



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-21:328

APPLICANTS: Agent Urban in Mind c/o Terrance Glover
Owner Oriyomi Holdings Inc.

SUBJECT PROPERTY: Municipal address **524-526 Upper James St. Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended

ZONING: "DE" (Low Density Multiple Dwellings) district

PROPOSAL: To permit the construction of a new three (3) storey multiple dwelling comprising six (6) dwelling units for development as a future condominium, notwithstanding that:

1. The minimum front yard shall be 4.8 metres instead of the minimum required 6.0 metre front yard;
2. The minimum southerly side yard shall be 1.5m metres instead of the minimum required 3.0 metre side yard for a multiple dwelling;
3. The minimum northerly side yard shall be 1.5 metres instead of the minimum required 3.0 metre side yard for a multiple dwelling;
4. The minimum lot width shall be 17.2 metres instead of the minimum required 24.0 metres for a multiple dwelling;
5. The minimum lot area per dwelling unit shall be 130.8 square metres instead of the minimum required 160 square metres for up to six (6) dwelling units;
6. No loading spaces shall be provided instead of the minimum requirement of 1 loading space having dimensions of 3.0m (w) x 9.0m(l) x 4.3m(h) for a multiple dwelling consisting of between 5 and 30 units;
7. The parking area boundary for the abutting residential district to the west shall be 1.0 metres instead of the minimum required 1.5 metres.
8. The minimum landscaped area shall be 23% of the total lot area and shall not include a playground instead of the minimum required 25% of the total lot area which shall include a playground.

NOTES:

1. The variances are written as requested by the applicant.

2. Site Plan Control Application DA-22-010 is under review and received conditional approval on February 8, 2022.

3. The submitted plan is legible and consistent with the site plan for this development. This application will be heard by the Committee as shown below:

DATE: Thursday, April 28th, 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
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

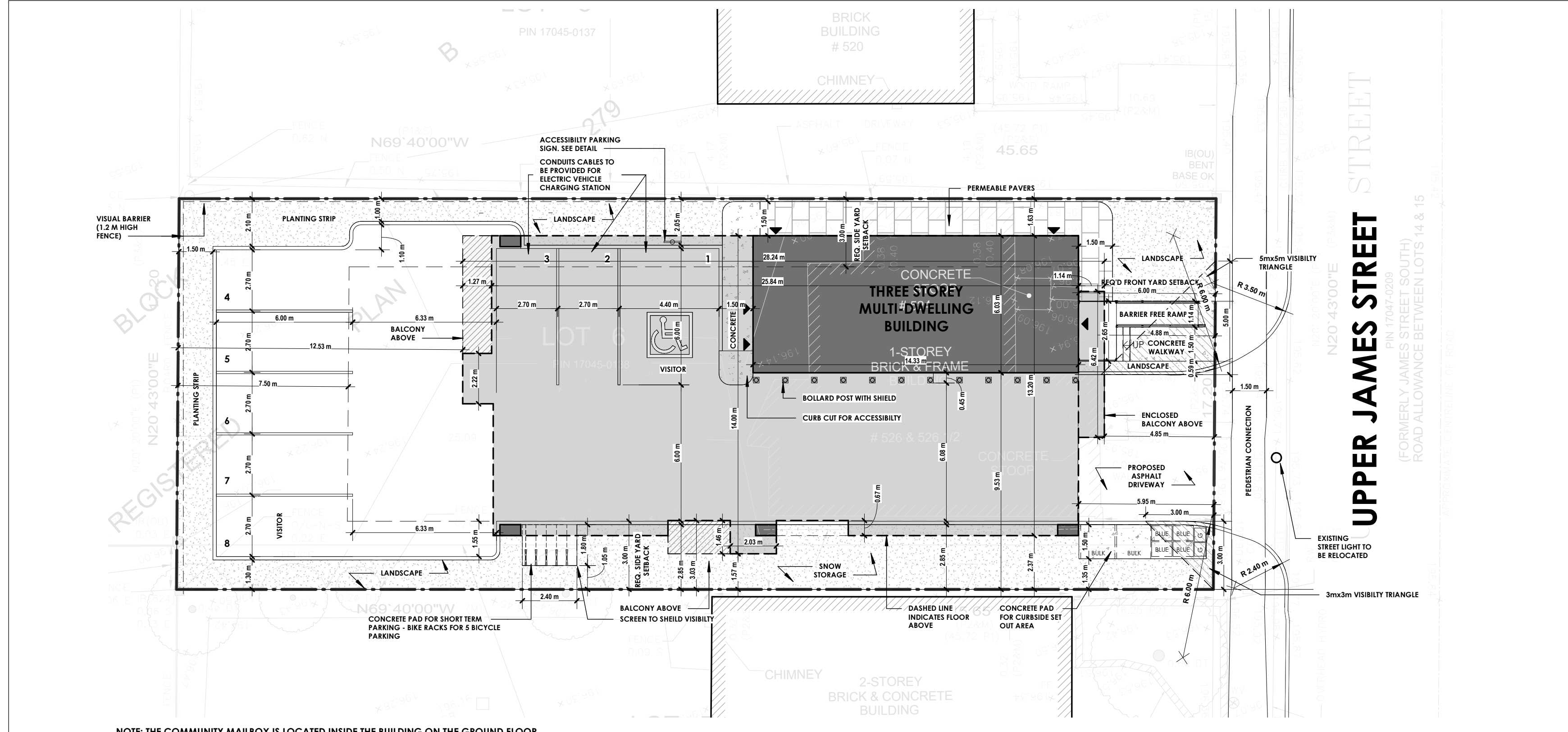
For more information on this matter, including access to drawings illustrating this request:

- 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: April 12th, 2022.

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.



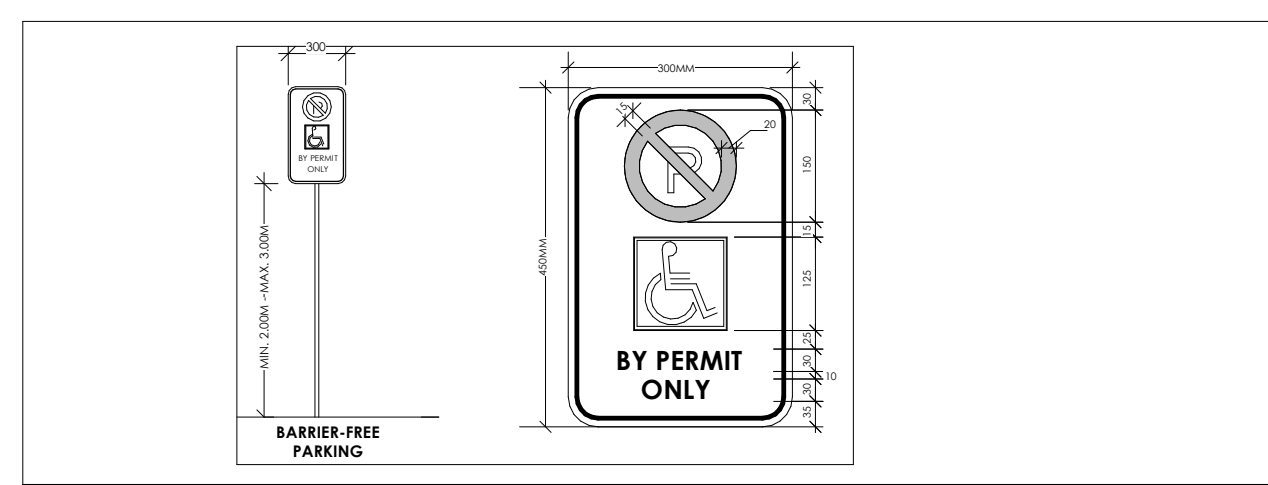
NOTE: THE COMMUNITY MAILBOX IS LOCATED INSIDE THE BUILDING ON THE GROUND FLOOR.

1 SITE PLAN
A-1.2 1 : 150

UNDERTAKING
RE: 524 AND 526 UPPER JAMES STREET, HAMILTON FILE NO. DA-22-010

I, (WE) _____ THE OWNER(S) OF THE LAND, HEREBY UNDERTAKE AND AGREE WITHOUT RESERVATION,
(A) TO COMPLY WITH ALL THE CONTENT OF THIS PLAN AND DRAWING AND NOT TO VARY THEREFROM;
(B) TO PERFORM THE FACILITIES, WORKS OR MATTERS MENTIONED IN SECTION 41 (7)(A) OF THE PLANNING ACT SHOWN ON THIS PLAN AND DRAWING(S) IN ACCORDANCE WITH THE CONDITIONS OF APPROVAL AS SET OUT IN THE LETTER OF APPROVAL DATED _____;
(C) TO MAINTAIN TO THE SATISFACTION OF THE CITY AND AT MY (OUR) SOLE RISK AND EXPENSE, ALL OF THE FACILITIES, WORKS OR MATTERS MENTIONED IN SECTION 41 (7)(B) OF THE SAID ACT, SHOWN IN THIS PLAN AND DRAWING, INCLUDING REMOVAL OF SNOW FROM ACCESS RAMPS AND DRIVEWAYS, PARKING AND LOADING AREAS AND WALKWAYS;
(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) THE OWNER SHALL COMPLETE TO THE SATISFACTION OF THE DIRECTOR OF ENGINEERING OF THE CITY OF HAMILTON AND CANADA POST:
A) 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.
II) THAT THE DEVELOPER(S) / OWNERS BE RESPONSIBLE FOR OFFICIALLY NOTIFYING THE PURCHASERS OF THE EXACT CENTRALIZED MAIL BOX LOCATIONS PRIOR TO THE CLOSING OF ANY HOME SALES.
B) 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 OFFICES(S) SHOWING SPECIFIC CENTRALIZED MAIL FACILITY LOCATIONS.
C) 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 AFFECT FOR BUILDINGS AND COMPLEXES WITH A COMMON LOBBY, COMMON INDOOR OR SHELTERED SPACE.
(F) THAT THE OWNER AGREES TO DISPLAY THE MUNICIPAL NUMBER OR FULL ADDRESS ON A SIGN IN ACCORDANCE WITH THE CITY'S SIGN BY-LAW, NEAR THE ENTRANCE IN A MANNER THAT IS VISIBLE FROM THE STREET.
(G) 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.
THE OWNER AGREES THAT SHOULD ANY CONFLICT ARISE WITH EXISTING BELL CANADA FACILITIES WHERE A CURRENT AND VALID EASEMENT EXISTS WITHIN THE SUBJECT AREA, THE OWNER SHALL BE RESPONSIBLE FOR THE RELOCATION OF ANY SUCH FACILITIES OR EASEMENTS AT THEIR OWN COST.
(H) SHOULD THE PROPOSED SITE PLAN IMPACT ENBRIDGE GAS INC. (UNION GAS) SERVICES, IT MAY BE NECESSARY TO TERMINATE THE GAS SERVICE AND RELOCATE THE LINE ACCORDING TO THE NEW PROPERTY BOUNDARIES. ANY SERVICE RELOCATION REQUIRED WOULD BE AT THE COST OF THE PROPERTY OWNER.
DATED THIS _____ DAY OF _____ 20____
WITNESS (SIGNATURE) _____ OWNER(S) (SIGNATURE) _____
WITNESS (PRINT) _____ OWNER(S) (PRINT) _____
ADDRESS OF WITNESS _____

- SITE PLAN NOTES**
- ALL WORK INVOLVED IN THE CONSTRUCTION, RELOCATION, REPAIR OF 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.
 - MAIN DRIVEWAY DIMENSIONS AT THE PROPERTY LINE BOUNDARIES ARE PLUS OR MINUS 7.5 M UNLESS OTHERWISE STATED.
 - ALL DRIVEWAYS FROM PROPERTY LINES FOR THE FIRST 7.5 M SHALL BE WITHIN 5% MAXIMUM GRADE. THEREAFTER, ALL DRIVEWAYS SHALL BE WITHIN 10% MAXIMUM GRADES.
 - 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 PERMIT
- SEWER AND WATER PERMIT
- ROAD CUT PERMITS
- RELOCATION OF SERVICES
- APPROACH APPROVAL PERMITS
- ENCROACHMENT AGREEMENTS (IF REQUIRED)
- COMMITTEE OF ADJUSTMENT
 - ABANDONED ACCESSES MUST BE REMOVED AND THE CURB AND BOULEVARD RESTORED WITH SOD AT THE OWNER'S EXPENSE TO THE SATISFACTION OF THE TRAFFIC ENGINEERING SECTION, PUBLIC WORKS DEPARTMENT.
 - FOR VISIBILITY TRIANGLES AT THE VEHICULAR ACCESS POINTS, THE FOLLOWING NOTE TO BE PROVIDED:
"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 0.70 METRES ABOVE THE CORRESPONDING PERPENDICULAR CENTRELINE ELEVATION OF THE ADJACENT STREET."
 - PROPOSED SIGNAGE SHALL CONFORM TO THE CITY'S SIGN AND OTHER DEVICES BY-LAW NO. 10-197.
 - LIGHTING MUST BE DIRECTED ON SITE AND MUST NOT SPILL OVER TO ADJACENT PROPERTIES OR STREETS.
 - THE RESIDENTIAL DWELLINGS ARE ELIGIBLE FOR MUNICIPAL WASTE COLLECTION AND WILL BE REQUIRED TO FOLLOW THE REQUIREMENTS UNDER THE CITY OF HAMILTON SOLID AND WASTE MANAGEMENT BY-LAW 20-221



2 ACCESSIBILITY PARKING SIGN
A-1.2 N/A

ADDRESS: 524 - 526 UPPER JAMES ST, HAMILTON
SITE STATISTICS - ZONING DISTRICT: DE/S-1788
LOT AREA : 784.91 M²

	REQUIRED	PROPOSED
MIN. LOT WIDTH (M)	24 M	17.2 M
MAX. BUILDING HEIGHT	3 STOREYS/11M	3 STOREYS/11M
MIN. FRONT YARD (M)	6 M	4.85 M *
MIN. SIDE YARD (M)	3 M	1.63 M & 1.57 M *
MIN. REAR YARD (M)	7.5 M	12.53 M
MIN. AREA PER DWELLING UNIT FOR CLASS A DWELLING UNIT	160 M ²	130.81 M ² * <small>784.91M² (LOT AREA) / 6 UNITS = 130.81M² / UNIT</small>
MIN. LANDSCAPED AREA 25% OF LOT AREA	196.22M ²	182.19M ² *
PARKING		
MIN. DWELLING UNITS PARKING SPACES 1.25 SPACE/CLASS A DWELLING UNIT	8 SPACES FOR 6 UNITS	8 SPACES
MIN. VISITORS PARKING SPACES 0.25 SPACE/CLASS A DWELLING UNIT	2 SPACES FOR 6 UNITS	2 SPACES
PARKING SPACE SIZE	2.7M X 6.0M	2.7M X 6.0M
MINIMUM LOADING SPACES 5 TO 30 UNITS	1 SPACE (9.0m x 3.7m x 4.3m)	NON PROPOSED *
PARKING AREA BOUNDARY MIN. 1.5M FROM THE ADJOINING RESIDENTIAL DISTRICT BOUNDARY	1.5M	1.0M TO NORTH BOUNDARY 1.5M TO WEST BOUNDARY

* MINOR VARIANCE REQUIRED

3 SITE STATISTICS
A-1.2 N/A

ALL WORK SHALL BE CARRIED OUT IN ACCORDANCE WITH THE LATEST ONTARIO BUILDING CODE.

USE ONLY LATEST REVISED DRAWINGS MARKED AS "ISSUED FOR CONSTRUCTION"
CONTRACTOR IS TO CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK. DRAWINGS ARE NOT TO BE SCALED.

CONTRACT DOCUMENTS ARE THE COPYRIGHT OF THE CONSULTANTS AND SHALL NOT BE USED OR REPRODUCED WITHOUT AUTHORIZATION. DOCUMENTS ARE TO BE RETURNED UPON COMPLETION OF THE PROJECT.

REVISIONS

#	DAT	REMARKS
03	2022 03 02	RE-ISSUED FOR SPA
02	2021 12 08	RE-ISSUED FOR SPA
01	2021 08 04	ISSUED FOR SPA

ARCHITECT
LIMA
ARCHITECTS INC.
#59 5100 South Service Rd, Burlington
www.limarchitectinc.com
E: info@limarchitectinc.com
T: 289-337-8887



PROJECT TITLE
MULTI DWELLING DEVELOPMENT
526-524 UPPER JAMES ST. HAMILTON, ON

DRAWING TITLE
SITEPLAN

DRAWN BY
RA

SCALE
As indicated

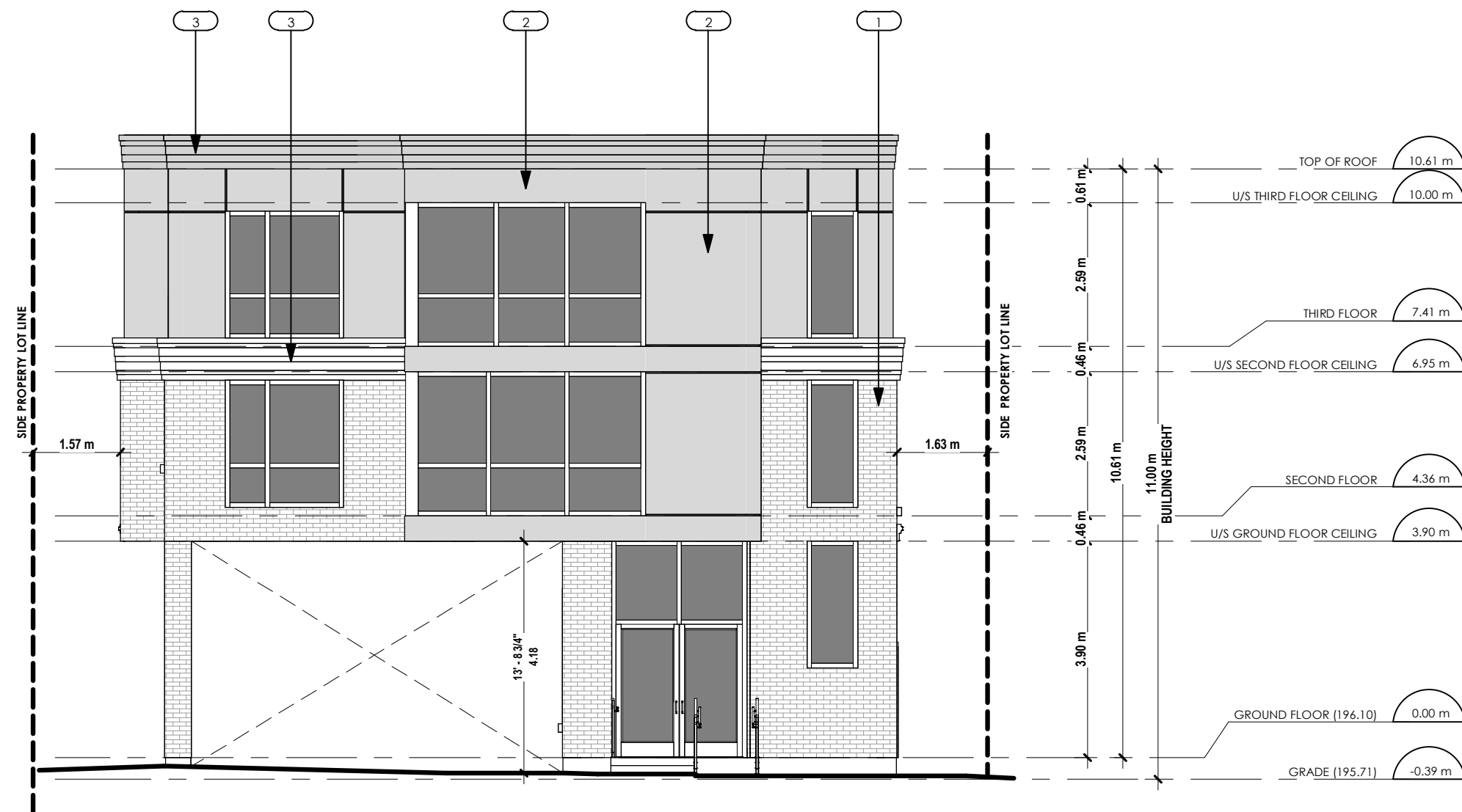
DATE
MARCH 2022

CHECKED BY
FL

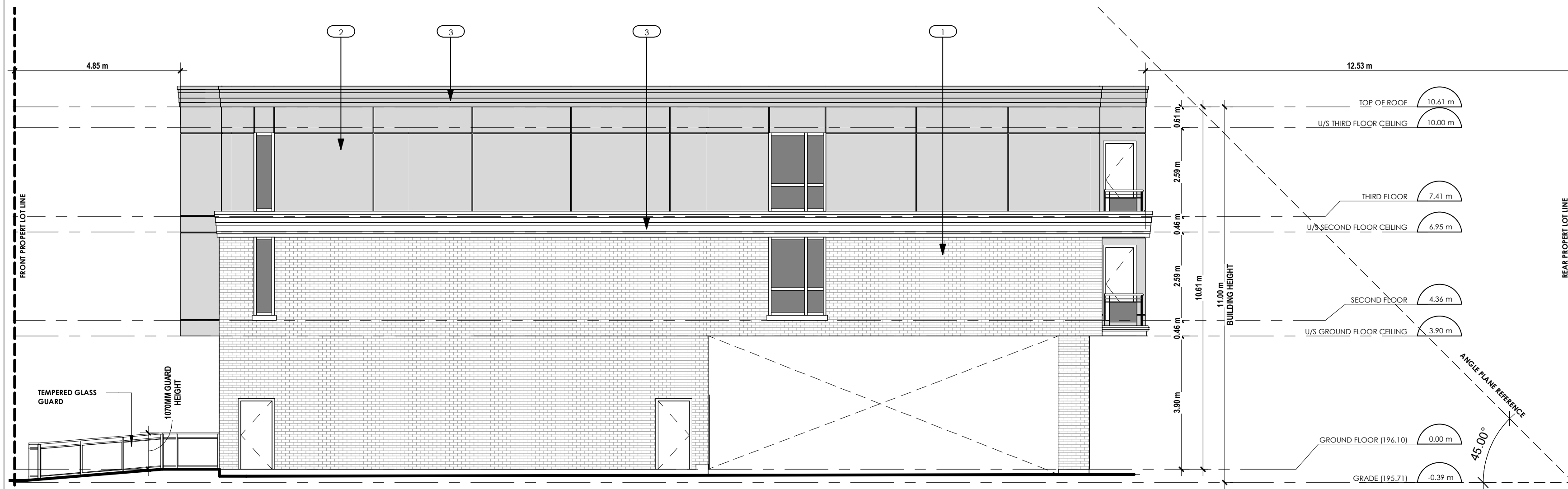
PROJECT NUMBER
21-463

DRAWING NUMBER
A-1.2

MATERIAL LEGEND:
 1 - BRICK VENEER
 2 - HARDIE PANEL
 3 - CEMENT MOULDING



1 EAST ELEVATION
 A-5.1 1 : 100



2 NORTH ELEVATION
 A-5.1 1 : 100

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01	2021 08 04	ISSUED FOR SPA

ARCHITECT



#59 5100 South Service Rd, Burlington
 www.limarchitectinc.com
 E: info@limarchitectinc.com
 T: 289-337-8887

