direct access to a public road that also includes transit, pedestrian and cycling infrastructure;
- The existing dwelling units and commercial floor area will be maintained; and
- There are no natural heritage features on or adjacent to the Subject Property that will be adversely impacted.

## 5. Conclusions and Recommendations

On the basis of the land use planning analysis and opinions provided in this report, it is my opinion that:

- The development proposal and Committee of Adjustment applications are consistent with PPS 2020 and conform to the applicable policies of the Growth Plan for the Greater Golden Horseshoe;
- The proposed consent conforms to the applicable policies of the Urban Hamilton Official Plan and satisfies the specific land division policies;
- The requested minor variances maintain the general purpose and intent of the Urban Hamilton Official Plan and Zoning By-Law 05-200; and
- The requested minor variances are minor in nature and desirable for the appropriate development and use of the Subject Property.



On this basis, it is my recommendation that the applications for consent and minor variance be approved.

Regards,



Michael Barton, MCIP, RPP  
President

**MB1 Urban Planning Services**  
**MB1 Development Consulting Inc.**