SEALS

PROJECT TITLE

MULTI DWELLING DEVELOPMENT

526-524 UPPER JAMES ST. HAMILTON, ON

DRAWING TITLE

EAST & NORTH ELEVATIONS

DRAWN BY

RA

SCALE

As indicated

DATE

FEBRUARY 2022

CHECKED BY

FL

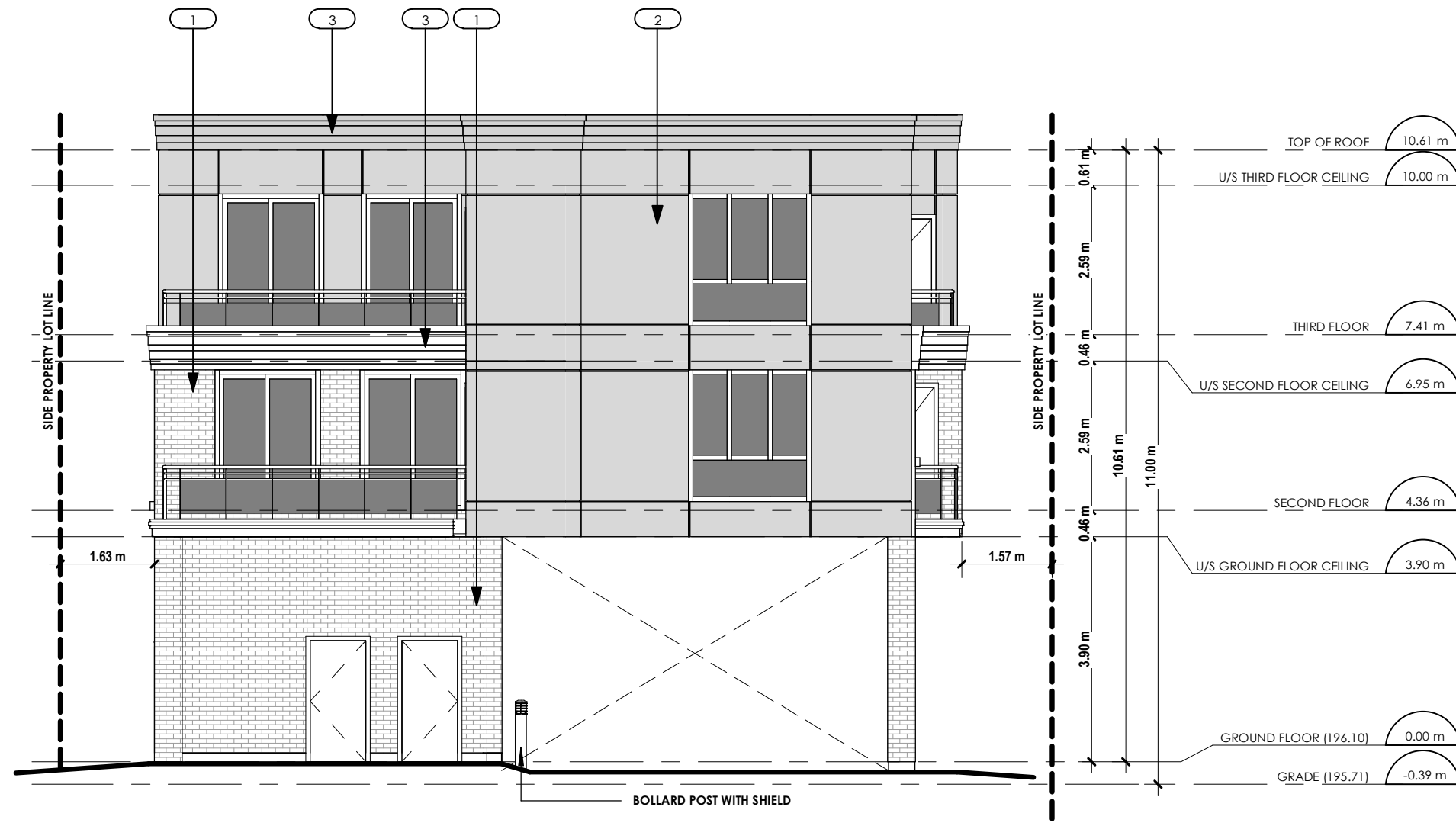
PROJECT NUMBER

21-463

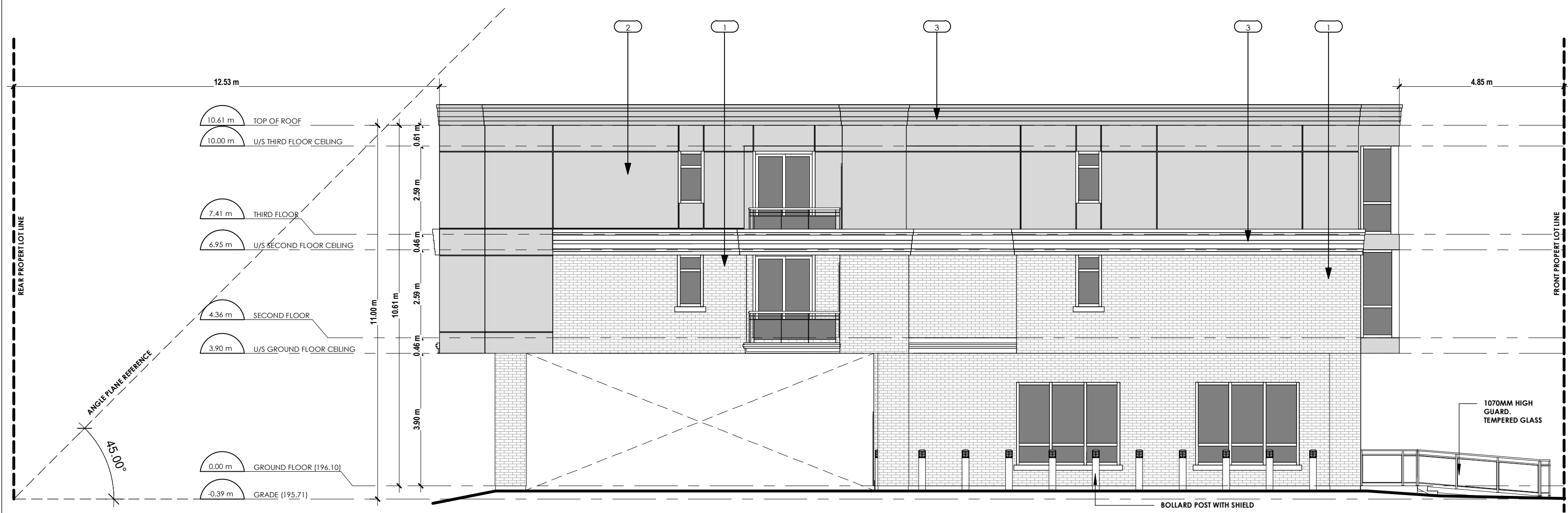
DRAWING NUMBER

A-5.1

MATERIAL LEGEND:
 1 - BRICK VENEER
 2 - HARDIE PANEL
 3 - CEMENT MOULDING



1 WEST ELEVATION
 A-5.2
 1 : 100



2 SOUTH ELEVATION
 A-5.2
 1 : 100

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01	2021 08 04	ISSUED FOR SPA

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SEALS

PROJECT TITLE

MULTI DWELLING DEVELOPMENT

526-524 UPPER JAMES ST. HAMILTON, ON

DRAWING TITLE

WEST & SOUTH ELEVATIONS

DRAWN BY

RA

SCALE

As indicated

DATE

FEBRUARY 2022

CHECKED BY

FL

PROJECT NUMBER

21-463

DRAWING NUMBER

A-5.2

DUFF STREET
(BY REGISTERED PLAN 279)

TOPOGRAPHIC SURVEY OF
LOT 6 & PART OF LOT 7, BLOCK B
REGISTERED PLAN 279
IN THE
CITY OF HAMILTON

SCALE 1 : 200
4 2 0 10 METRES

ASHENHURST NOUWENS & ASSOCIATES INC.
COPYRIGHT 2021 ©

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

REGISTERED EASEMENTS AND/OR RIGHT-OF-WAY.
NONE

THIS SURVEY WAS PREPARED FOR ORIYOMI HOLDINGS INC. AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

BENCHMARK
CITY OF HAMILTON BENCHMARK No. 12-07 ELEVATION=195.592m.
(CGVD28:78)
TABLET SET IN THE WEST CONCRETE FOUNDATION OF THE ENCLOSURE AROUND THE MAIN ENTRANCE ON THE SOUTH WALL OF QUEENSDALE PUBLIC SCHOOL ON THE NORTHEAST OF QUEENSDALE AVENUE AND PRINCE GEORGE STREET ON MOUNTAIN, 0.2m. NORTH OF THE SOUTHWEST CORNER OF THE ENCLOSURE, 0.15m. ABOVE SIDEWALK LEVEL. No. 3493.

NOTE
NOTE THE LOCATION OF THE BELL POLE AT THE REAR OF THE PROPERTY
NOTE THE LOCATION OF THE OVERHEAD WIRES
NOTE THE LOCATION OF THE FENCES ALONG THE NORTH, WEST AND SOUTH LIMITS OF YOUR PROPERTY
NOTE THE LOCATION OF THE ASPHALT DRIVEWAYS

BEARING NOTE
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTHERLY LIMIT OF DUFF STREET AS SHOWN ON REGISTERED PLAN 279 HAVING A BEARING OF N69°40'00"W

LEGEND

■	DENOTES FOUND
□	DENOTES PLANTED
IB	DENOTES IRON BAR
SIB	DENOTES STANDARD IRON BAR
RIB	DENOTES ROUND IRON BAR
CC	DENOTES CUT CROSS
M	DENOTES MEASURED
S	DENOTES SET
OU	DENOTES ORIGIN UNKNOWN
WIT	DENOTES WITNESS
P1	DENOTES REGISTERED PLAN 279
P2	DENOTES PLAN BY A.T. McLAREN, DATED FEB. 14, 1974 (H-3299)
P3	DENOTES PLAN 62R-16755
D1	DENOTES CD403215
D2	DENOTES CD44768
RW	DENOTES RETAINING WALL
DT	DENOTES DECIDUOUS TREE
FF	DENOTES FIRST FLOOR ELEVATION
MH	DENOTES MANHOLE
OH	DENOTES OVERHEAD UTILITY
TNHF	DENOTES TOP NUT OF FIRE HYDRANT
WV	DENOTES WATER VALVE
CB	DENOTES CATCH BASIN
CLS	DENOTES CONCRETE LIGHT STANDARD
824	DENOTES A. T. McLAREN, O.L.S.

SURVEYOR'S CERTIFICATE


I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 30TH DAY OF APRIL, 2021

DATE May 5, 2021


Harry Kalantzakos
HARRY KALANTZAKOS
ONTARIO LAND SURVEYOR

ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM
2145512



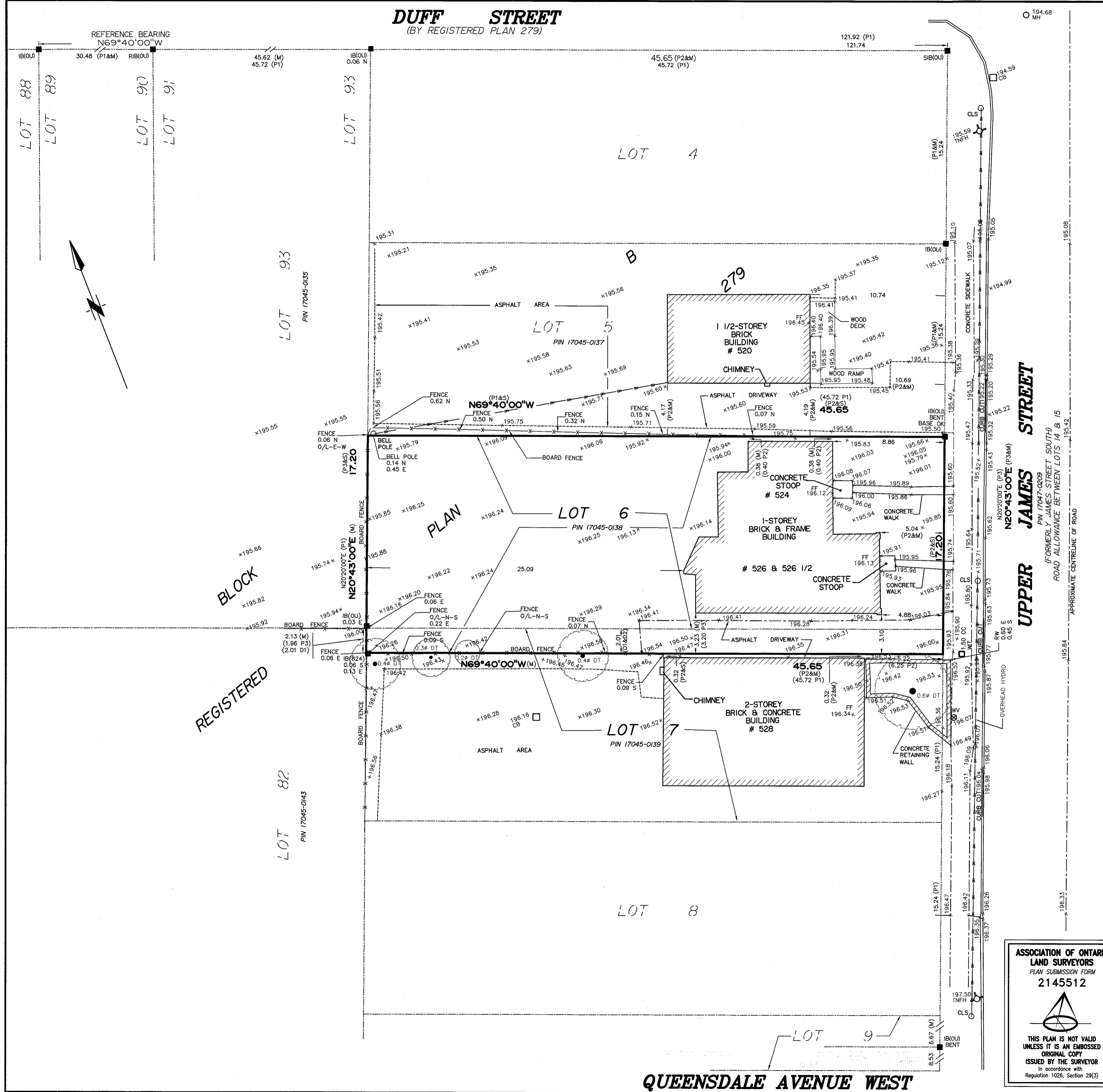
THIS PLAN IS NOT VALID
UNLESS IT IS AN EMBOSSED
ORIGINAL COPY
ISSUED BY THE SURVEYOR
In accordance with
Regulation 1026, Section 29(3)

ASHENHURST NOUWENS & ASSOCIATES INC.
PROFESSIONAL ENGINEERS & ONTARIO LAND SURVEYORS
225 KING WILLIAM STREET, SUITE 204, HAMILTON, ONTARIO L8R 1B1
TELEPHONE: (905) 529-6316
(905) 529-4314
FAX: (905) 529-6651
e-mail: anl@AshenhurstNouwens.ca



SINCE 1956

DRAWN BY MIS	CALC'D BY	CHK'D BY H.K.	FILE No.	21-064-TOPO
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QUEENSDALE AVENUE WEST



Urban in Mind

Professional Urban Planning, Land Development & CPTED Consultants

Urban in Mind

3370 South Service Road, Unit 103
Burlington, ON L7N 3M6

www.UrbaninMind.ca

City of Hamilton
Planning Division
71 Main St W
Hamilton, ON L8P 4Y5

RE: Minor Variance Resubmission (Application HM/A-21:328) – 524-526 Upper James Street

Please accept this letter regarding our Minor Variance Resubmission for **524-526 Upper James Street** in Hamilton, Ontario. A cheque for the payment of the recirculation fee has been dropped off at City Hall. The following documents have been sent electronically to pd.generalinquiry@hamilton.ca.

- Cover Letter
- Survey
- Site Plan
- Building Elevations
- Conceptual Streetscape Rendering
- Planning Justification Report
- Noise Study

Should you have any questions on any of the documents submitted with this application, I can be reached at 519-719-8721.

Signature:

Date:

Jacob Dickie
Planner / Development Coordinator
Urban in Mind, Professional Urban Planning, Land Development & CPTED Consultants

PHONE
(519) 719-8721

EMAIL
jdickieurbaninmind@gmail.com

WEB
www.UrbaninMind.ca

524-526 UPPER JAMES STREET



Variance 1: Reduction to the Required Minimum Front Yard Setback

As per Section 10A(3)(i) of the Former Hamilton Zoning By-law 6593.

The Required Minimum Front Yard Setback is 6.0 m.

The Proposed Front Yard Setback is 4.85 m.

Variance 2: Reduction to the Required Minimum Side Yard Setback

As per Section 10A(3)(ii)(c) of the Former Hamilton Zoning By-law 6593.

The Required Minimum Side Yard Setback is 3.0 m.

The Proposed Side Yard Setback is 1.57 m (south – abutting commercial zone).

Variance 3: Reduction to the Required Minimum Side Yard Setback

As per Section 10A(3)(ii)(c) of the Former Hamilton Zoning By-law 6593.

The Required Minimum Side Yard Setback is 3.0 m.

The Proposed Side Yard Setback is 1.63 m (north – abutting residential zone)

Variance 4: Reduction to the Required Minimum Lot Width

As per Section 10A(4)(iii)(b) of the Former Hamilton Zoning By-law 6593.

The Required Minimum Lot Width is 24.0 m.

The Proposed Lot Width is 17.2 m.

Variance 5: Reduction to the Required Minimum Lot Area Per Dwelling Unit

As per Section 10A(4)(iii)(b) of the Former Hamilton Zoning By-law 6593.

The Required Minimum Lot Area per Dwelling Unit is 160 m².

The Proposed Lot Area per Dwelling Unit is 130.81 m².

Variance 6: Reduction to the Required Minimum Landscaped Area

As per Section 10A(5) of the Former Hamilton Zoning By-law 6593.

The Required Minimum Landscape Area is 196.22 m².

The Proposed Landscaped Area is 182.19 m².

Variance 7: Reduction to the Required Minimum Distance Between the Boundary of a Parking Area and the Adjoining Residential Boundary

As per Section 18A(11)(a) of the Former Hamilton Zoning By-law 6593.

The Required Minimum Distance is 1.5 m.

The Proposed Minimum Distance is 1.0 m.

Variance 8: Reduction to the Required Minimum Number of Loading Spaces

As per Section 18A, Table 3 of the Former Hamilton Zoning By-law 6593.

The Required Minimum Number of Loading Spaces is 1.

The Proposed Number of Loading Spaces is 0.

'DE' District	Required	Proposed
'USE'	Multiple Dwelling (permitted)	Multiple Dwelling
MAX HEIGHT	3 storeys/11.0 m	3 storeys/11.0 m
MIN FRONT YARD	6.0 m	4.85 m
MIN SIDE YARD	3.0 m	1.63 m & 1.57 m
MIN REAR YARD	7.5 m	12.53 m
MIN LOT WIDTH	24.0 m	17.2 m
MIN LOT AREA PER CLASS A DWELLING UNIT	160 m ²	130.81 m ²
MIN LANDSCAPED AREA	196.22 m ²	182.19 m ²
PARKING AREA BOUNDARY	A minimum distance of 1.5 m is required from the adjoining residential boundary	1.0 m (North) 1.5 m (West)
MIN PARKING SPACES CLASS A DWELLING UNITS	1.25 spaces per dwelling (Including visitor parking 0.25 per dwelling)	Total of 8 Spaces (Including 2 visitor parking spaces)
MIN LOADING SPACES	1	0

Noise Impact Study for 524-526 Upper James Street, Hamilton

524-526 Upper James Street,
Hamilton, Ontario

Prepared for:

Oriyomi Holdings Inc.

Prepared by:

Ryan J. Matheson, *M.Sc. Applied Physics*

Todd Busch, *M.A.Sc., P.Eng, PE, INCE Bd. Cert.*

December 2021

Reference: 21-06-17-CY

Version: 00

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1. Introduction

Soft dB was retained by Oriyomi Holdings Inc. (Oriyomi/Client) to prepare a Noise Impact Study (NIS) for the proposed residential development that will be located at 524-526 Upper James Street in Hamilton, Ontario. The purpose of this study is to assess the noise impact of the nearby environment on the development and to make recommendations, if necessary, in order to achieve compliance with the local municipal and provincial noise guidelines provided by the City of Hamilton and the Ontario Ministry of the Environment, Conservation and Parks (MECP). This report will be included with the submission package for Site Plan Application submission.

2. Project Description

The site is located at 524-526 Upper James Street, which is on the east side of Upper James Street between Queensdale Avenue and Duff Street in Hamilton, Ontario. The project area is indicated in Figure 2-1 below with a scaled area map that has been included as Figure A-1 in Appendix A. The site is located in a residential area designated DE – Low Density Multiple Dwellings. Surrounding lands are designated C2 – Neighbourhood Commercial (south), C – Urban Protected Residential (east and west) and DE (north). A zoning map is included in Appendix A as Figure A-2. The development will be comprised of and single three-storey multi-family building.

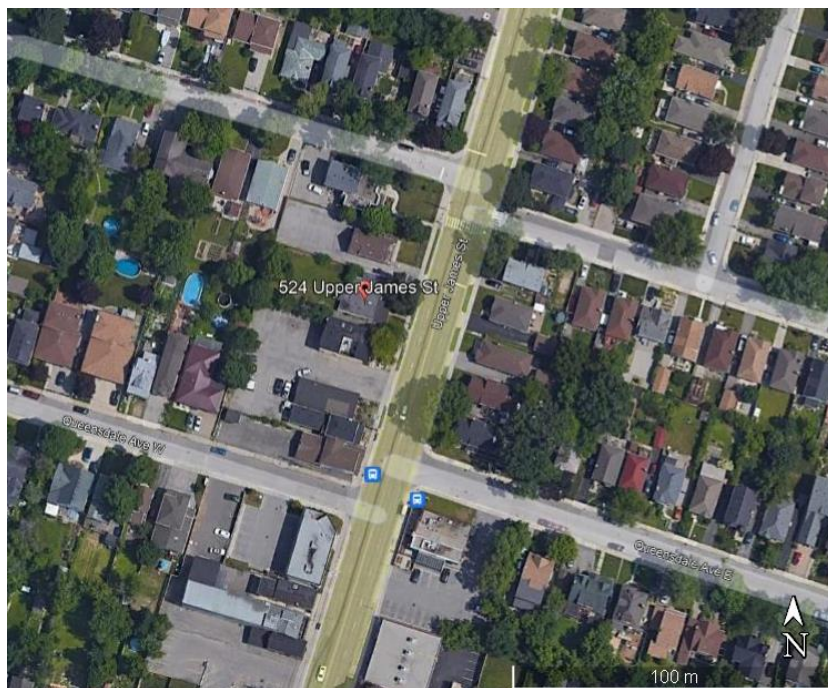


Figure 2-1: Project Location

Given the early stage of development façade construction has not been finalized and only the site plan showing the building footprints and interior layouts has been made available for review. The initial architectural drawing set dated May 2021 has been included in Appendix B.

Traffic data indicating the Annual Average Daily Traffic (AADT) of Upper James Street for the nearby area has been provided by the City of Hamilton. Based on the volume of traffic in the area and observations made during an initial site visit to the project site it has been determined that the area is Classified as a Class 1 – Urban area as per MECP Noise Pollution Control Guideline NPC-300 “Environmental Noise Guideline, Stationary and Transportation Sources – Approval and Planning”[1]. Traffic data and analysis is included in Appendix C.

3. Noise Sources

The following subsections describes the types of noise sources in the environment that may impact the project. These are broken up into two types, 1. Stationary Noise Sources, and 2. Transportation Noise Sources as defined in NPC-300 [1].

3.1 Stationary Noise Sources

It has been observed that some rooftop mechanical units exist on the roof of the Eliegante Hair Design & Spa. The emission levels of the rooftop units are currently unknown. Since the surrounding area is zoned residential the proposed site would not represent a change in the existing businesses requirement to be in compliance with the MECP sound level limits in NPC-300 [1]. Thus, the responsibility would be for the business owner to continue to ensure that the emission levels of the rooftop units are in compliance with NPC-300 [1] and are not considered further in this study.

Otherwise, the area is primarily residential with no other significant stationary noise sources that would impact the site.

3.2 Transportation Noise Sources

The nearest significant transportation noise source is the Upper James Street roadway that runs from north to south with a posted speed limit of 50 km/h, and lies 3 metres to the east of the site. The next nearest significant transportation noise sources are the Claremont Access, approximately 360 metres to the north, and West 5th Street, approximately 400 metres to the west. Multiple rows of houses separate the site from these roadways and are therefore not considered significant contributors to the background sound level in proximity to the proposed site.

4. MECP Sound Level Limit Guidelines

As noted in Section 3.0 the most significant noise sources to be considered in this study are transportation noise sources. The applicable guideline limits for sound from transportation noise sources on residential developments is given in Part C of the MECP publication NPC-300 “Environmental Noise Guideline, Stationary and Transportation Sources – Approval and Planning” [1]. The following sub-sections describe the noise level limits for indoor and outdoor spaces, as well as whether or not warning clauses and air conditioning are required.

4.1 Indoor Sound Level Limits

The indoor sound level limits developed by the MECP for transportation noise sources are summarized in Table 1. Day Time refers to the hours between 7am and 11pm. Nighttime refers to the hours between 11pm and 7am.

Table 1: MECP Indoor Sound Level Limits

Room	Time Period	Road Sound Level (dBA)	Rail Sound Level (dBA)
Living / Dining / Den	Day Time (07:00 – 23:00)	45	40
	Nighttime (23:00 – 07:00)	45	40
Sleeping Quarters	Day Time (07:00 – 23:00)	45	40
	Nighttime (23:00 – 07:00)	40	35

4.2 Outdoor Sound Level Limits, Ventilation and Warning Clause Requirements

Table 2 below outlines the sound level limits for noise in outdoor living areas (OLA) and at the plane of an outside window. Day Time refers to the hours between 7am and 11pm. Nighttime refers to the hours between 11pm and 7am. All locations are assessed at the plane of an upper storey window with the exception of the OLA. It is understood that the proposed building is greater than 2 storeys tall.

Table 2: MECP Outdoor Sound Level Limits with Ventilation and Warning Clause Recommendations (Road)

Assessment Location	Time	Sound Level (dBA)	Ventilation Requirement	Warning Clause
Bedroom or Living / Dining Room	Day	≤ 55	None	None
		> 55 ≤ 65	Provision for central air	Yes – Type C
		> 65	Central air required	Yes – Type D
	Night	≤ 50	None	None
		> 50 ≤ 60	Provision for central air	Yes – Type C
		> 60	Central air required	Yes – Type D

For road noise sources, noise levels > 65 dBA during the day, and/or > 60 dBA during the night, building components including windows, walls, and doors, where applicable, should be designed so that the indoor sound levels comply with the sound level limits in Table 1. The acoustical performance of the building components (windows, doors, and walls) should be specified.

In addition to the limits in Table 2, the sound level limits for an OLA are as follows:

- < 55 dBA – No noise control;
- > 55 dBA but ≤ 60 dBA – noise control measures may be applied to reduce the sound level to 55 dBA. If measures are not provided use warning clause Type A;
- > 60 dBA – noise control measures should be implemented to reduce the level to 55 dBA. Only in cases where the required noise control measures are not feasible for technical, economic or administrative reasons would an excess above the limit (55 dBA) be acceptable with warning clause Type B. In the above situations, any excess above the limit (60 dBA) will not be acceptable if it exceeds 5 dBA.

4.3 Warning Clauses

The MECP guidelines NPC-300 [1] recommend that warning clauses be included in property and tenancy agreements for all blocks with anticipated traffic sound level excesses. Warning clauses are included in Appendix D.

5. Predicted Sound Levels

In order to assess noise levels from transportation noise sources predictions were made using STAMSON version 5.04, a computer prediction program developed by the MECP. Predictions

were made for both daytime and nighttime hours at the various facades of the proposed building based on a review of the preliminary architectural drawings, included in Appendix B. For daytime and nighttime sound levels the noise was predicted at 5.86 metres and 8.91 metres above grade in order to represent a 2nd and 3rd storey window of the proposed building. Based on our review of the drawings the proposed building layout does not include any OLAs or first floor bedrooms or living areas.

Sample outputs from the STAMSON noise prediction model are included in Appendix C. A summary of the results of the prediction model are summarized below in Table 3. The prediction of noise levels was completed at the facades that have the most exposure to the road noise. Given the layout of the proposed development the facades with the most exposure to the noise is the east (west elevation), north (south elevation) and south (north elevation) facades. All the other facades have shielding from the proposed neighbouring structures. It should also be noted that there is a two-storey structure to the south (estimated at 8 metres tall) and the two-storey structure to the north (estimated at 6 metres tall) also provide some shielding and have been considered in this analysis. Recommendations are based on the highest predicted noise level at the most impacted façade.

Table 3: Summary of Predicted Noise Levels

Location (façade)	Floor	Setback Distance from Roadway Centre Line (m)	Daytime Sound Level (dBA)	Nighttime Sound Level (dBA)
East	2 nd Floor	16	67	60
	3 rd Floor	16	67	60
North	2 nd Floor	33	53	47
	3 rd Floor	33	59	53
South	2 nd Floor	24	49	42
	3 rd Floor	24	58	52

6. Noise Impact Assessment and Recommendations

Based on the predicted sound levels summarized in Table 3 it is determined that some parts of the proposed building will require some form of mitigation measure. Based on the guidelines listed in Section 4.0, the requirements for ventilation upgrades, warning clauses, and building upgrades are summarized in Table 4.

Table 4: Summary of Recommendations from Predicted Noise Levels

Location (façade)	Floor	Ventilation Requirements	Warning Clauses	Building Component Upgrades
East	2 nd Floor	Central Air Required	Type D	Yes – STCc 32
	3 rd Floor	Central Air Required	Type D	Yes – STCc 32
North	2 nd Floor	None	None	None
	3 rd Floor	Provision for Central Air	Type C	None
South	2 nd Floor	None	None	None
	3 rd Floor	Provision for Central Air	Type C	None

The composite sound transmission class (STCc) values quoted in Table 4 refers to the combined STC of the entire window/wall assembly. Currently partitions and windows have not yet been selected for the project. Once selections are made, they should be reviewed by a qualified acoustic consultant in order to verify that the performance of the entire assembly will meet the recommended sound transmission class as recommended in Table 4. For example, a partition that is made up equally (50/50 wall area) of one building element having an STC of 20 and another building element having an STC of 10, the Composite STC of the partition would be approximately 13.

The recommendations in this section are the minimum required recommendations for compliance with the MECP guidelines. The recommendations are based on the assessment of noise impact on each façade. Given the layout, shown below in Figure 6-1, taken from the preliminary Architectural drawing set, the only suite that the recommendations in Table 4 apply to is Unit 3. Thus, the requirements for ventilation upgrades, warning clauses, and building upgrades that apply to Unit 3 are as follows;

- Ventilation Requirements – Central Air Required
- Warning Clause – Type D Required
- Building Component Upgrades – Composite STC of Window/Wall Assembly to meet STC 32 for the façade facing Upper James Street.

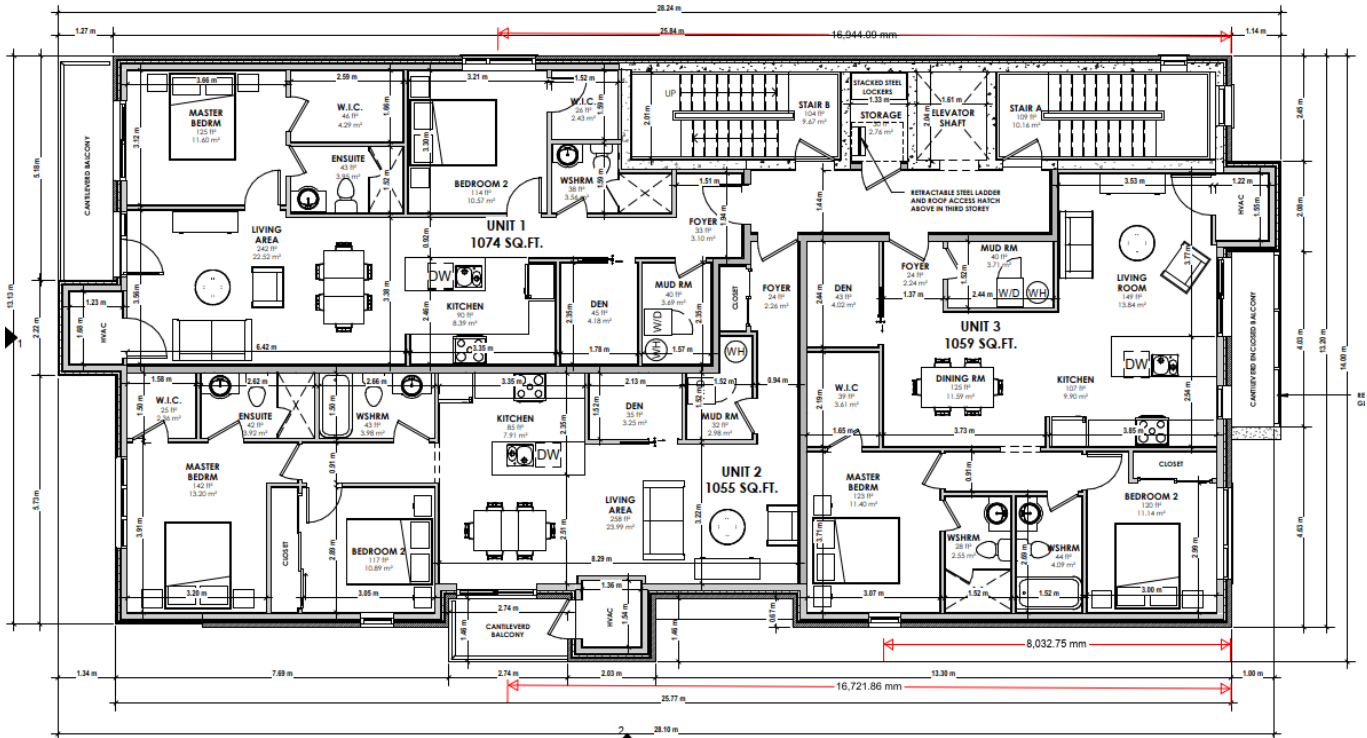


Figure 6-1: Proposed Floor Plan

7. Conclusions

Based on a review of the information provided, and traffic data collected from the city of Hamilton recommendations for the ventilation requirements, warning clauses, and building components have been made based on the predicted sound level that will impact the proposed residential building. It should be noted that final façade construction has not been finalized and should be reviewed and approved by a qualified acoustic consultant. With the implementation of the recommendations this project will satisfy the required City of Hamilton and MECP guidelines for noise.

Appendix A: Figures

Note

1. This drawing shall be read in conjunction with the associated technical report

Client:

Oriyomi Holdings Inc.

Site:

524-526 Upper James Street, Hamilton, ON

Report Title:

Noise Impact Study

Drawing Title:

Scaled Area Map

Designed:

RM

Scale:

NTS

Drawn by:

RM

Date:

December 2021

Approved by:

TB

Project No:

21-06-17-CY

Figure No:

A-1

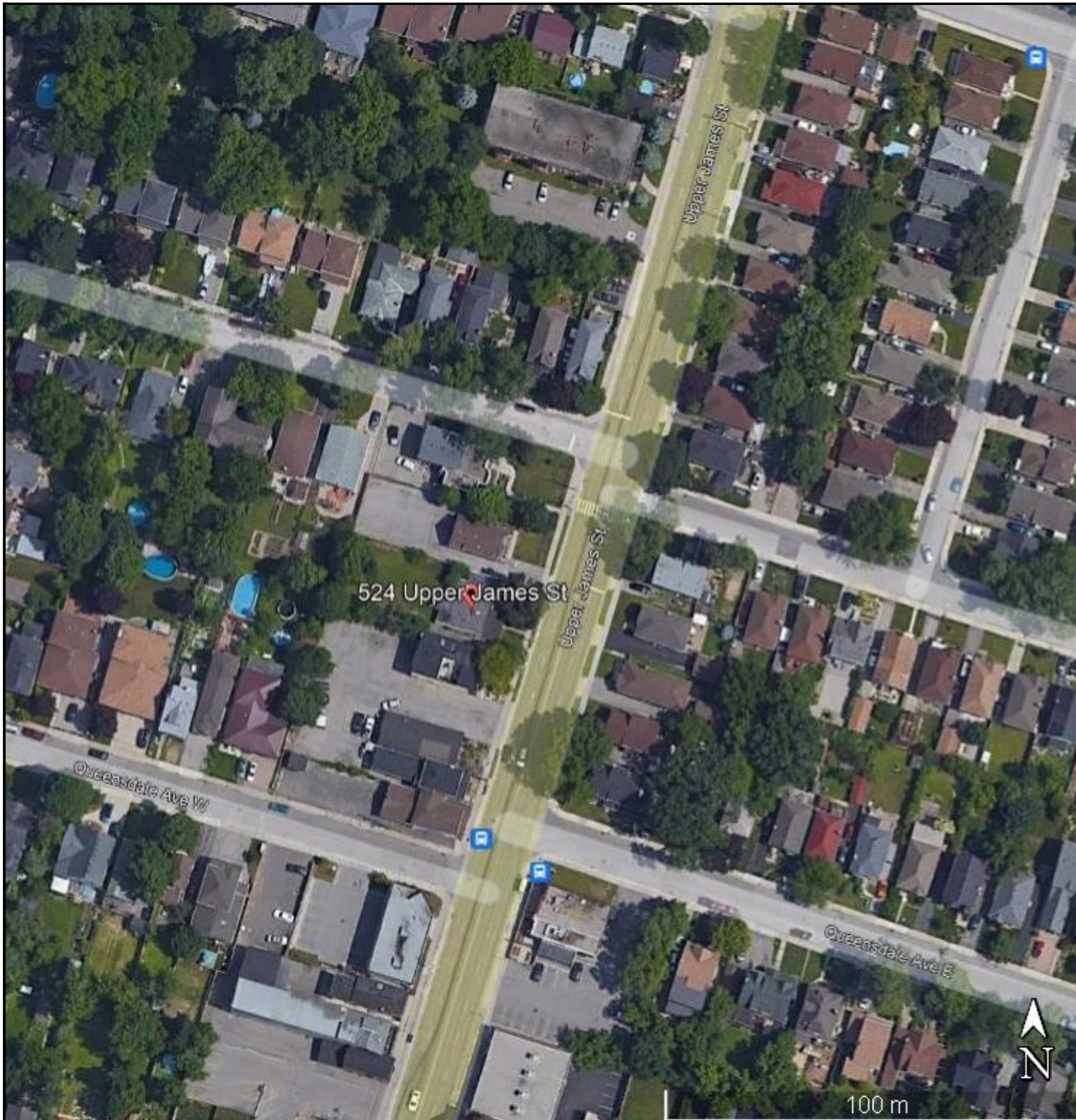
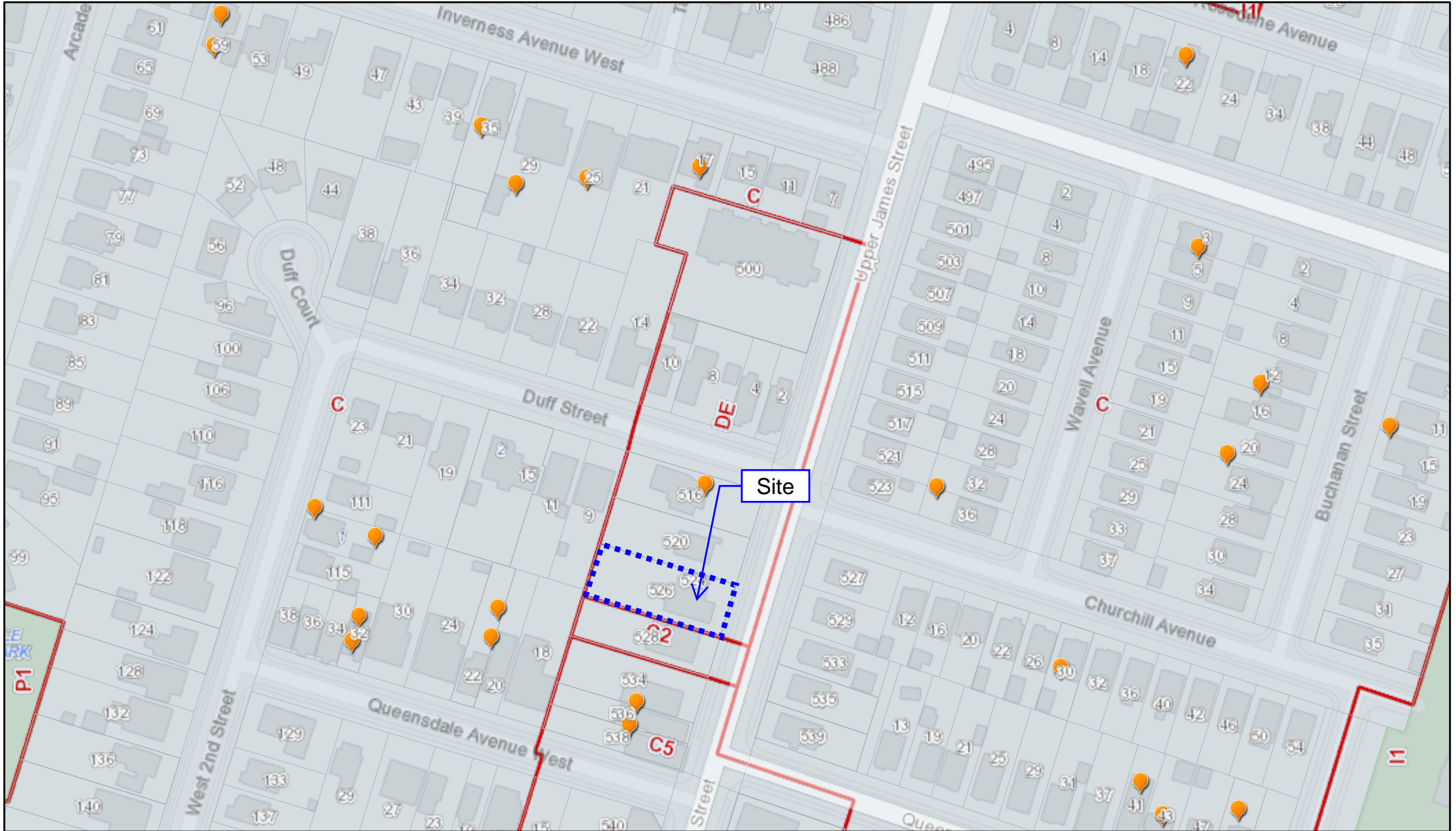


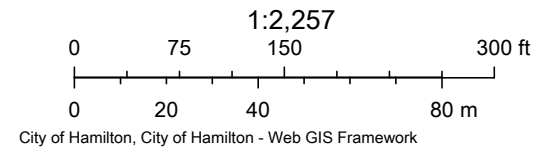
Figure A-2 - Zoning Map

Interactive Zoning



12/6/2021, 4:52:57 PM

- Committee of Adjustment
- City Boundary
- Zoning Boundaries
- Council Approved - Zoning Boundaries
- Ward Boundary
- Urban Boundary
- Temporary Use Zone
- Interim Control Bylaw Zone
- Community Boundary
- Property Parcels



Appendix B: Architectural Drawings



ALL WORK SHALL BE CARRIED OUT IN ACCORDANCE WITH THE LATEST ONTARIO BUILDING CODE.

USE ONLY LATEST REVISED DRAWINGS MARKED AS "ISSUED FOR CONSTRUCTION"

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SEALS

PRELIMINARY

PROJECT TITLE

MULTI DWELLING DEVELOPMENT

526-524 UPPER JAMES ST.
 HAMILTON, ON

DRAWING TITLE

PROPOSED GROUND FLOOR PLAN

DRAWN BY

RA

SCALE

1 : 75

DATE

MAY 2021

CHECKED BY

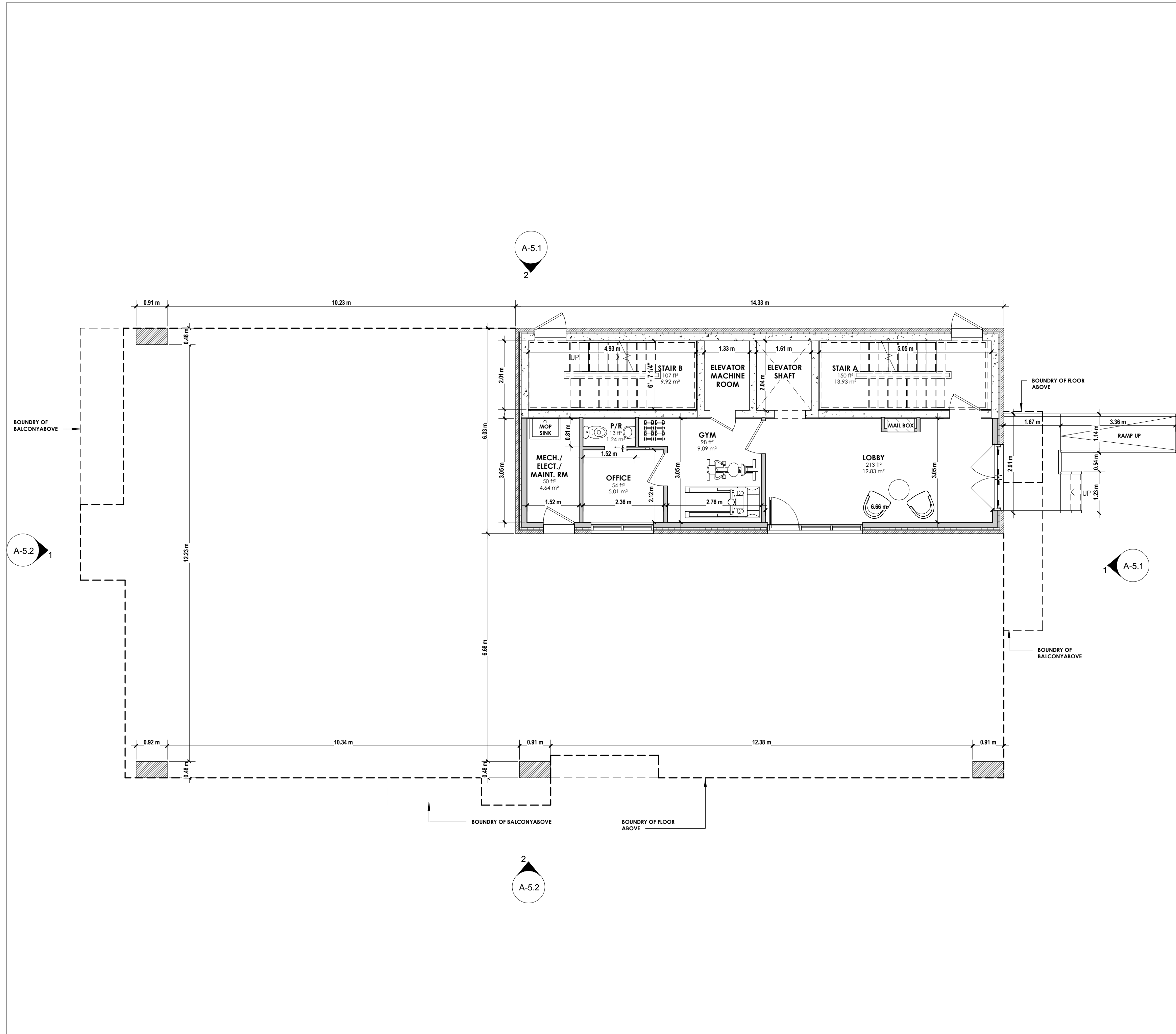
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PROJECT NUMBER

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DRAWING NUMBER

A-2.1





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PROJECT TITLE

MULTI DWELLING DEVELOPMENT

526-524 UPPER JAMES ST.
HAMILTON, ON

DRAWING TITLE

PROPOSED SECOND FLOOR PLAN

DRAWN BY

Author

SCALE

1 : 75

DATE

MAY 2021

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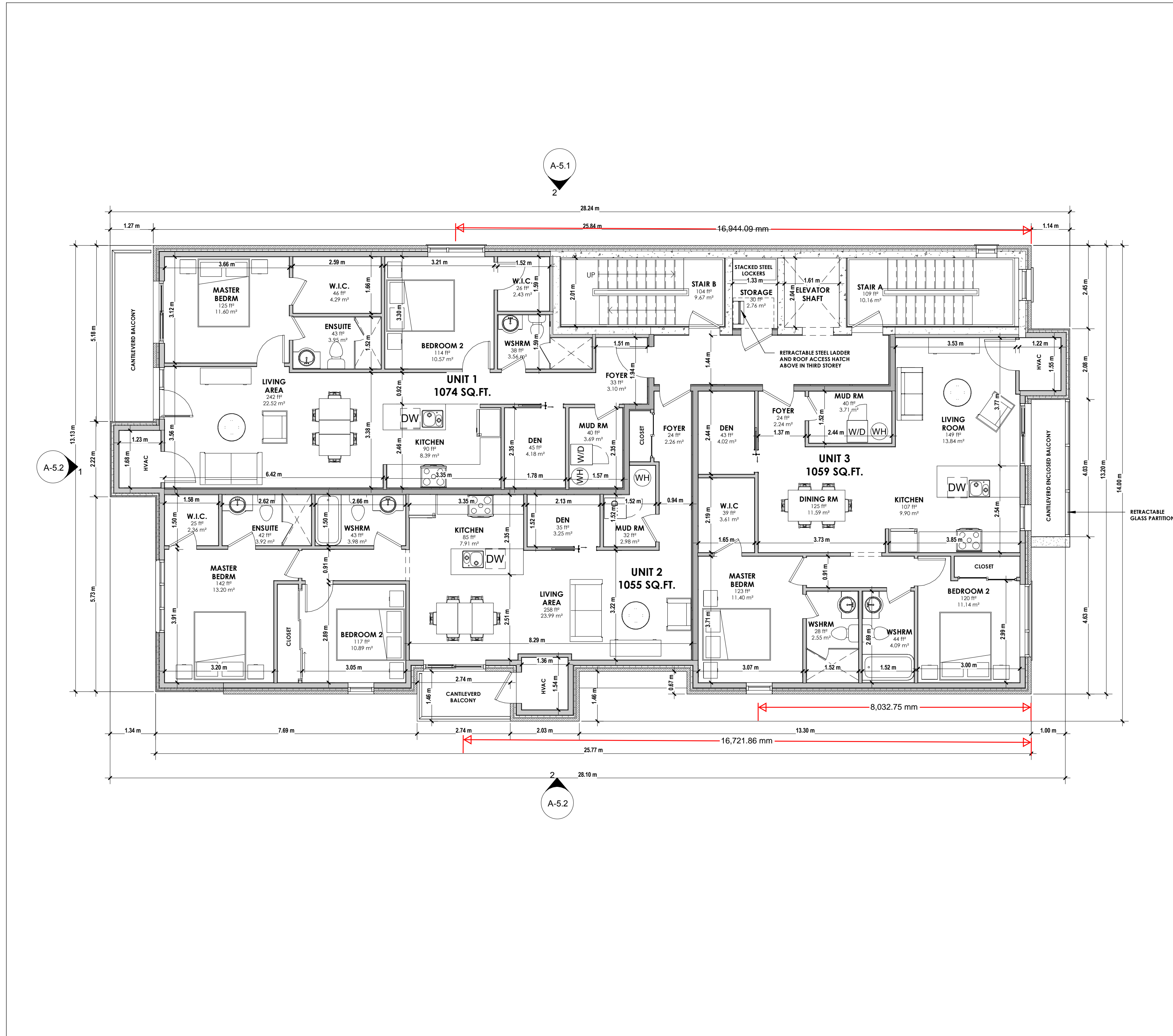
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PROJECT NUMBER

21-463

DRAWING NUMBER

A-2.2



1 SECOND & THIRD FLOOR PLAN
A-2.2 1 : 75



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MULTI DWELLING DEVELOPMENT

526-524 UPPER JAMES ST.
HAMILTON, ON

DRAWING TITLE

ROOF PLAN

DRAWN BY

Author

SCALE

1 : 75

DATE

MAY 2021

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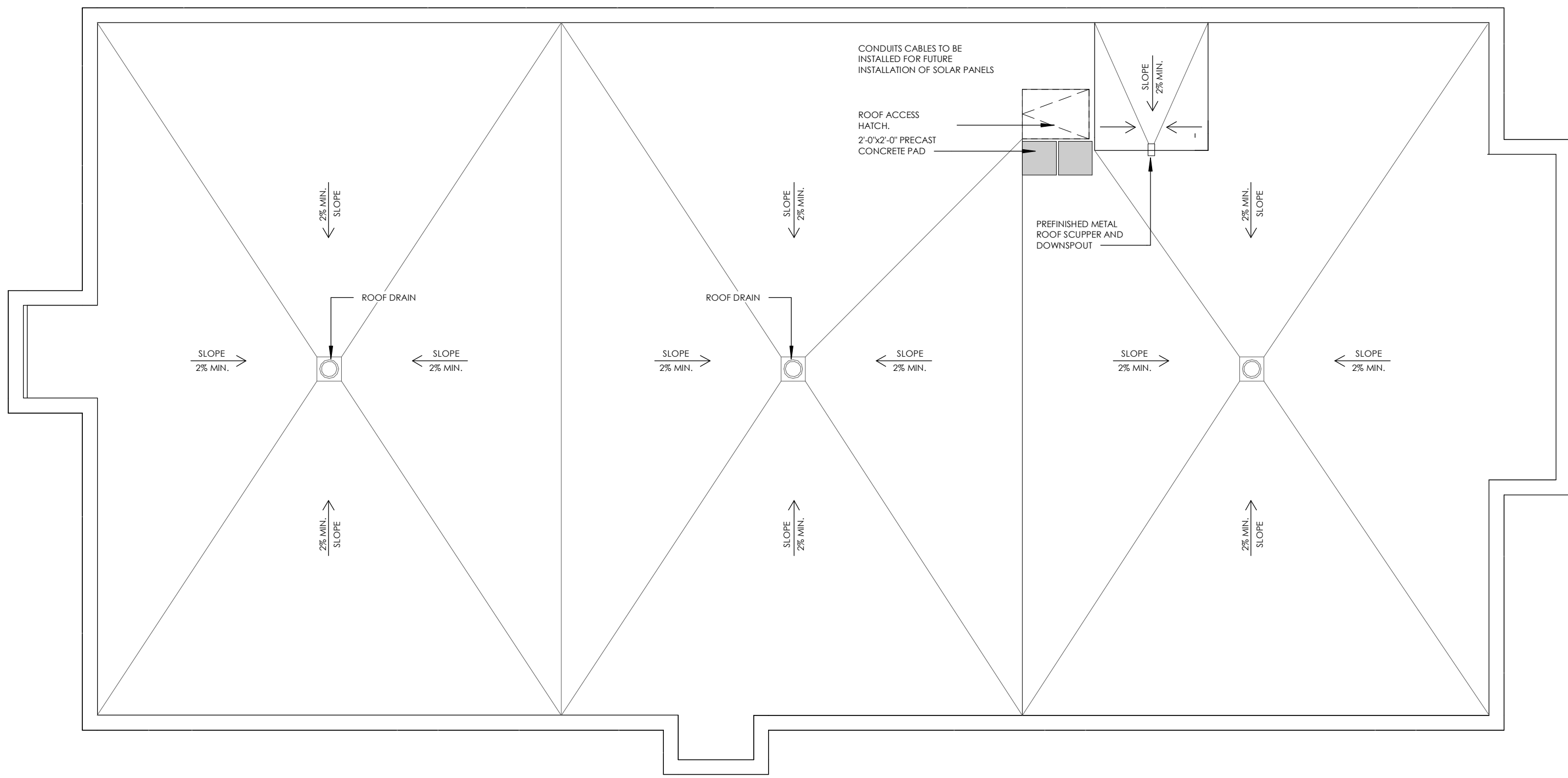
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A-2.3

A-5.1
2

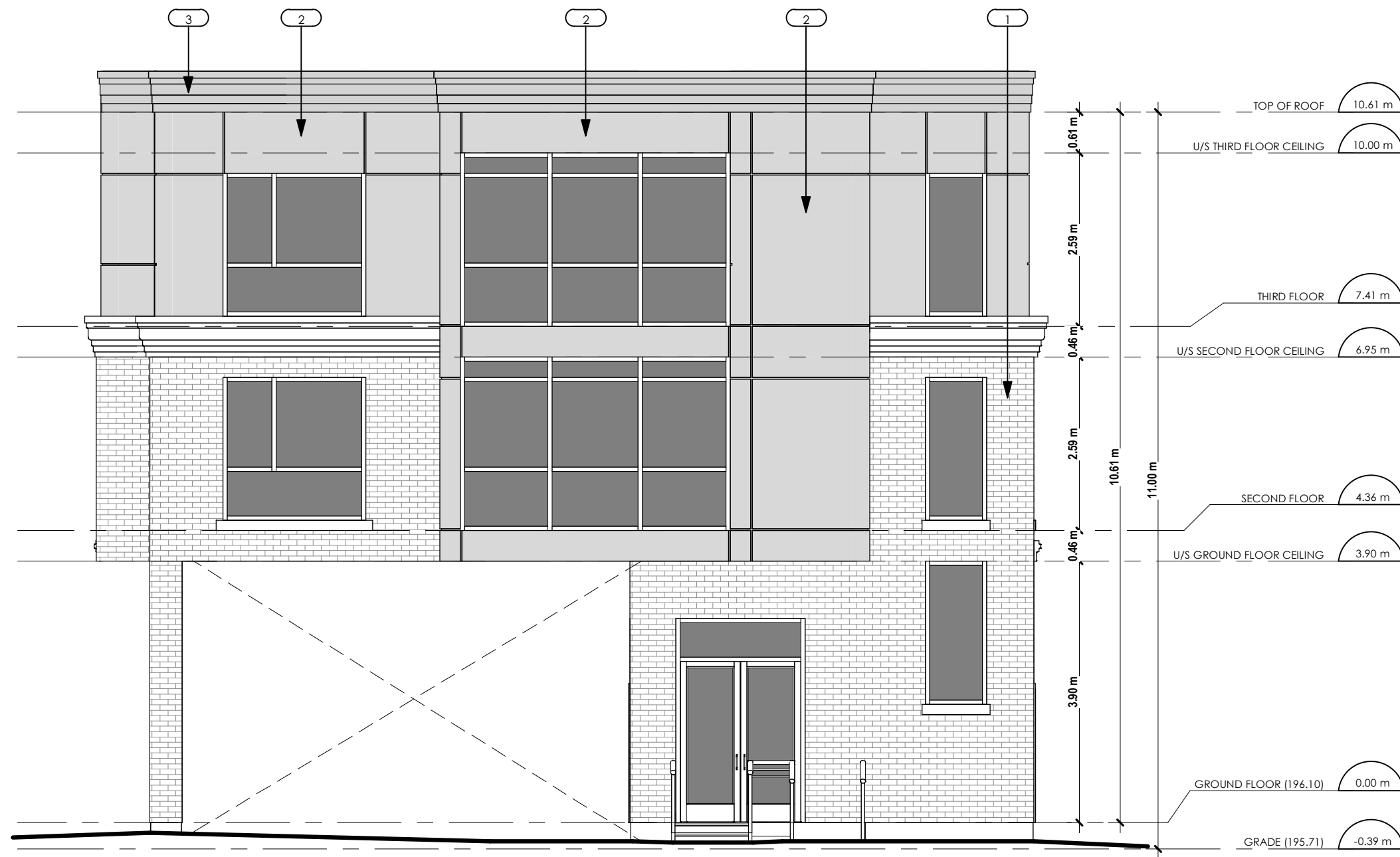


A-5.2
1

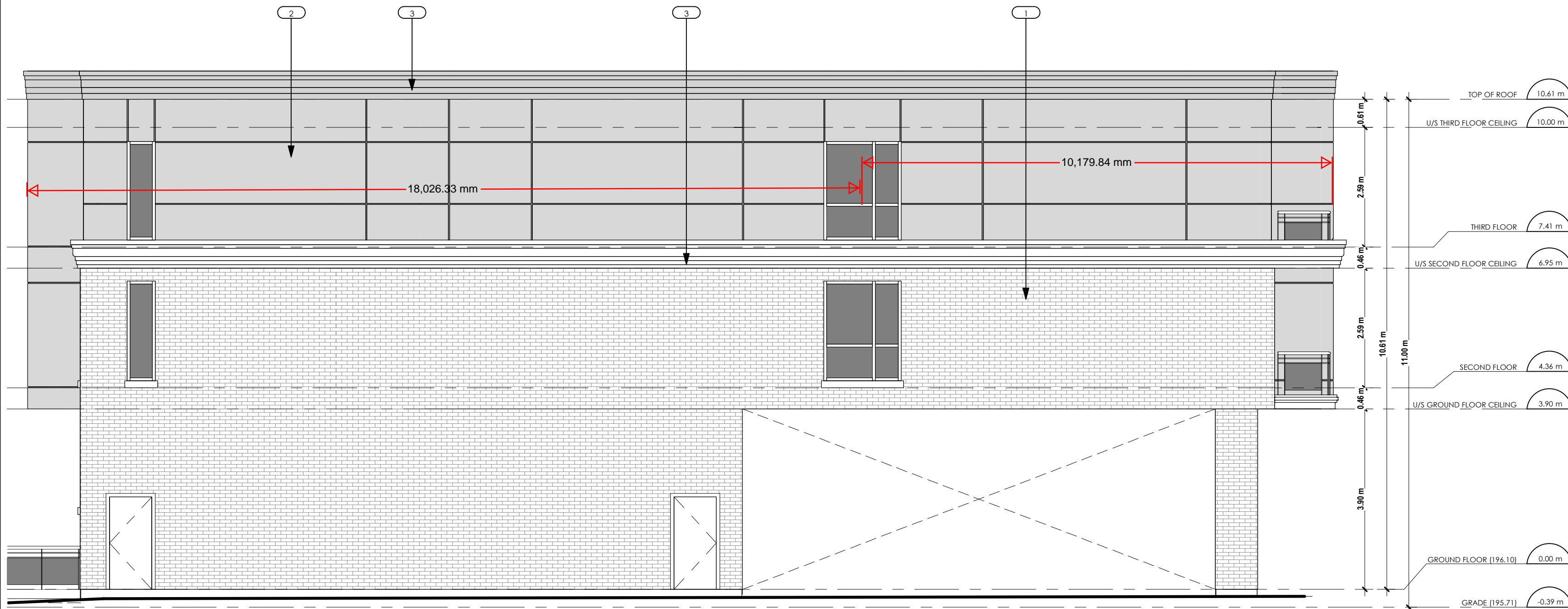
A-5.1
1

A-5.2

MATERIAL LEGEND:
 1 - BRICK VENEER
 2 - HARDIE PANEL
 3 - CEMENT MOULDING



1 WEST ELEVATION
 A-5.1 1:75



2 SOUTH ELEVATION
 A-5.1 1:75

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PROJECT TITLE
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526-524 UPPER JAMES ST. HAMILTON, ON

DRAWING TITLE
 WEST & SOUTH ELEVATIONS

DRAWN BY
 RA

SCALE
 As indicated

DATE
 MAY 2021

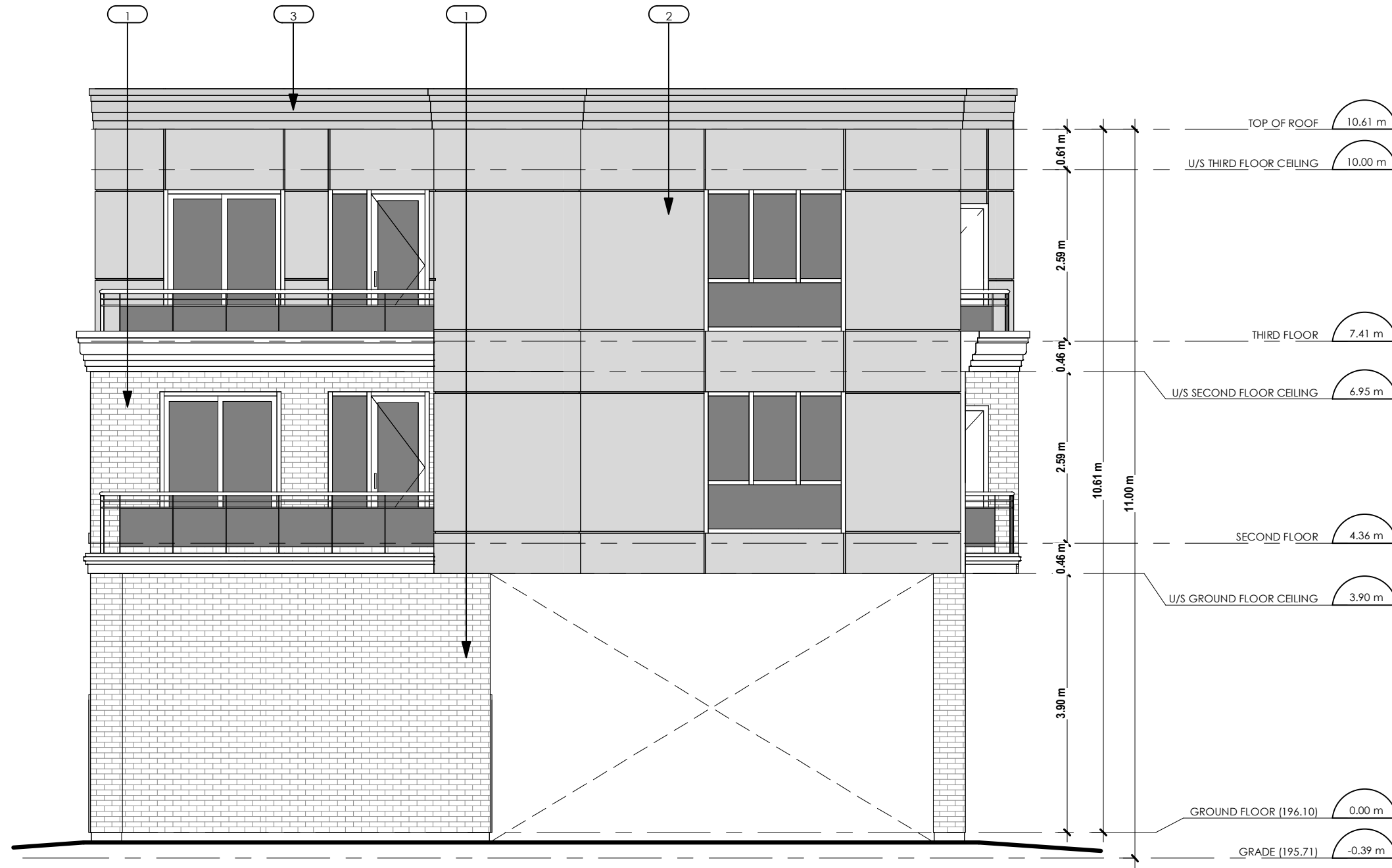
CHECKED BY
 FL

PROJECT NUMBER
 21-463

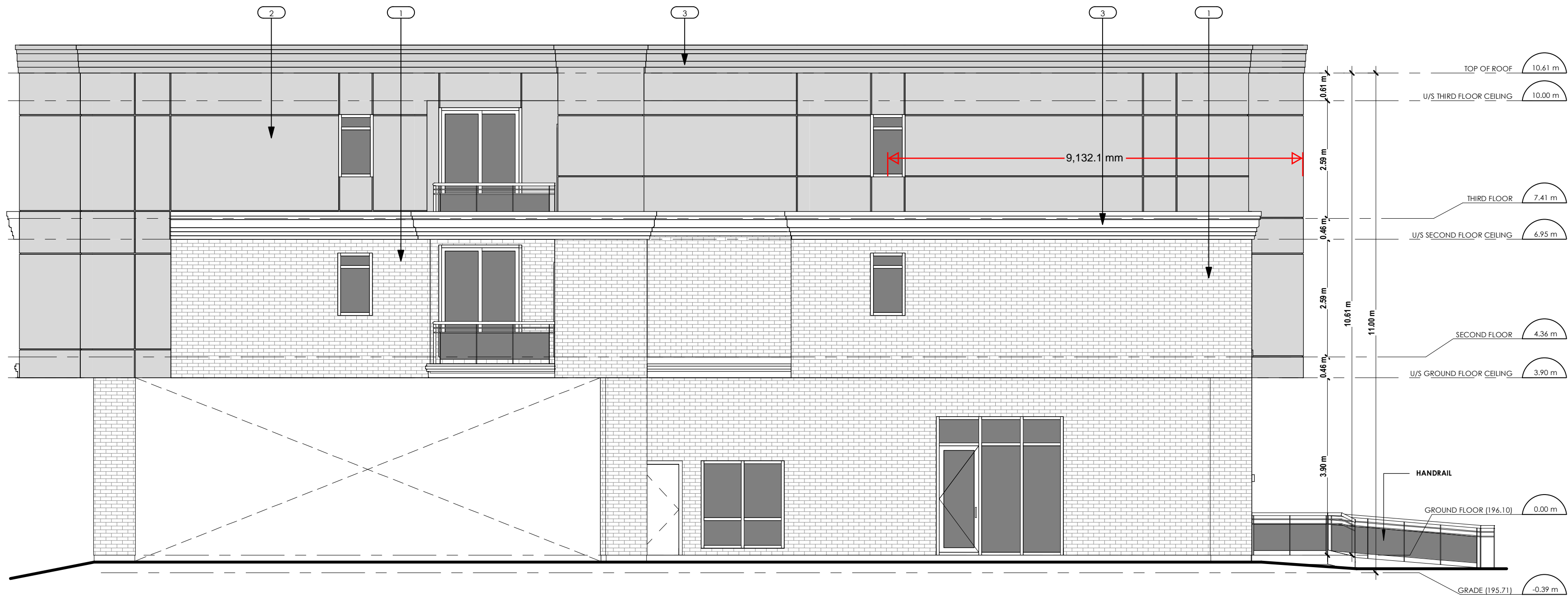
DRAWING NUMBER

A-5.1

MATERIAL LEGEND:
 1 - BRICK VENEER
 2 - HARDIE PANEL
 3 - CEMENT MOULDING



1 EAST ELEVATION
 A-5.2 1:75



2 NORTH ELEVATION
 A-5.2 1:75

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DRAWING TITLE
 EAST & NORTH ELEVATIONS

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SCALE
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DATE
 MAY 2021

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PROJECT NUMBER
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DRAWING NUMBER
A-5.2

Appendix C: Traffic Data and Analysis



Transportation Data Management System

List View All DIRs

Record	1	of 72	Goto Record	<input type="text"/>	<input type="button" value="go"/>
Location ID	389_N	MPO ID			
Type	SPOT	HPMS ID			
On NHS		On HPMS			
LRS ID		LRS Loc Pt.			
SF Group	-	Route Type			
AF Group		Route			
GF Group	All Locations	Active	Yes		
Class Dist Grp		Category	TMC		
Seas Clss Grp					
WIM Group					
QC Group	Default				
Funct'l Class		Milepost			
Located On	Upper James Street				
Loc On Alias					
North of	Bruceedale Avenue East				
Less Detail ▼					
County	-	FIPS County Code			
Community	Hamilton	# Lanes	0		
Jurisdiction		Surface Type			
District		Count Cycle			
Control Section		Ctrl Section MP			
Perm Station	No	DOT ID			
WIM Station	No	Latitude	43.239688		
Virtual	No	Longitude	-79.876908		
Mega-Site	No	Speed Limit			
MPO		LTPP			
		State Owned			
Owner ID	hamilton	Rural/Urban			
STATION DATA					

Directions: 2-WAY ?

AADT ?

Year	AADT	DHV-30	K %	D %	PA	BC	Src
2019	24,715 ³		8	53	23,873 (97%)	842 (3%)	Grown from 2018
2018	27,768 ²		7	53	26,852 (97%)	916 (3%)	TMC

Average of 2019 and 2018 is 26242. Assumed 26242 AADT for 2020 and 2% growth over 11 years.

Count taken by Soft dB on 2021-11-24 between 10:35am and 11:05am

Cars - 554 (95.2%), Medium - 20 (3.4%), Heavy - 8 (1.4%)

Filename: Oriyami.te Time Period: Day/Night 16/8 hours
 Description: Plane of Window on 2nd Floor, East Facade

Road data, segment # 1: UpperJamesSt (day/night)

 Car traffic volume : 27956/3106 veh/TimePeriod *
 Medium truck volume : 998/111 veh/TimePeriod *
 Heavy truck volume : 411/46 veh/TimePeriod *
 Posted speed limit : 50 km/h
 Road gradient : 0 %
 Road pavement : 1 (Typical asphalt or concrete)

* Refers to calculated road volumes based on the following input:

24 hr Traffic Volume (AADT or SADT): 26242
 Percentage of Annual Growth : 2.00
 Number of Years of Growth : 11.00
 Medium Truck % of Total Volume : 3.40
 Heavy Truck % of Total Volume : 1.40
 Day (16 hrs) % of Total Volume : 90.00

Data for Segment # 1: UpperJamesSt (day/night)

 Angle1 Angle2 : -90.00 deg 90.00 deg
 Wood depth : 0 (No woods.)
 No of house rows : 0 / 0
 Surface : 1 (Absorptive ground surface)
 Receiver source distance : 16.00 / 16.00 m
 Receiver height : 5.86 / 5.86 m
 Topography : 1 (Flat/gentle slope; no barrier)
 Reference angle : 0.00

↑
 Results segment # 1: UpperJamesSt (day)

 Source height = 1.09 m

ROAD (0.00 + 66.72 + 0.00) = 66.72 dBA

Angle1	Angle2	Alpha	RefLeq	P.Adj	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	90	0.54	68.41	0.00	-0.43	-1.25	0.00	0.00	0.00	66.72

Segment Leq : 66.72 dBA

Total Leq All Segments: 66.72 dBA

↑

Results segment # 1: UpperJamesSt (night)

Source height = 1.09 m

ROAD (0.00 + 60.20 + 0.00) = 60.20 dBA

Angle1 Angle2 Alpha RefLeq P.Adj D.Adj F.Adj W.Adj H.Adj B.Adj SubLeq

-90	90	0.54	61.89	0.00	-0.43	-1.25	0.00	0.00	0.00	60.20
-----	----	------	-------	------	-------	-------	------	------	------	-------

Segment Leq : 60.20 dBA

Total Leq All Segments: 60.20 dBA

↑

TOTAL Leq FROM ALL SOURCES (DAY): 66.72

(NIGHT): 60.20

↑

↑

Filename: Oriyami.te Time Period: Day/Night 16/8 hours
 Description: Plane of Window on 3rd Floor, East Facade

Road data, segment # 1: UpperJamesSt (day/night)

 Car traffic volume : 27956/3106 veh/TimePeriod *
 Medium truck volume : 998/111 veh/TimePeriod *
 Heavy truck volume : 411/46 veh/TimePeriod *
 Posted speed limit : 50 km/h
 Road gradient : 0 %
 Road pavement : 1 (Typical asphalt or concrete)

* Refers to calculated road volumes based on the following input:

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 Number of Years of Growth : 11.00
 Medium Truck % of Total Volume : 3.40
 Heavy Truck % of Total Volume : 1.40
 Day (16 hrs) % of Total Volume : 90.00

Data for Segment # 1: UpperJamesSt (day/night)

 Angle1 Angle2 : -90.00 deg 90.00 deg
 Wood depth : 0 (No woods.)
 No of house rows : 0 / 0
 Surface : 1 (Absorptive ground surface)
 Receiver source distance : 16.00 / 16.00 m
 Receiver height : 8.91 / 8.91 m
 Topography : 1 (Flat/gentle slope; no barrier)
 Reference angle : 0.00

↑
 Results segment # 1: UpperJamesSt (day)

 Source height = 1.09 m

ROAD (0.00 + 66.92 + 0.00) = 66.92 dBA

Angle1	Angle2	Alpha	RefLeq	P.Adj	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	90	0.45	68.41	0.00	-0.41	-1.08	0.00	0.00	0.00	66.92

Segment Leq : 66.92 dBA

Total Leq All Segments: 66.92 dBA

↑

Results segment # 1: UpperJamesSt (night)

Source height = 1.09 m

ROAD (0.00 + 60.40 + 0.00) = 60.40 dBA

Angle1 Angle2 Alpha RefLeq P.Adj D.Adj F.Adj W.Adj H.Adj B.Adj SubLeq

-90	90	0.45	61.89	0.00	-0.41	-1.08	0.00	0.00	0.00	60.40
-----	----	------	-------	------	-------	-------	------	------	------	-------

Segment Leq : 60.40 dBA

Total Leq All Segments: 60.40 dBA

↑

TOTAL Leq FROM ALL SOURCES (DAY): 66.92

(NIGHT): 60.40

↑

↑

Filename: Oriyami.te Time Period: Day/Night 16/8 hours
Description: Plane of Window on 2nd Floor, North Facade

Road data, segment # 1: UpperJamesSt (day/night)

Car traffic volume : 27956/3106 veh/TimePeriod *
Medium truck volume : 998/111 veh/TimePeriod *
Heavy truck volume : 411/46 veh/TimePeriod *
Posted speed limit : 50 km/h
Road gradient : 0 %
Road pavement : 1 (Typical asphalt or concrete)

* Refers to calculated road volumes based on the following input:

24 hr Traffic Volume (AADT or SADT): 26242
Percentage of Annual Growth : 2.00
Number of Years of Growth : 11.00
Medium Truck % of Total Volume : 3.40
Heavy Truck % of Total Volume : 1.40
Day (16 hrs) % of Total Volume : 90.00

Data for Segment # 1: UpperJamesSt (day/night)

Angle1 Angle2 : -90.00 deg 0.00 deg
Wood depth : 0 (No woods.)
No of house rows : 0 / 0
Surface : 1 (Absorptive ground surface)
Receiver source distance : 33.00 / 33.00 m
Receiver height : 5.86 / 5.86 m
Topography : 2 (Flat/gentle slope; with barrier)
Barrier angle1 : -90.00 deg Angle2 : 0.00 deg
Barrier height : 6.00 m
Barrier receiver distance : 6.00 / 6.00 m
Source elevation : 0.00 m
Receiver elevation : 0.00 m
Barrier elevation : 0.00 m
Reference angle : 0.00

↑
Results segment # 1: UpperJamesSt (day)

Source height = 1.09 m

Barrier height for grazing incidence

Source Height (m)	Receiver Height (m)	Barrier Height (m)	Elevation of Barrier Top (m)
1.09	5.86	4.99	4.99

ROAD (0.00 + 53.40 + 0.00) = 53.40 dBA

Angle1	Angle2	Alpha	RefLeq	P.Adj	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	0	0.18	68.41	0.00	-4.05	-3.50	0.00	0.00	-7.45	53.40

Segment Leq : 53.40 dBA

Total Leq All Segments: 53.40 dBA

↑
Results segment # 1: UpperJamesSt (night)

Source height = 1.09 m

Barrier height for grazing incidence

Source Height (m)	Receiver Height (m)	Barrier Height (m)	Elevation of Barrier Top (m)
1.09	5.86	4.99	4.99

ROAD (0.00 + 46.88 + 0.00) = 46.88 dBA

Angle1	Angle2	Alpha	RefLeq	P.Adj	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	0	0.18	61.89	0.00	-4.05	-3.50	0.00	0.00	-7.45	46.88

Segment Leq : 46.88 dBA

Total Leq All Segments: 46.88 dBA

↑
TOTAL Leq FROM ALL SOURCES (DAY): 53.40
(NIGHT): 46.88

↑
↑

Filename: Oriyami.te Time Period: Day/Night 16/8 hours
Description: Plane of Window on 3rd Floor, North Facade

Road data, segment # 1: UpperJamesSt (day/night)

Car traffic volume : 27956/3106 veh/TimePeriod *
Medium truck volume : 998/111 veh/TimePeriod *
Heavy truck volume : 411/46 veh/TimePeriod *
Posted speed limit : 50 km/h
Road gradient : 0 %
Road pavement : 1 (Typical asphalt or concrete)

* Refers to calculated road volumes based on the following input:

24 hr Traffic Volume (AADT or SADT): 26242
Percentage of Annual Growth : 2.00
Number of Years of Growth : 11.00
Medium Truck % of Total Volume : 3.40
Heavy Truck % of Total Volume : 1.40
Day (16 hrs) % of Total Volume : 90.00

Data for Segment # 1: UpperJamesSt (day/night)

Angle1 Angle2 : -90.00 deg 0.00 deg
Wood depth : 0 (No woods.)
No of house rows : 0 / 0
Surface : 1 (Absorptive ground surface)
Receiver source distance : 33.00 / 33.00 m
Receiver height : 8.91 / 8.91 m
Topography : 2 (Flat/gentle slope; with barrier)
Barrier angle1 : -90.00 deg Angle2 : 0.00 deg
Barrier height : 6.00 m
Barrier receiver distance : 6.00 / 6.00 m
Source elevation : 0.00 m
Receiver elevation : 0.00 m
Barrier elevation : 0.00 m
Reference angle : 0.00

↑
Results segment # 1: UpperJamesSt (day)

Source height = 1.09 m

Barrier height for grazing incidence

Source Height (m)	Receiver Height (m)	Barrier Height (m)	Elevation of Barrier Top (m)
1.09	8.91	7.49	7.49

ROAD (0.00 + 59.35 + 0.00) = 59.35 dBA

Angle1	Angle2	Alpha	RefLeq	P.Adj	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	0	0.09	68.41	0.00	-3.73	-3.27	0.00	0.00	-0.44	60.97*
-90	0	0.45	68.41	0.00	-4.97	-4.09	0.00	0.00	0.00	59.35

* Bright Zone !

Segment Leq : 59.35 dBA

Total Leq All Segments: 59.35 dBA

↑

Results segment # 1: UpperJamesSt (night)

Source height = 1.09 m

Barrier height for grazing incidence

Source Height (m)	Receiver Height (m)	Barrier Height (m)	Elevation of Barrier Top (m)
1.09	8.91	7.49	7.49

ROAD (0.00 + 52.83 + 0.00) = 52.83 dBA

Angle1	Angle2	Alpha	RefLeq	P.Adj	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	0	0.09	61.89	0.00	-3.73	-3.27	0.00	0.00	-0.44	54.45*
-90	0	0.45	61.89	0.00	-4.97	-4.09	0.00	0.00	0.00	52.83

* Bright Zone !

Segment Leq : 52.83 dBA

Total Leq All Segments: 52.83 dBA

↑

TOTAL Leq FROM ALL SOURCES (DAY): 59.35
(NIGHT): 52.83



Filename: Oriyami.te Time Period: Day/Night 16/8 hours
Description: Plane of Window on 2nd Floor, South Facade

Road data, segment # 1: UpperJamesSt (day/night)

Car traffic volume : 27956/3106 veh/TimePeriod *
Medium truck volume : 998/111 veh/TimePeriod *
Heavy truck volume : 411/46 veh/TimePeriod *
Posted speed limit : 50 km/h
Road gradient : 0 %
Road pavement : 1 (Typical asphalt or concrete)

* Refers to calculated road volumes based on the following input:

24 hr Traffic Volume (AADT or SADT): 26242
Percentage of Annual Growth : 2.00
Number of Years of Growth : 11.00
Medium Truck % of Total Volume : 3.40
Heavy Truck % of Total Volume : 1.40
Day (16 hrs) % of Total Volume : 90.00

Data for Segment # 1: UpperJamesSt (day/night)

Angle1 Angle2 : -90.00 deg 0.00 deg
Wood depth : 0 (No woods.)
No of house rows : 0 / 0
Surface : 1 (Absorptive ground surface)
Receiver source distance : 24.00 / 24.00 m
Receiver height : 5.86 / 5.86 m
Topography : 2 (Flat/gentle slope; with barrier)
Barrier angle1 : -90.00 deg Angle2 : 0.00 deg
Barrier height : 8.00 m
Barrier receiver distance : 3.00 / 3.00 m
Source elevation : 0.00 m
Receiver elevation : 0.00 m
Barrier elevation : 0.00 m
Reference angle : 0.00

↑
Results segment # 1: UpperJamesSt (day)

Source height = 1.09 m

Barrier height for grazing incidence

Source Height (m)	Receiver Height (m)	Barrier Height (m)	Elevation of Barrier Top (m)
1.09	5.86	5.26	5.26

ROAD (0.00 + 48.57 + 0.00) = 48.57 dBA

Angle1	Angle2	Alpha	RefLeq	P.Adj	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	0	0.06	68.41	0.00	-2.17	-3.19	0.00	0.00	-14.48	48.57

Segment Leq : 48.57 dBA

Total Leq All Segments: 48.57 dBA

↑
Results segment # 1: UpperJamesSt (night)

Source height = 1.09 m

Barrier height for grazing incidence

Source Height (m)	Receiver Height (m)	Barrier Height (m)	Elevation of Barrier Top (m)
1.09	5.86	5.26	5.26

ROAD (0.00 + 42.05 + 0.00) = 42.05 dBA

Angle1	Angle2	Alpha	RefLeq	P.Adj	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	0	0.06	61.89	0.00	-2.17	-3.19	0.00	0.00	-14.48	42.05

Segment Leq : 42.05 dBA

Total Leq All Segments: 42.05 dBA

↑
TOTAL Leq FROM ALL SOURCES (DAY): 48.57
(NIGHT): 42.05

↑
↑

Filename: Oriyami.te Time Period: Day/Night 16/8 hours
Description: Plane of Window on 3rd Floor, South Facade

Road data, segment # 1: UpperJamesSt (day/night)

Car traffic volume : 27956/3106 veh/TimePeriod *
Medium truck volume : 998/111 veh/TimePeriod *
Heavy truck volume : 411/46 veh/TimePeriod *
Posted speed limit : 50 km/h
Road gradient : 0 %
Road pavement : 1 (Typical asphalt or concrete)

* Refers to calculated road volumes based on the following input:

24 hr Traffic Volume (AADT or SADT): 26242
Percentage of Annual Growth : 2.00
Number of Years of Growth : 11.00
Medium Truck % of Total Volume : 3.40
Heavy Truck % of Total Volume : 1.40
Day (16 hrs) % of Total Volume : 90.00

Data for Segment # 1: UpperJamesSt (day/night)

Angle1 Angle2 : -90.00 deg 0.00 deg
Wood depth : 0 (No woods.)
No of house rows : 0 / 0
Surface : 1 (Absorptive ground surface)
Receiver source distance : 24.00 / 24.00 m
Receiver height : 8.91 / 8.91 m
Topography : 2 (Flat/gentle slope; with barrier)
Barrier angle1 : -90.00 deg Angle2 : 0.00 deg
Barrier height : 8.00 m
Barrier receiver distance : 3.00 / 3.00 m
Source elevation : 0.00 m
Receiver elevation : 0.00 m
Barrier elevation : 0.00 m
Reference angle : 0.00

↑
Results segment # 1: UpperJamesSt (day)

Source height = 1.09 m

Barrier height for grazing incidence

Source Height (m)	Receiver Height (m)	Barrier Height (m)	Elevation of Barrier Top (m)
1.09	8.91	7.93	7.93

ROAD (0.00 + 58.33 + 0.00) = 58.33 dBA

Angle1	Angle2	Alpha	RefLeq	P.Adj	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	0	0.00	68.41	0.00	-2.04	-3.01	0.00	0.00	-5.03	58.33

Segment Leq : 58.33 dBA

Total Leq All Segments: 58.33 dBA

↑
Results segment # 1: UpperJamesSt (night)

Source height = 1.09 m

Barrier height for grazing incidence

Source Height (m)	Receiver Height (m)	Barrier Height (m)	Elevation of Barrier Top (m)
1.09	8.91	7.93	7.93

ROAD (0.00 + 51.81 + 0.00) = 51.81 dBA

Angle1	Angle2	Alpha	RefLeq	P.Adj	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	0	0.00	61.89	0.00	-2.04	-3.01	0.00	0.00	-5.03	51.81

Segment Leq : 51.81 dBA

Total Leq All Segments: 51.81 dBA

↑
TOTAL Leq FROM ALL SOURCES (DAY): 58.33
(NIGHT): 51.81

↑
↑

Appendix D: Warning Clauses

Type A

"Purchasers/tenants are advised that sound levels due to increasing road traffic (rail traffic) (air traffic) may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment."

Type B

"Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic (rail traffic) (air traffic) may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment."

Type C

"This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment."

Type D

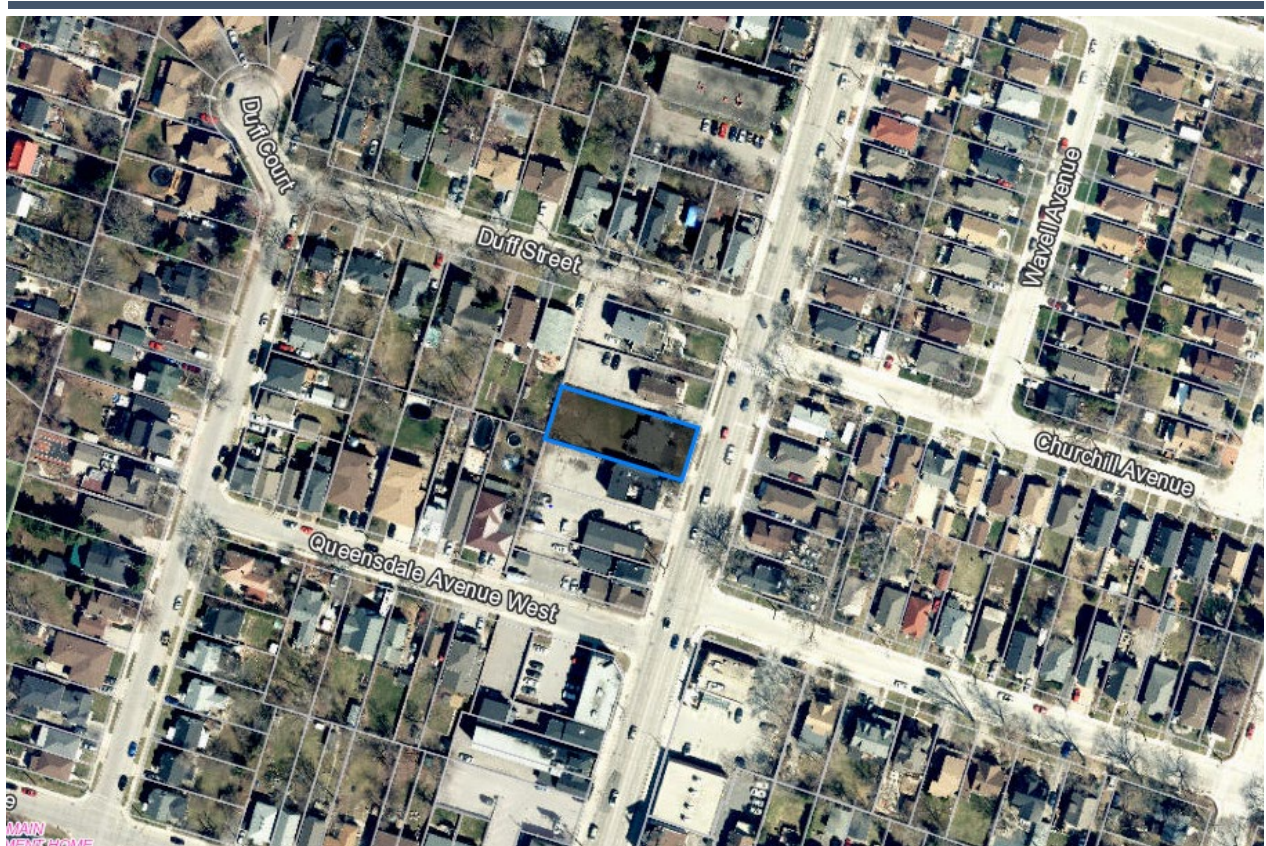
"This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment."

PLANNING JUSTIFICATION REPORT MINOR VARIANCE, SITE PLAN & PLAN OF CONDOMINIUM APPLICATIONS

(RESUBMISSION)

MARCH 3, 2022

524-526 UPPER JAMES STREET, HAMILTON, ON



——— Subject Property

Prepared by:

**Urban in Mind,
Professional Urban Planning, Land Development & CPTED Consultants**

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(905) 320-8120



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1.0 INTRODUCTION:

Urban in Mind has been retained by the applicant to obtain Minor Variance, Site Plan & Plan of Condominium approvals for the property municipally known as 524-526 Upper James Street (“subject property”) in Hamilton, Ontario. The intention is to redevelop the site with a new 3 storey ‘Multiple Dwelling’ building that will accommodate 6 residential units under a ‘Standard Condominium’ ownership.

The proposed development is a modified version of a previous proposal which has been redesigned to address comments received from the city through the Site Plan Review process and neighbourhood meeting. Conditional Approval on the Site Plan Application was granted on February 8, 2022. The proponent is now working towards obtaining the appropriate minor variances to facilitate the proposed development.

1.1 Purpose of the Report:

The purpose of this **Planning Justification Report** is to provide an analysis of the subject property, and to evaluate the proposal in context with the applicable planning policies, thereby providing a sound argument for the approval of the planning applications.

2.0 SUBJECT PROPERTY AND SURROUNDING AREA:

2.1 Site Overview:

Figure 1: Aerial View of 524-526 Upper James Street – **Subject Property** (City of Hamilton)



Figure 2: Street View of 524-526 Upper James Street – **Subject Property** (Google Maps)



The subject property (**Figure 1 & 2**) is a rectangular shaped lot that fronts on to the west side of Upper James Street, just north of Queensdale Avenue and south of Duff Street in Hamilton, Ontario. The site has a frontage of 17.2 m (56.43 ft) with one existing vehicular access (driveway) on to Upper James Street and a total lot area of 784.91 m² (0.079 ha/0.194 ac). The property has a generally flat topography with few trees. Currently, there is an older one-storey triplex building (*'condemned' by the City*) on the site which has been ordered to be demolished. This in turn allows for the timely redevelopment of the property.

The immediate surrounding area includes the following:

- Figure 3:** 520 Upper James Street, Abutting Property (North)
- Figure 4:** Upper James Streetscape, Properties Across the Street (East)
- Figure 5:** 528 Upper James Street, Abutting Property (South)
- Figure 6:** Rear Yards, Properties Behind the Subject Property (West)
- Figure 7:** 631-633 Upper James St, Comparable Buildings on Upper James

Figure 3: 520 Upper James Street, Abutting Property (North) (Google Maps)



Figure 4: Upper James Streetscape, Properties Across the Street (East) (Google Maps)



Figure 5: 528 Upper James Street, Abutting Commercial Property (South) (Google Maps)



Figure 6: Rear Yards, Properties Behind the Subject Property (**West**) (Google Maps)

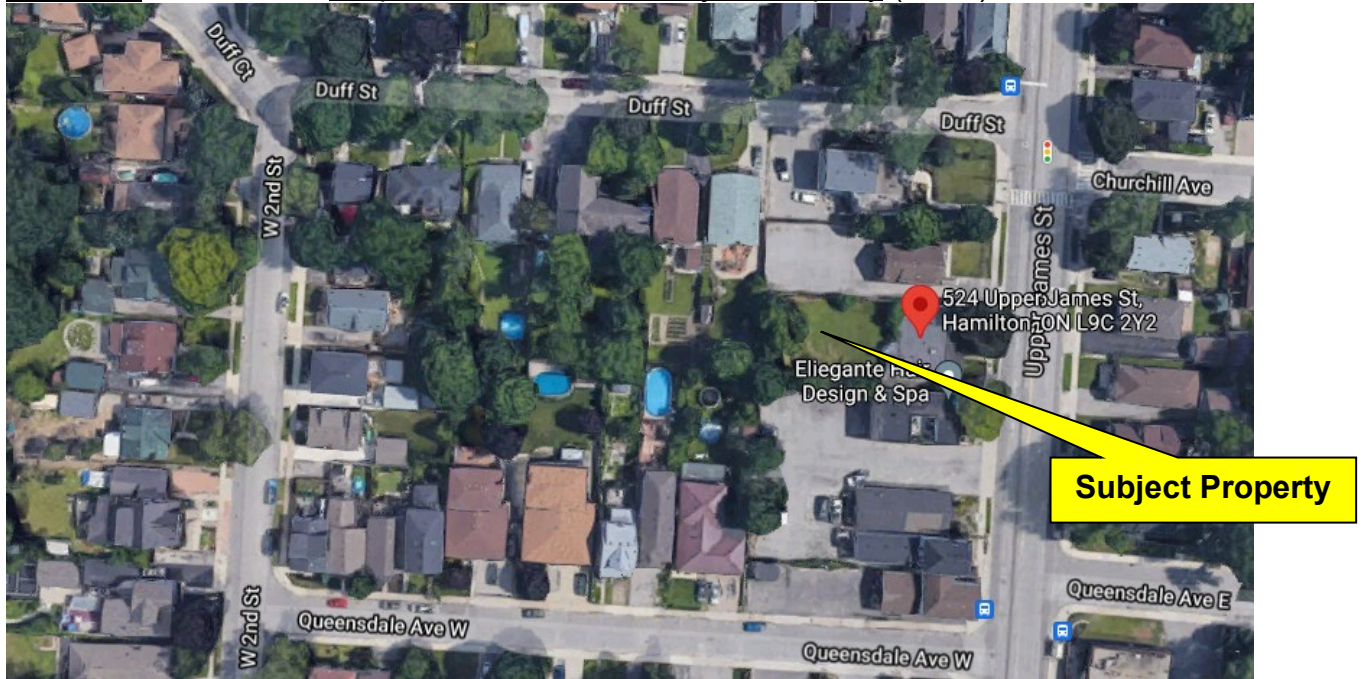
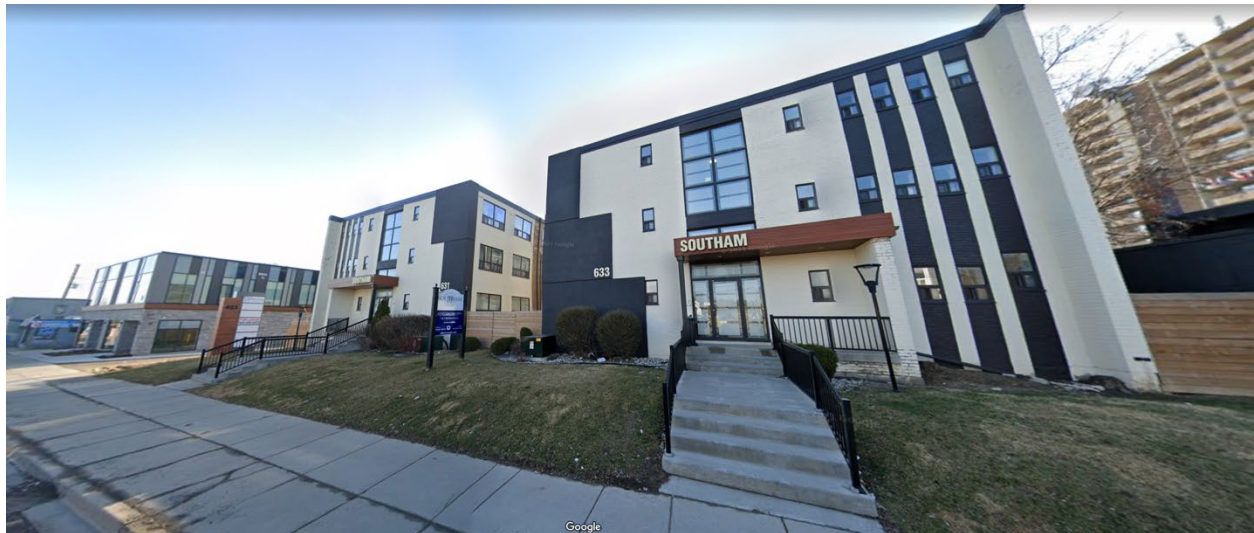


Figure 7: Mid-Century Modern Designs – Comparables (631-633 Upper James Street) (Google Maps)



2.2 Neighbourhood Character:

The subject property is located within an older established neighbourhood that is situated near the Hamilton Mountain (Niagara Escarpment) and within walking distance to significant commercial, educational, religious, and recreational facilities. The property is also a short bus-ride from Downtown Hamilton. While the interior of the surrounding neighbourhood is predominately comprised of low-density residential uses (i.e. singles, semis, duplexes, and accessory units). Higher densities exist on many of the properties that front on to Upper James Street, which maintains a 'traditional main street character' that can be attributed to its mix of uses and overall walkability. A significant commercial area lies just south of the subject property (along Upper James Street) and is comprised of many large and small retail options that serve the local community.

In terms of streetscape character, Upper James Street is quite compact as it has redeveloped throughout the years. Buildings are sited closed to the street with relatively small front and side yard setbacks. It is not uncommon for parking to be provided in the rear or side yards. The closest apartment building is located just a block away at 500 Upper James Street. At 3 storeys, the building maintains a higher residential unit count and building area than what is being proposed on the subject property, but nonetheless is an example of how this form of development will work well within the area. While traditional architectural styles dominate the streetscape, things are expected to change as more redevelopment occurs within the neighbourhood, and as Upper James Street enhances its 'Main Street Character' of this area. This can be seen with the clinic situated at 540 Upper James Street, and the salon which abuts the subject property, which both maintain a more modern architectural styles which provides for a stylish juxtaposition to the older architectural details found in the rear/interior neighbourhood. There are no known listed or designated heritage properties that are within the subject property's immediate vicinity.

2.3 Transportation:

The segment of Upper James Street that abuts the subject property is classified as a 'Major Arterial Road' with an 'Existing Right-of-Way' of 20 m. The City's Transportation Department confirmed in the pre-consultation meeting that no land dedication for a widening of the Right-of-Way will be required along the frontage of the subject property, and that a Transportation Impact Study would not be required for the proposed redevelopment.

The subject property is located within close proximity (fully walkable) to a 'Future Rapid Transit Line (B.L.A.S.T)', which could encourage greater redevelopment of the surrounding area. Nevertheless, the subject property is already well serviced by local buses such as route 21 & 27, which provide convenient access to both the City Centre and Hamilton Go within less than 20 minutes. The site is also located in a very bikeable/walkable area due to its location in an older part of the city. The proposed development will also provide for an adequate amount of parking spaces to meet the requirements as set forth in the applicable Zoning By-Law.

3.0 PROPOSED DEVELOPMENT & PLANNING APPLICATIONS:

It is the intent of the applicant to redevelop the subject property to improve the look/function of the site, while also addressing the current demands of today's housing market. The proposed development involves demolishing the existing 'condemned' triplex building to facilitate a new 3-storey 'Multiple Dwelling' building that will accommodate 6-residential standard condominium units.

The proposed development will require the following planning approvals:

- Minor Variance
- Site Plan (Conditional Site Plan Approval has been obtained)
- Plan of Condominium (Stand
- ard Condominium Ownership)

Each of these applications will be submitted by the applicant as part of the required approval process.

The subject property is currently zoned as 'Low Density Multiple Dwellings (DE)' under the City of Hamilton's Former Zoning By-Law No. 6593. The following variances are being requested as described in Table 1 below:

Table 1: Proposed Variances to Zoning By-law No. 6953

'DE' District	Required	Proposed
'USE'	Multiple Dwelling (permitted)	Multiple Dwelling
MAX HEIGHT	3 storeys/11.0 m	3 storeys/11.0 m
MIN FRONT YARD	6.0 m	4.85 m
MIN SIDE YARD	3.0 m	1.63 m & 1.57 m
MIN REAR YARD	7.5 m	12.53 m
MIN LOT WIDTH	24.0 m	17.2 m
MIN LOT AREA PER CLASS A DWELLING UNIT	160 m ²	130.81 m ²
MIN LANDSCAPED AREA	25% (196.22 m ²)	23.2 % (182.19 m ²)
PARKING AREA BOUNDARY	A minimum distance of 1.5 m is required from the adjoining residential boundary	1.0 m (North) 1.5 m (West)
MIN PARKING SPACES CLASS A DWELLING UNITS	1.25 spaces per dwelling (Including visitor parking 0.25 per dwelling)	Total of 8 Spaces (Including 2 visitor parking spaces)
MIN LOADING SPACES	1	0

The following required variances are listed in accordance with the chronological order of the Zoning By-Law:

Variance 1: Reduction to the Required Minimum Front Yard Setback from 6m to 4.85m.

Variance 2: Reduction to the Required Minimum Side Yard Setback from 3m to 1.57m (south – abutting commercial zone)

Variance 3: Reduction to the Required Minimum Side Yard Setback from 3m to 1.63m (north – abutting residential zone)

Variance 4: Reduction to the Required Minimum Lot Width from 24m to 17.2m.

Variance 5: Reduction to the Required Minimum Lot Area from 160m² to 130.81m² (for Each Class A Dwelling Unit).

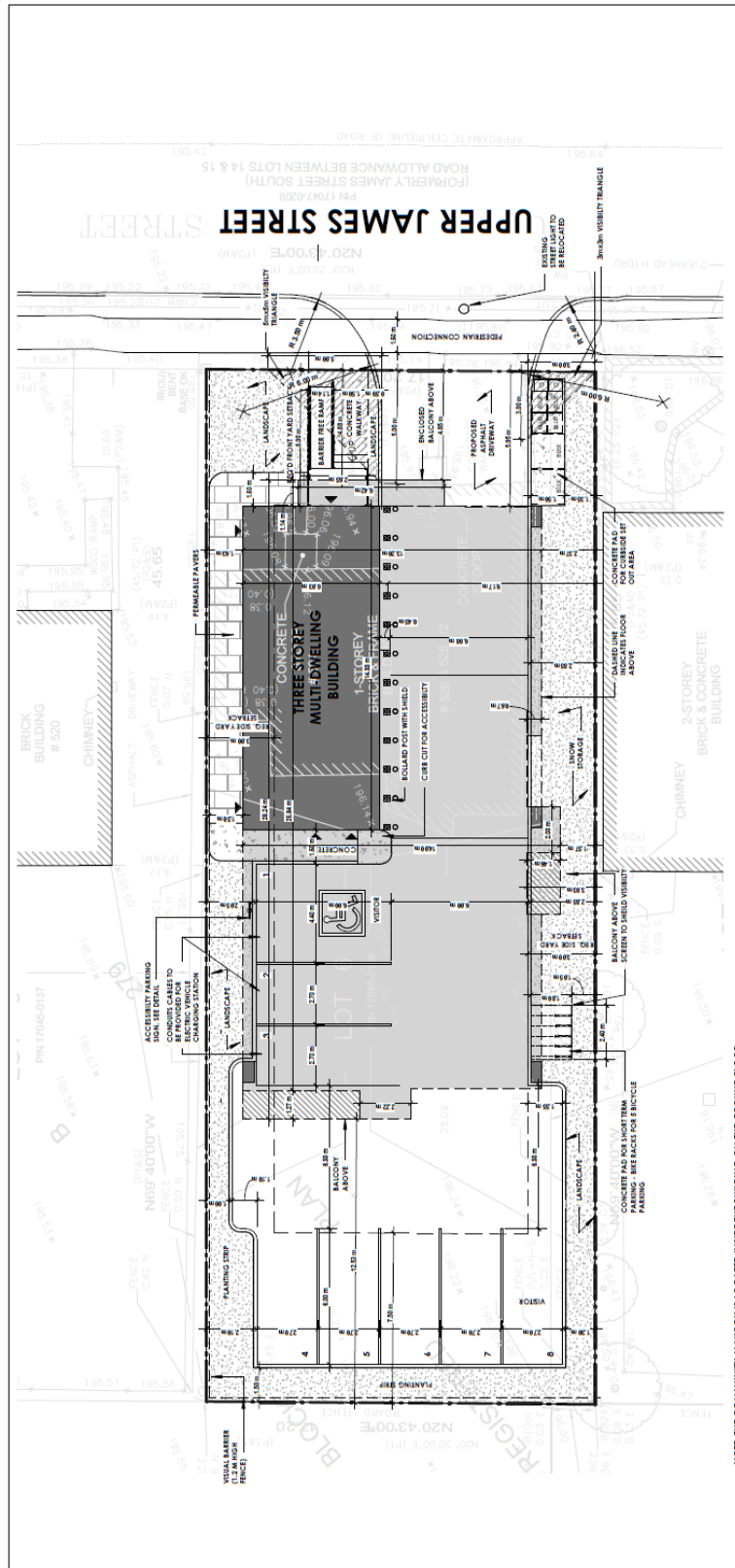
Variance 6: Reduction to the Required Minimum Landscaped Area from 25% to 23.2%.

Variance 7: Reduction to the Required Minimum Distance Between the Boundary of a Parking Area and the Adjoining Residential Boundary from 1.5m to 1.0m (*for the north side of the property*).

Variance 8: Reduction to the Required Minimum Number of Loading Spaces from 1 to 0.

PLEASE NOTE: The justification for each of the above requested variances are described in **SECTION 5.0** of this Report.

Figure 8: Site Plan (LIMA ARCHITECTS INC.)



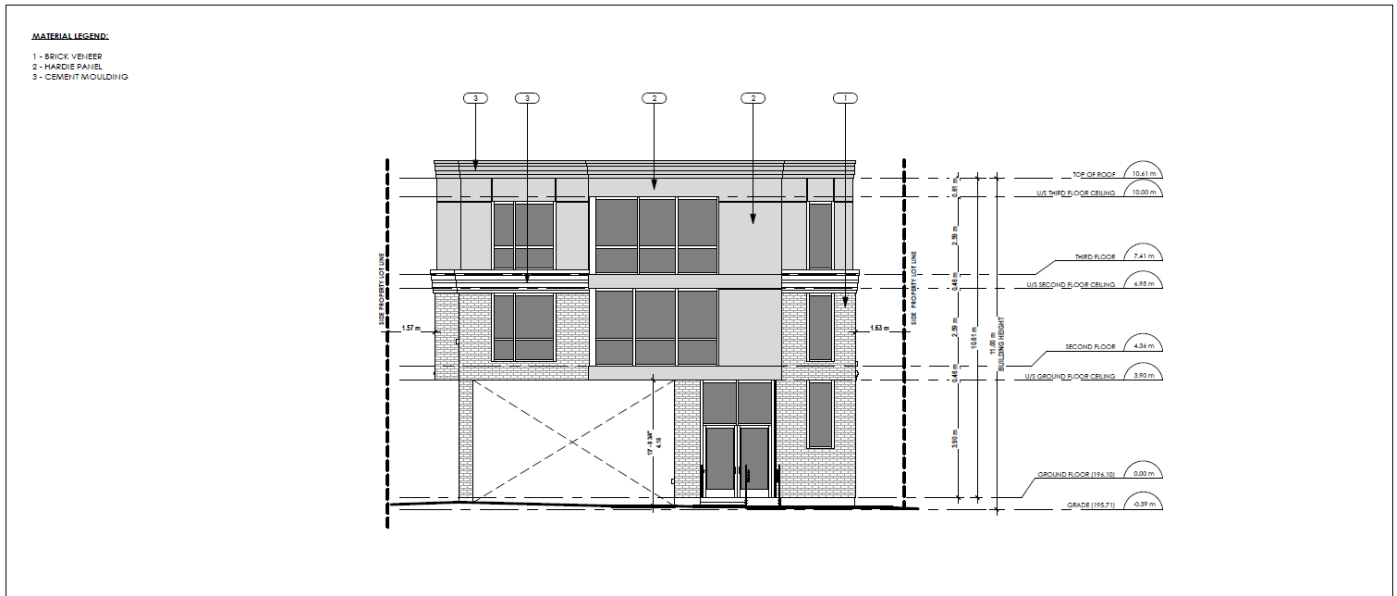
NOTE: THE COMMUNITY MAILBOX IS LOCATED INSIDE THE BUILDING ON THE GROUND FLOOR.

1 SITE PLAN
1:100

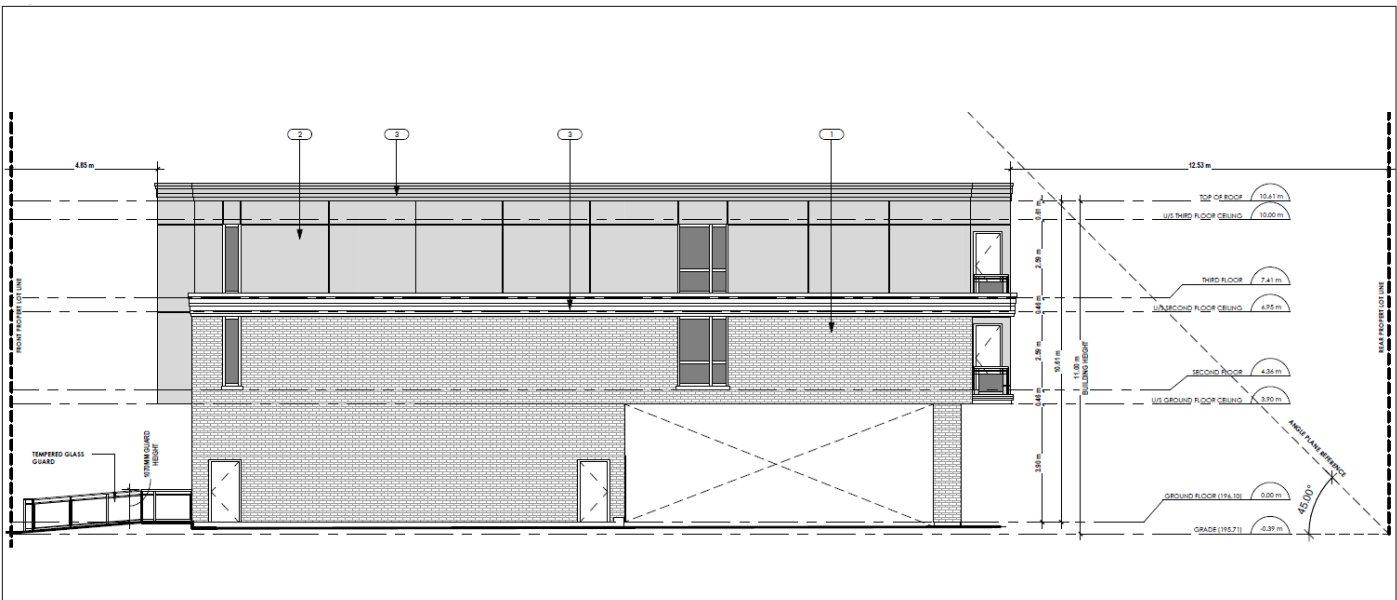
Figure 9: Conceptual Architectural Rendering



Figure 10: Elevations

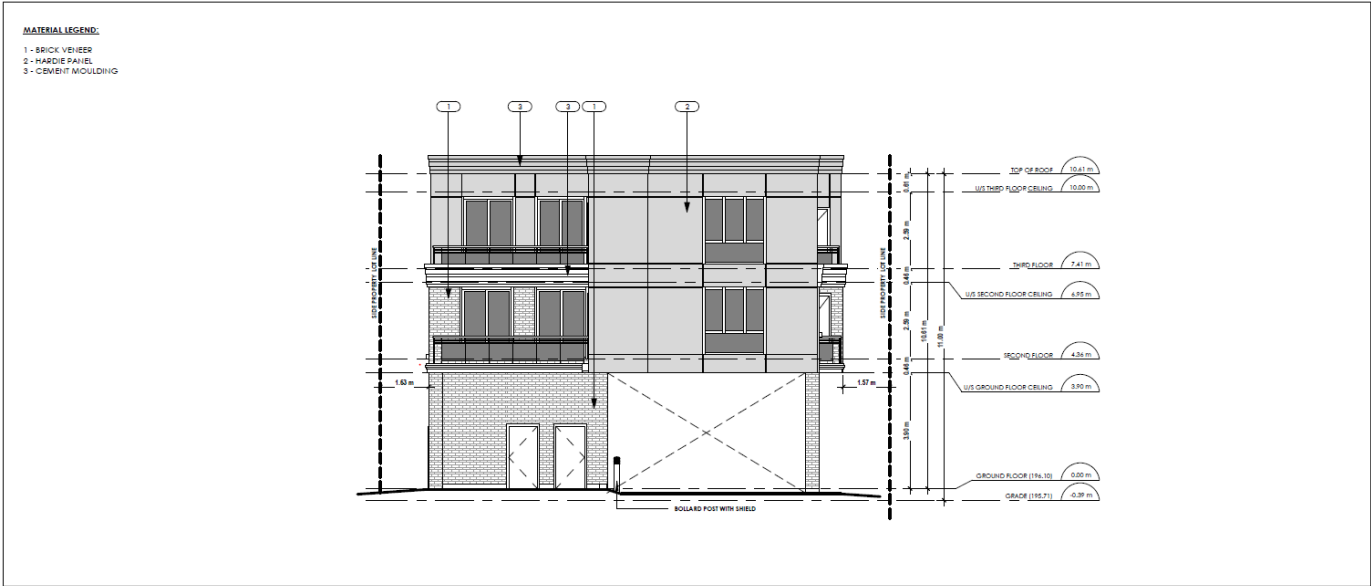


1 EAST ELEVATION
 A-S1 1:100

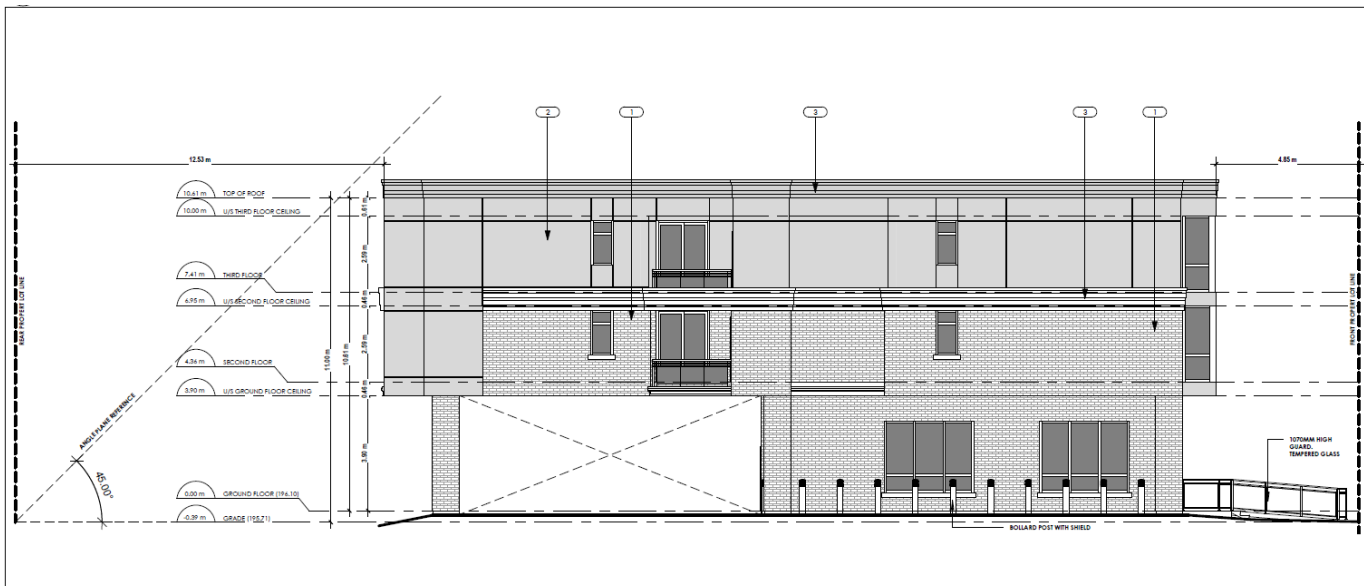


2 NORTH ELEVATION
 A-S1 1:100

Figure 10 (Continued): Elevations



1 WEST ELEVATION
 A-8.2
 1 : 100



2 SOUTH ELEVATION
 A-8.2
 1 : 100

3.1 Impact of the Proposed Development:

The proposed development will provide for an opportunity to reinvigorate an underutilized and 'condemned' parcel of land with new infill development which will increase the number, variety, and price-point of housing options in the area. The proposed 6 residential dwelling units will also help the City meet its housing and density requirements via the Provincial Growth Plan and Official Plan policies, which in turn will place less pressure on urban expansion. Furthermore, the subject property is located in a highly walkable, bikeable, and transit supported area, where ease of movement is a major asset to the proposed development's success.

In terms of building design, the architectural features of the proposed building will add juxtaposition enhancements to the abutting blank wall commercial building (salon) to the south, while also slightly softening the building to better reflect the residential character of the abutting dwelling to the north. The building will offer considerable glazing facing Upper James, to promote both visual interest *from the street*, as well as 'eye's on the street' (CPTED). The building incorporates cantilevered construction which sees only a portion of the building's main floor. This cantilevered design feature allows for a pedestrian oriented / human scale open-air feel, while also facilitating the location of 3 covered parking spaces (including 1 accessible parking space). This cantilevered design was both suggested by City planning staff, and examples of this form of design already exists at various points along Upper James Street.

The proposed building incorporates other features such as projecting balconies and different cladding materials which will blend into the surrounding neighbourhood character (**Figure 10**). The proposed 3-storey building represents a reasonable increase in height from the abutting 1.5-storey single-detached home situated to the north (**Figure 3**) and the abutting 2-storey hair salon situated to the south (**Figure 5**), but will maintain similar height characteristics to other 'multiple dwelling' buildings situated along Upper James Street, such as the 3-storeys buildings located 631 & 633 Upper James Street (**Figure 7**).

The proposed front and side yard setbacks are generally consistent with many of the other residential / commercial lots found within the neighbourhood, and further supports the 'Main Street Character' sought after by the City along this stretch of Upper James. As well, a significant number of new trees and shrubs will be planted along the street edge and the perimeter of the site to create a gentle softening of the development and resultant buffer between the proposed use and adjacent lots. Furthermore, a proposed 1.2 m high privacy fence will surround the site to add additional buffer/privacy.

The proposed development fits nicely into the Upper James streetscape character, while also providing for additional local residents to support neighbourhood shops, local churches and schools, enhance municipal transit viability, and add to the municipal tax base.

Overall, the proposed development will play an important role in setting the tone for high quality redevelopment along Upper James Street, while also contributing to the visual diversity found along the streetscape character.

4.0 PLANNING POLICY REVIEW:

4.1 Planning Act, R.S.O. 1990, c. P.13:

The Planning Act is the leading provincial legislation that sets out the rules for land use planning in Ontario. The Planning Act ensures that matters of provincial interest are met and guides planning policy to protect citizen rights and the natural environment.

Applicable provisions from the Planning Act have been included as follows:

“Powers of Committee

45 (1) The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that is passed under section 34 or 38, or a predecessor of such sections, or any person authorized in writing by the owner, may, despite any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained. R.S.O. 1990, c. P.13, s. 45 (1); 2006, c. 23, s. 18 (1); 2009, c. 33, Sched. 21, s. 10 (11).”

Summary:

Section 45(1) of the Planning Act allows for the Committee of Adjustment to permit variances from the provisions of the Zoning By-Law. The criteria used to evaluate variances are based on the following four tests:

- 1) Do the requested variances maintain the general intent and purpose of the Official Plan?
- 2) Do the requested variances maintain the general intent and purpose of the Zoning By-Law?
- 3) Are the requested variances desirable and appropriate for the lands?
- 4) Are the requested variances minor in nature?

The proposed Minor Variance Application will be judged against the ‘Four Tests’. An explanation as to how each of these tests are met is described in **Section 5.0** of this Report.

4.2 Provincial Policy Statement (PPS) (2020):

The Provincial Policy Statement (PPS) for the Province of Ontario was recently updated in May 2020. It provides the provincial policy direction on matters of provincial interest related to land development provided under Section 3 of the *Planning Act*. The goal of the PPS is to enhance the quality of life for all people living, working and/or playing in Ontario.

Applicable excerpts from the Provincial Policy Statement are as follows:

“Part V: Policies

1.0 Building Strong Healthy Communities

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 Healthy, liveable and safe communities are sustained by:

- a)** promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- 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;
- c)** avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- 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;
- e)** promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;

1.1.3 Settlement Areas

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. 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.

1.1.3.1 Settlement areas shall be the focus of growth and development.

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- 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;
- e) support active transportation;
- f) are transit-supportive, where transit is planned, exists or may be developed; and 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.

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

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 and safety.

1.4 Housing

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:

- b) permitting and facilitating:
 - 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
 - 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;
- 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;

- 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;
- e) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and
- 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.

1.6 Infrastructure and Public Service Facilities

1.6.6 Sewage, Water and Stormwater

1.6.6.1 Planning for sewage and water services shall:

- a) accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing:
 1. municipal sewage services and municipal water services;
- c) promote water conservation and water use efficiency;
- d) integrate servicing and land use considerations at all stages of the planning process; and
- e) be in accordance with the servicing hierarchy outlined through policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5. For clarity, where municipal sewage services and municipal water services are not available, planned or feasible, planning authorities have the ability to consider the use of the servicing options set out through policies 1.6.6.3, 1.6.6.4, and 1.6.6.5 provided that the specified conditions are met.

1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.

1.6.6.7 Planning for stormwater management shall:

- a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;
- b) minimize, or, where possible, prevent increases in contaminant loads;
- c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;
- d) mitigate risks to human health, safety, property and the environment;

- e) maximize the extent and function of vegetative and pervious surfaces; and
- f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.

1.6.7 Transportation Systems

1.6.7.4 A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.

1.6.8 Transportation and Infrastructure Corridors

1.6.8.3 Planning authorities shall not permit development in planned corridors that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.

1.7 Long-Term Economic Prosperity

1.7.1 Long-term economic prosperity should be supported by:

- a) promoting opportunities for economic development and community investment-readiness;
- c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;
- d) maintaining and, where possible, enhancing the vitality and viability of downtowns and main streets;
- e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes.

1.8 Energy Conservation, Air Quality and Climate Change

1.8.1 Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:

- a) promote compact form and a structure of nodes and corridors;
- b) promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;
- c) focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future;
- e) encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion”

Summary:

The proposed development is well aligned with the policies of the Provincial Policy Statement (PPS) because it efficiently uses land and infrastructure (1.1.3.2 a) by directing new housing options to an existing lot that can support a higher residential density to meet the needs of current and future residents (1.4.3 c) within an existing Urban Area.

4.3 Growth Plan for the Greater Golden Horseshoe (2019):

The Places to Grow Act, 2005, S.O. 2005, c. 13, is legislation that enables the “Growth Plan for the Greater Golden Horseshoe” policy. The Growth Plan for the Greater Golden Horseshoe (Growth Plan) is a provincial policy that aims to control growth and development within the Greater Golden Horseshoe Area in a way that supports economic prosperity, protects the environment and improves the quality of life for all residents. The Growth Plan also encourages intensification by directing a significant portion of new growth to the built-up areas of communities, thus protecting agricultural areas from encroaching development and incompatible land uses.

The Growth Plan sets regional standards for growth and development that must be incorporated into municipal planning documents. The City of Hamilton has already incorporated Growth Plan (2006) policies into its Official Plan document, and is currently in the process of updating its Official Plan to reflect the new Growth Plan (2019) and PPS (2020) policies.

The subject property is defined as being within the ‘Built-Up Area’ designation (**Appendix ‘A’**) of the Growth Plan. *Applicable policies from the Growth Plan have been included as follows:*

“2 Where and How to Grow

2.1 Context

To support the achievement of complete communities, this Plan establishes minimum intensification and density targets that recognize the diversity of communities across the GGH.

Building compact and complete communities, and protecting agricultural lands, water resources and natural areas will help reduce greenhouse gas emissions and ensure communities are more resilient to the impacts of climate change.

2.2 Policies for Where and How to Grow

2.2.1 Managing Growth

2. Forecasted growth to the horizon of this Plan will be allocated based on the following:

a) the vast majority of growth will be directed to settlement areas that:

i. have a delineated built boundary;

- ii. have existing or planned municipal water and wastewater systems; and
 - iii. can support the achievement of complete communities;
- c) within settlement areas, growth will be focused in:
- i. delineated built-up areas;
 - ii. strategic growth areas;
 - iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and
 - iv. areas with existing or planned public service facilities;
3. Upper- and single-tier municipalities will undertake integrated planning to manage forecasted growth to the horizon of this Plan, which will:
- b) be supported by planning for infrastructure and public service facilities by considering the full life cycle costs of these assets and developing options to pay for these costs over the long-term;
 - c) provide direction for an urban form that will optimize infrastructure, particularly along transit and transportation corridors, to support the achievement of complete communities through a more compact built form;
4. Applying the policies of this Plan will support the achievement of complete communities that:
- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;
 - b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;
 - c) provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;
 - d) expand convenient access to:
 - i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;
 - e) provide for a more compact built form and a vibrant public realm, including public open spaces;

2.2.2 Delineated Built-up Areas

1. By the time the next municipal comprehensive review is approved and in effect, and for each year thereafter, the applicable minimum intensification target is as follows:
- a) A minimum of **50 per cent** of all residential development occurring annually within each of the Cities of Barrie, Brantford, Guelph, **Hamilton**, Orillia and Peterborough and the Regions of Durham, Halton, Niagara, Peel, Waterloo and York will be within the delineated built-up area; and

3. All municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will:
 - a) identify strategic growth areas to support achievement of the intensification target and recognize them as a key focus for development;
 - b) identify the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas;
 - c) encourage intensification generally throughout the delineated built-up area;
 - d) ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities;
 - f) be implemented through official plan policies and designations, updated zoning and other supporting documents.

2.2.6 Housing

1. Upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:
 - 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:
 - 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
2. Notwithstanding policy 1.4.1 of the PPS, 2020, in implementing policy 2.2.6.1, municipalities will support the achievement of complete communities by:
 - a) planning to accommodate forecasted growth to the horizon of this Plan;
 - b) planning to achieve the minimum intensification and density targets in this Plan;
 - c) considering the range and mix of housing options and densities of the existing housing stock; and
 - d) planning to diversify their overall housing stock across the municipality.
3. To support the achievement of complete communities, municipalities will consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.”

Summary:

The proposed development is well-aligned with the policies of the Growth Plan as it will direct new housing to a built-up area to help support the City of Hamilton in achieving their minimum intensification target (2.2.2 1. a). Furthermore, it will also provide for a more compact built form in a transit supportive location to optimize municipal infrastructure investments (2.2.1 3. c). In addition, it will help to diversify the housing

stock within the area by providing for a smaller residential unit sizes to better address the needs of current and future residents (**2.2.6 2. d**).

4.4 Greenbelt Plan (2017):

The 'Greenbelt Act' is legislation that enables the 'Greenbelt Plan'. The Greenbelt Plan is a Provincial Policy that aims to preserve agricultural lands and environmental natural areas to encourage a prosperous and sustainable Ontario.

The Greenbelt Plan works together with the Niagara Escarpment Plan, Oak Ridges Moraine Conservation Plan, and the Growth Plan for the Greater Golden Horseshoe.

The subject property is **not located** within the 'Greenbelt Area' (**Appendix 'A'**). As such, the policies of the Greenbelt Plan **do not apply** to the redevelopment of the subject property.

4.5 Niagara Escarpment Plan (2017):

The 'Niagara Escarpment Planning & Development Act' is legislation that enables the 'Niagara Escarpment Plan'. In 1990, the Niagara Escarpment was recognized as a "World Biosphere Reserve" by the United Nations Educational, Scientific and Cultural Organization (UNESCO).

The Niagara Escarpment Plan aims to maintain the Niagara Escarpment and land in its vicinity as a continuous natural environment and to ensure that only development that is compatible with that natural environment is permitted.

The subject property **is not located** within the 'Niagara Escarpment Plan Area' (**Appendix 'B'**) and as such the policies of the 'Niagara Escarpment Plan' **do not apply**.

4.6 Hamilton Conservation Authority:

The subject property is located within the jurisdiction of the Hamilton Conservation Authority. However, **no portion** of the subject property is located in an area that is regulated by the Conservation Authority. As such, a **Conservation Development Permit will not be required** for the redevelopment of the subject property (**Appendix 'C'**).

4.7 City of Hamilton Official Plan (2013):

The current version City of Hamilton Official Plan (OP) has been in effect since 2013. Since this time, the OP has been amended several times to ensure consistency with the policies of the Provincial Plans.

The OP is the leading planning document for guiding growth, land use and development within the City of Hamilton. The document addresses matters such as infrastructure, population growth, servicing, transit, natural heritage, cultural heritage, and administrative municipal policies.

The following “Urban” Hamilton Official Plan designations apply to the subject property:

- The subject property fronts onto Upper James Street which is classified as a ‘**Major Arterial Road**’ (**Appendix ‘D’**). There are no planned future Right-of-Way widenings for the segment of Upper James Street that abuts the subject property.
- The subject property is located within the ‘**Primary Corridor**’ Urban Structure Element (**Appendix ‘E’**).
- The subject property is located within the ‘**Neighbourhoods**’ Land Use Designation (**Appendix ‘F’**).
- The subject property is considered to be on lands that have ‘**Archaeological Potential**’ (**Appendix ‘G’**).
- The subject property is located within close proximity to the planned ‘**BLAST Potential Transit Line**’ and the ‘**Mohawk College Future Mobility Hub**’ (**Appendix ‘H’**).

Applicable excerpts from the City of Hamilton Official Plan have been included as follows:

“Chapter B – Communities

B.2.0 DEFINING OUR COMMUNITIES

2.4 Residential Intensification

2.4.1 General Residential Intensification Policies

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.

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.

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:

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.

c) **40%** of the residential intensification target is anticipated to occur within the Neighbourhoods as illustrated on Schedule E – Urban Structure.

2.4.1.4 Residential intensification developments shall be evaluated based on the following criteria:

a) a balanced evaluation of the criteria in b) through g), as follows;

- 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;
- c) the development's contribution to maintaining and achieving a range of dwelling types and tenures;
- 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;
- e) the development's contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- f) infrastructure and transportation capacity; and,
- g) the ability of the development to comply with all applicable policies.

2.4.2 Residential Intensification in the Neighbourhoods Designation

2.4.2.1 Residential intensification within lands designated Neighbourhoods identified on Schedule E-1 - Urban Land Use Designations shall comply with Section E.3.0 – Neighbourhoods Designation.

2.4.2.2 When considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:

- a) the matters listed in Policy B.2.4.1.4;
- b) compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) the consideration of transitions in height and density to adjacent residential buildings;
- e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- h) the ability to complement the existing functions of the neighbourhood;
- j) infrastructure and transportation capacity and impacts.

Facilitating Residential Intensification

- 2.4.4** The City, when reviewing or developing new secondary plans or corridor studies, shall identify opportunities for residential intensification to support the intensification targets and related policies.
- 2.4.5** The City shall establish zoning that permits residential intensification generally throughout the built-up area, in accordance with this Plan.

B.3.0 QUALITY OF LIFE AND COMPLETE COMMUNITIES

3.2 Housing Policies

3.2.4 General Policies for Urban Housing

- 3.2.4.1** The development of a full range of housing forms, types, and densities shall be provided for and promoted throughout the City of Hamilton through residential intensification and new development. A full range of housing forms, types, and densities means the full spectrum of physical housing types including single detached dwellings, semi-detached dwellings, duplexes, townhouses of various types (street, block, stacked), apartments and other forms of multiple dwellings, and lodging houses, built at a range of densities.
- 3.2.4.2** The development of housing with a full range of tenure, affordability, and support services shall be provided for and promoted throughout the City. Where there are documented unmet needs for housing tenure, affordability levels or support services, priority shall be given to development applications that help meet those needs. Housing with a full range of tenure, affordability and support services in a full range of built housing forms means both ownership and primary rental housing with a full range of affordability, social housing, rent-geared-to-income housing, lodging houses, shared and/or congregate-living housing arrangements, housing with supports, emergency and transitional housing, and housing that meets all needs.

3.3 Urban Design Policies

3.3.1 Urban Design Goals

The following goals shall apply in the urban area:

- 3.3.1.1** Enhance the sense of community pride and identification by creating and maintaining unique places.
- 3.3.1.2** Provide and create quality spaces in all public and private development.
- 3.3.1.3** Create pedestrian oriented places that are safe, accessible, connected, and easy to navigate for people of all abilities.
- 3.3.1.4** Create communities that are transit-supportive and promote active transportation.
- 3.3.1.5** Ensure that new development is compatible with and enhances the character of the existing environment and locale.

- 3.3.1.6 Create places that are adaptable and flexible to accommodate future demographic and environmental changes.
- 3.3.1.7 Promote development and spaces that respect natural processes and features and contribute to environmental sustainability.
- 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.

3.3.2 General Policies and Principles

- 3.3.2.1 The physical design of a site shall:
 - a) relate to its role in the overall urban structure of the City;
 - b) enhance the function of the applicable urban structure element described in Section E.2.0 – Urban Structure; and,
- 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.

Principles

- 3.3.2.3 Urban design should foster a sense of community pride and identity by:
 - a) respecting existing character, development patterns, built form, and landscape;
 - b) promoting quality design consistent with the locale and surrounding environment;
 - c) recognizing and protecting the cultural history of the City and its communities;
 - 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;
 - g) contributing to the character and ambiance of the community through appropriate design of streetscapes and amenity areas;
- 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:
 - a) organizing space in a logical manner through the design, placement, and construction of new buildings, streets, structures, and landscaping;
 - 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;

- c) using materials that are consistent and compatible with the surrounding context in the design of new buildings;

3.3.2.5 Places that are safe, accessible, connected and easy to navigate shall be created by using the following design applications, where appropriate:

- a) connecting buildings and spaces through an efficient, intuitive, and safe network of streets, roads, alleys, lanes, sidewalks, and pathways;
- b) providing connections and access to all buildings and places for all users, regardless of age and physical ability;
- c) ensuring building entrances are visible from the street and promoting shelter at entrance ways;
- e) providing appropriate way-finding signage considering size, placement, and material that clearly identifies landmarks, pathways, intersections, cycling and transit routes, and significant natural and cultural heritage features;
- f) providing pedestrian-scale lighting;
- g) designing streets and promoting development that provides real and perceived safety for all users of the road network;

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;
- 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;

3.3.3 Built Form

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 buildings, where appropriate; and,
- e) using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas.

3.3.9 Access and Circulation

3.3.9.3 To ensure safety and promote their priority over vehicular traffic, pedestrian walkways shall differ in material and appearance from driving surfaces.

3.3.9.4 Landscaped walkways shall be provided along buildings, particularly in areas with high levels of pedestrian traffic. Walkways shall be connected to other pedestrian routes on the site and linked to pedestrian entry points at the street, and where appropriate to adjacent developments.

3.3.9.5 Pedestrian walkways shall be made continuous across driving aisles as well as across driveway entrances at the street where appropriate.

3.3.10 Parking

3.3.10.1 To create and enhance safe, attractive pedestrian oriented streetscapes, surface parking shall be discouraged, and parking located below grade or in parking structures shall be encouraged.

3.3.10.4 Where surface parking is proposed, it should be located to the sides or rear of buildings to enable the development of a continuous street edge and the creation of quality urban spaces consistent with Section B.3.3.2 – General Policies and Principles.

3.3.10.5 Parking areas shall be connected to the street through safe, landscaped pedestrian walkways.

- 3.3.10.6** Perimeters of surface parking lots shall be landscaped with appropriate materials that allow visibility from the public realm to the interior of the parking area.
- 3.3.10.8** Parking lots shall be paved with hard surfaces to reduce dust and promote improved air quality. The use of permeable pavement systems or other low impact development practices is encouraged for storm water management, when technically possible.
- 3.3.10.9** Parking lots shall be lit with sufficient light for safety. On surface parking lots, lighting shall be internally oriented so as not to cause glare on adjacent properties or public roads. Outdoor lighting fixtures that reduce energy consumption and direct light away from the night sky are encouraged.

3.4 Cultural Heritage Resources Policies

3.4.4 Archaeology Policies

The City shall require the protection, conservation, or mitigation of sites of archaeological value and areas of archaeological potential as provided for under the Planning Act, R.S.O., 1990 c. P.13, the Environmental Assessment Act, the Ontario Heritage Act, the Municipal Act, the Cemeteries Act, or any other applicable legislation.

Archaeological Assessment Requirements

- 3.4.4.5** Prior to site alteration or soil disturbance relating to a Planning Act, R.S.O., 1990 c. P.13 application, any required archaeological assessment must be approved, in writing by the City, indicating that there are no further archaeological concerns with the property or concurring with the final resource management strategy to be implemented. The City may also require a higher standard of conservation, care and protection for archaeological resources based on prevailing conditions and circumstances within the City and the results of any dialogue with First Nations and their interests.

CHAPTER C – CITY WIDE SYSTEMS AND DESIGNATIONS

C.4.0 INTEGRATED TRANSPORTATION NETWORK

4.5 Roads Network Functional Classification

- 4.5.2** The road network shall be planned and implemented according to the following functional classifications and right-of-way widths:

c) Major arterial roads, subject to the following policies:

- iii) The basic maximum right-of-way widths for major arterial roads shall be 45.720 metres unless otherwise specifically described in Schedule C-2 – Future Right-of-Way Dedications.

Parking and Loading

- 4.5.15** Parking and loading requirements regulated through the Zoning By-Law or site plan approval shall ensure adequate parking for the site, while avoiding excess parking supply that can discourage transit use and active transportation choices.
- 4.5.18** The negative impacts of parking on urban environments and pedestrian activity shall be minimized through:
- a)** placement of parking and loading areas at the rear of buildings where feasible;
 - b)** use of alternative paving materials such as but not limited to permeable pavement systems;
 - c)** alternative surface water management in parking areas such as urban swales, and ditches;
 - e)** landscaping treatments in accordance with Section B.3.3.10 and the Zoning By-Law; and,
 - f)** other applicable design guidelines and design policies of Volume 1, including Section B.3.3 – Urban Design Policies and Chapter E - Urban Systems and Designations.
- 4.5.19** New development on properties adjacent to major arterial and minor arterials and where necessary, collector roads, shall include provisions for sufficient parking, loading, manoeuvring and off-street parking.

C.5.0 INFRASTRUCTURE

5.3 Lake-Based Municipal Water and Wastewater Systems

- 5.3.5** All new development and redevelopment within the urban area shall be connected to the City's water and wastewater system.
- 5.3.10** The City shall discourage changes in land use designation and zoning which would result in the underutilization of previously planned and/or constructed water and wastewater systems.
- 5.3.11** The City shall ensure that any change in density can be accommodated within the municipal water and wastewater system.
- 5.3.12** Water and wastewater systems shall be designed and constructed in accordance with the specifications and standards of the City, provincial guidelines, and other applicable standards, regulations and guidelines.
- 5.3.15** The City shall be satisfied that adequate infrastructure services can be provided prior to any development or intensification proceeding and, where technically and economically possible, the City shall require such services to be located underground.

5.4 Storm Water Management Facilities

- 5.4.2** Any new development that occurs shall be responsible for submitting a detailed storm water management plan prior to development to properly address on site drainage and to ensure that new development has no negative impact on off-site drainage.
- 5.4.9** All land designated on Schedule E-1 – Urban Land Use Designations shall meet the following conditions:
- a)** development and/or redevelopment shall be connected to, or serviced by, a storm water drainage system or other appropriate system such as ditches, or any other techniques acceptable to the City, Conservation Authorities, or the Province and/or detailed in a Storm Water Master Plan or other relevant study;
 - b)** development shall be in accordance with the system capacity for drainage and storm water management and where relevant, will conform to storm water site management plans, a Storm Water Master Plan, site plans and/to other relevant studies, guidelines or regulations; and,
 - c)** storm water systems shall be designed and constructed, in accordance with the City’ standards and guidelines, provincial guidelines, storm water master plans, master drainage plans and any other relevant study or legislation.

CHAPTER E – URBAN SYSTEMS AND DESIGNATIONS

E.2.0 URBAN STRUCTURE

2.4 Urban Corridors Function

- 2.4.3** Urban Corridors shall be the location for a range of higher density land uses along the corridor, including mixed uses where feasible, supported by higher order transit on the Primary Corridors.
- 2.4.4** Primary Corridors shall serve to link two or more nodes, major activity centres, or employment areas.
- 2.4.6** Urban Corridors shall function as commercial spines providing retail stores and commercial services that cater primarily to the weekly and daily needs of residents within the surrounding neighbourhoods. Small scale retail stores that cater to a broader regional market may be also permitted.
- 2.4.8** Primary Corridors shall be served by the higher order of transit service. Secondary Corridors may be served by a higher order transit service.

Scale

- 2.4.10** The built form along the Urban Corridors shall generally consist of low to mid rise forms, but will vary along the length of the corridors with some areas permitted to accommodate high density and high rise built form. The Primary Corridors shall have a greater proportion of the corridor length in retail and

mixed use forms, while the Secondary Corridors shall generally accommodate retail and mixed use forms in small clusters along the corridors with medium density housing located between the clusters.

- 2.4.11** Urban Corridors shall be a focus for intensification through the Neighbourhoods which they traverse. However, it is anticipated that intensification will also occur within the surrounding Neighbourhoods, particularly on sites along other arterial roads that are not designated as Urban Corridors.

Design

- 2.4.14** Urban Corridors shall provide a comfortable and attractive pedestrian experience.
- 2.4.16** New development shall respect the existing built form of adjacent neighbourhoods where appropriate by providing a gradation in building height. New development shall locate and be designed to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods.
- 2.4.17** Reductions in parking requirements shall be considered in order to encourage a broader range of uses and densities to support existing and planned transit routes.

E.3.0 NEIGHBOURHOODS DESIGNATION

3.2 Neighbourhoods Designation – General Policies Function

- 3.2.1** Areas designated Neighbourhoods shall function as complete communities, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents.
- 3.2.3** The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:
- a) residential dwellings, including second dwelling units and housing with supports;
 - b) open space and parks;
 - c) local community facilities/services; and,
 - d) local commercial uses.

Scale and Design

- 3.2.4** The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan.

- 3.2.7** The City shall require quality urban and architectural design. Development of lands within the Neighbourhoods designation shall be designed to be safe, efficient, pedestrian oriented, and attractive, and shall comply with the following criteria:
- c) Adequate and direct pedestrian access and linkages to community facilities/services and local commercial uses shall be provided.
 - e) Development shall improve existing landscape features and overall landscape character of the surrounding area.
 - e) Development shall comply with Section B.3.3 – Urban Design Policies and all other applicable policies.
- 3.2.11** To maintain existing neighbourhood character and to provide for pedestrian friendly environments, reduced right-of-way widths may be permitted in accordance with Section C.4.5 – Roads Network.
- 3.2.12** Innovative neighbourhood designs incorporating energy and environmental design standards and the conservation of natural resources shall be promoted in accordance with Section B.3.3 – Urban Design Policies and Section B.3.7 – Energy and Environmental Design Policies.
- 3.2.13** The City supports residential intensification on lands within the Neighbourhoods designation in accordance with Section B.2.4 – Residential Intensification Policies, F.1.14 – Division of Land, and other applicable policies.

3.3 Residential Uses – General Policies

Three categories of residential land use are described in this section but are not designated on Schedule E-1 - Urban Land Use Designations. These residential categories provide general location, scale, and design directions for the purposes of secondary planning and zoning. These categories may also be applied in the redevelopment of larger sites.

- 3.3.1** Lower density residential uses and building forms shall generally be located in the interiors of neighbourhood areas with higher density dwelling forms and supporting uses located on the periphery of neighbourhoods on or in close proximity to major or minor arterial roads.
- 3.3.2** Development or redevelopment adjacent to areas of lower density shall ensure the height, massing, and arrangement of buildings and structures are compatible with existing and future uses in the surrounding area.

3.5 Medium Density Residential Function

- 3.5.1** Medium density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting on collector roads.

3.5.2 Uses permitted in medium density residential areas **include multiple dwellings** except street townhouses.

3.5.5 Medium density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities, public transit, schools, active or passive recreational facilities, and local or District Commercial uses.

3.5.6 Medium density residential built forms may function as transitions between high and low profile residential uses.

Scale

3.5.7 For medium density residential uses, the net residential density **shall be greater than 60 units per hectare and not greater than 100 units per hectare**.

3.5.8 For medium density residential uses, the **maximum height shall be six storeys**.

Design

3.5.9 Development within the medium density residential category shall be evaluated on the basis of the following criteria:

- a) Developments should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may gain access to the collector or major or minor arterial roads from a local road only if a small number of low density residential dwellings are located on that portion of the local road.
- b) Development shall be integrated with other lands in the Neighbourhoods designation with respect to density, design, and physical and functional considerations.
- c) Development shall be comprised of sites of suitable size and provide adequate landscaping, amenity features, on-site parking, and buffering if required. The height, massing, and arrangement of buildings and structures shall be compatible with existing and future uses in the surrounding area.
- d) Access to the property shall be designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.
- e) The City may require studies, in accordance with Chapter F – Implementation Policies, completed to the satisfaction of the City, to demonstrate that the height, orientation, design, and massing of a building or structure shall not unduly overshadow, block light, or result in the loss of privacy of adjacent residential uses.

CHAPTER F – IMPLEMENTATION

F.1.0 PLANNING ACT IMPLEMENTATION TOOLS

1.7 Site Plan Control

Site plan control is an important means of encouraging well-designed, functional and universally accessible development in Hamilton. The City shall review and approve plans that show the location, design and massing of buildings, the relationship to adjacent streets and buildings, public access areas, the layout of parking and service areas, site landscaping and other aspects of development.

1.7.1 Site plan control shall be used to achieve the following planning objectives:

- a)** minimize the impact of development on adjacent properties;
- c)** promote pedestrian scale development and land use compatibility;
- d)** enhance the public realm and create a functional and distinctive streetscape through high quality building design;
- f)** integrate ecologically important features into site designs to protect and enhance their functions; and,
- g)** ensure accessibility for people with a range of abilities through safe and efficient pedestrian and vehicular circulation.

1.7.5 To achieve the objectives in Policy F.1.7.1, the City shall, as part of the site plan approval:

- a)** consider matters relating to exterior design, including but not limited to the character, scale, material, and appearance, including fenestration, colour and shape and sustainable design features of buildings;
- b)** require sustainable design elements within an adjoining City right-of-way, including, without limitation, trees, landscaping, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities be provided;
- c)** require facilities designed for people with a range of abilities;”

Summary:

The proposed development is well-aligned with the policies of the Official Plan because it will provide for a density, building typology and height that is appropriate for the Residential Function of the Neighborhood Land Use Designation (**E.3.5**).

Given the property’s location along a ‘Primary Corridor’ (i.e. Upper James Street), the site is an optimal candidate for intensification (**B.2.4.1.3 b**). The intensity of the proposed development in addition to its distinctive site layout and building design will have a significant positive impact on the Upper James Streetscape in its ability to

enhance the public realm and promote a pedestrian-friendly environment. These positive attributes will be secured through the Site Plan Approval Process (F.1.7.1), and should translate into an expectation of future development quality along this corridor.

In addition and in support of meeting the general intent of the City's Official Plan, a conditional Site Plan Approval was granted for the development on February 8th 2022.

As such, the proposed minor variance meets the intent of the Official plan.

4.8 Zoning By-Law No. 6953

The subject property is currently zoned as 'DE' (Low Density Multiple Dwellings) under the former City of Hamilton **Zoning By-law No. 6953 (Appendix 'I')**. The site is also subject to the '**S-1788**' Site-Specific Provisions listed under **By-Law No. 19-307**, which speaks to second dwelling permissions (**Appendix 'I'**). However, the regulations of By-Law 19-307 do not apply to the proposed development because second dwellings are not permitted within 'Multiple Dwellings' so the issue is mute.

Applicable excerpts from Zoning By-law No. 6593 are as follows:

"CITY OF HAMILTON ZONING BY-LAW NO. 6593

SECTION TEN A "DE" DISTRICTS

(LOW DENSITY MULTIPLE DWELLINGS)

RESIDENTIAL USES

- (ii) A two family dwelling or three family dwelling, together with the accommodation of lodgers to the number of not more than three in each Class A dwelling unit;
- (iv) **A multiple dwelling**, together with the accommodation of lodgers to the number of not more than three in each Class A dwelling unit; (See Section 18(8) for Special Requirements for Groups of Multiple Dwellings)
- (viii) An emergency shelter for the accommodation of not more than six residents.

HEIGHT REQUIREMENTS

- (2) In a "DE" District, no building shall exceed three storeys, and no structure shall exceed **11.0 metres** (36.09 feet) in height.

AREA REQUIREMENTS

- (3) The following yards shall be provided within the district, and maintained, as appurtenant to every building or structure in a "DE" District:
 - (i) A front yard of a depth of at least **6.0 metres** (19.69 feet);
 - (ii) (c) for a multiple dwelling, a side yard along each side lot line of a width of at least **3.0 metres** (9.84 feet).

- (iii) A rear yard of a depth of at least **7.5 metres** (24.61 feet).

INTENSITY OF USE

- (4) Every lot or tract of land upon which a dwelling is erected, converted or reconstructed in a "DE" District shall have within the district:
 - (iii) (b) for a multiple dwelling, consisting of more than four dwelling units and not more than six dwelling units, a width of at least **24.0 metres** (78.74 feet) and an area of at least **160.0 square metres (1,722.28 square feet)** for each Class A dwelling unit;

LANDSCAPED AREA

- (5) For every building or structure in a "DE" District there shall be provided and maintained on the lot and within the district at **least one-quarter of the area** of the lot on which it is situated as landscaped area unused for access or manoeuvring space or parking space or for any other purpose other than landscaped area including a playground.

SECTION EIGHTEEN SUPPLEMENTARY REQUIREMENTS AND MODIFICATIONS

SUPPLEMENTARY AREA REQUIREMENTS AND MODIFICATIONS

- (vi) **Encroachments on Yards:** Every part of a required yard shall be unobstructed from its lowest level upwards, except that
 - (a) A chimney, sill, belt course, leader, pilaster, lintel or ornamental projection may project not more than 0.5 metres (1.64 feet) into a required side yard, and not more than 1.0 metre (3.28 feet) into any other required yard;
 - (b) A canopy, cornice, eave or gutter may project,
 - (i) into a required front yard not more than 1.5 metre (4.92 feet) provided that no such projection shall be closer to a street line than 1.5 metres (4.92 feet);
 - (ii) into a required rear yard not more than 1.5 metre (4.92 feet);
 - (iii) into a required side yard not more than one-half of its width, or 1.0 metre (3.28 feet), whichever is the lesser;
 - (cc) A bay, **balcony** or dormer may project
 - (i) into a required front yard not more than 1.0 metre (3.28 feet), provided that no such projection shall be closer to a street line than 1.5 metres
 - (ii) into a required rear yard not more than 1.0 metre (3.28 feet); or
 - (iii) into a required side yard not more than one-third of its width, or 1.0 metre (3.28 feet), whichever is the lesser,

SECTION EIGHTEEN A PARKING AND LOADING REQUIREMENTS

MINIMUM REQUIRED MANOEUVRING SPACE FOR PARKING AREAS

- (7) Every required parking space, other than a parallel parking space, shall have dimensions not less than 2.7 metres wide and 6.0 metres long.
- (11) The boundary of every parking area and loading space on a lot containing five or more parking spaces located on the surface of a lot adjoining a residential district shall be fixed,
- (a) not less than 1.5 metres from the adjoining residential district boundary; and
 - (b) not closer to the street line than the minimum depth of the front yard required to be provided in the adjoining residential district for that portion of the parking area within 3.0 metres of a residential district.
- (12) For every parking area and loading space referred to in subsection 11, there shall be provided and maintained,
- (a) between the boundary of the parking area and the residential district, an area landscaped with a planting strip; and
 - (b) between the boundary of the loading area and the residential district, an area landscaped with a planting strip; and
 - (c) a visual barrier along the boundary of the lot abutting the residential district not less than 1.2 metres in height and not greater than 2.0 metres in height.

TABLE 1 - MINIMUM REQUIRED PARKING FOR, RESIDENTIAL, INSTITUTIONAL, PUBLIC AND COMMERCIAL USES

1. Residential Uses

(g) **Multiple dwelling;**

(g) 1.25 spaces per Class A dwelling unit except as follows:

(ii) 1 space per Class A dwelling unit within area "B", shown on Schedule "H";

TABLE 2 - MINIMUM REQUIRED RESIDENTIAL VISITOR PARKING

3. Multiple dwellings not in areas referred to in paragraphs 1 and 2.

= 0.25 of a space per Class A dwelling unit.

TABLE 3 - MINIMUM REQUIRED LOADING SPACE - MULTIPLE DWELLINGS

<u>Number of Dwelling Units</u>	<u>Minimum Number of Required Loading spaces</u>
5 to 30:	1- Minimum Size: Length: 9.0m, Width: 3.7m, Height: 4.3m"

Summary:

The proposed development, being 'infill' along a major arterial roadway, is a new type/form of development not originally anticipated when the initial zoning by-law was established (i.e. 1950). The intensification of the property will ultimately require eight (8)

minor variances to fine-tune the site permissions in order to facilitate the proposed development, but is well within rational limits of the intent of the Zoning By-law, given that the zoning By-law is somewhat dated and not yet updated in this effect.

In addition and in support of meeting the general intent of the City's Zoning By-law, a conditional Site Plan Approval was granted for the development on February 8th 2022.

As such, the proposed minor variance meets the intent of the current Zoning By-law.

A detailed justification for each minor variance is provided in [Section 5.0](#) of this report.

5.0 PLANNING JUSTIFICATION

5.0 FOUR TESTS OF A MINOR VARIANCE

Section 45(1) of the Planning Act states that the Committee of Adjustment may authorize variances from the provisions of the Zoning By-Law provided that the 'Four Tests' are satisfied. This section provides an analysis that evaluates the proposal's required variances within the context of the four tests as follows:

1. *Do the requested variances maintain the general intent and purpose of the Official Plan?*
2. *Do the requested variances maintain the general intent and purpose of the Zoning By-Law?*
3. *Are the requested variances desirable and appropriate for the lands?*
4. *Are the requested variances minor in nature?*

5.1 **VARIANCE 1: REDUCTION TO THE REQUIRED MINIMUM FRONT YARD SETBACK**

Variance 1: Reduction to the Required Minimum Front Yard Setback

As per Section 10A(3)(i) of the Former Hamilton Zoning By-law 6593.

The Required Minimum Front Yard Setback is 6.0 m.

The Proposed Front Yard Setback is 4.85 m.

The requested reduction to the required front yard setback is largely attributed to the upper-level enclosed balconies. The main wall on the ground level will maintain a front yard setback of 5.95 m, which represents a minor (0.05 m) deviation from the required 6 m standard. The enclosed balconies (2nd & 3rd storeys), which do not extend along the entire frontage of the 2nd and 3rd levels of the building will maintain a front yard setback of 4.85 m or a deviation of (1.15 m) from the required standard. The balconies add enclosed living space to the units, provide for enhanced architectural detail and glazing of the building for street animation/interest and promotes natural surveillance or 'Eyes on

the Street' (CPTED) from the site. Overall, the reduced front yard setback and urban design of the block face will have a positive impact on the street frontage to compliment the 'Main Street Character' of Upper James Street. The impact of the variance on the functionality of the front yard amenity space will be minimal. In accordance with the policies in the Official Plan, Urban Corridors shall provide for a comfortable and attractive pedestrian experience (**E.2.4.14**), and compliment the character of the area. Given the site's location on to a 'Primary Corridor', the requested variance to reduce the required front yard setback is appropriate for the lands given that it will bring the proposed building closer to the streetscape to help contribute to Upper James Street's pedestrian friendly environment (**B.3.3.1.3**). Furthermore, as you head south towards the Upper James commercial district, the majority of the buildings have smaller front yard setbacks than what is being proposed on the subject lands. This includes 536 & 538 Upper James Street, two nearby residential properties located on the same side of the street as the subject property.

In general, the requested variance meets the intent and purpose of the Official Plan and Zoning By-Law, as it respects and maintains compatible development patterns in the front yard of the site. Also, the requested variance is minor in nature, appropriate and desirable, since its impacts actually improve the character, function of the property and safety and aesthetics of the overall streetscape.

- **As such Variance #1, meets the four (4) tests of minor variance.**

5.2 VARIANCE 2: REDUCTION TO THE REQUIRED MINIMUM SIDE YARD SETBACK (SOUTH – ABUTTING COMMERCIAL ZONE)

Variance 2: Reduction to the Required Minimum Side Yard Setback (South)

As per Section 10A(3)(ii)(c) of the Former Hamilton Zoning By-law 6593.

The Required Minimum Side Yard Setback is 3.0 m.

The Proposed Side Yard Setback is 1.57 m (south – abutting commercial zone).

In accordance with the policies in the Official Plan for the Neighbourhood Land Use Designation, applications for residential intensification shall be evaluated on the ability to respect and maintain existing streetscape patterns including setbacks and building separations (**B.2.4.2.2 g**). Given that many of the residential lots that front on to Upper James Street have side yard setbacks that are less than 3.0 m, the requested reduction to the required minimum side yard setback is appropriate for the lands as it would still maintain an overall sense of compatibility and design consistency with the local and surrounding environment (**B.3.3.2.3 b**) and streetscape. In addition, enhanced landscaping and fencing will further mitigate the minor setback reduction. The proposed reduction is required because of the lot's narrow width, and the practical approach of providing appropriate and reasonable intensification on the site.

As such, the requested variance meets the general intent and purpose of the Zoning By-Law, which encourages intensification that maintains/improves the character of the area/streetscape. Furthermore, the requested variance is minor in nature since it has been both mitigated by enhanced landscaping, and is comparable to other setbacks found

along the Upper James Street streetscape. Finally, the requested variance is appropriate and desirable, since it facilitates a redevelopment that will improve the property function/efficiency, streetscape view, as well as provide needed new housing opportunities for the area.

- **As such Variance #2, meets the four (4) tests of minor variance.**

5.3 VARIANCE 3: REDUCTION TO THE REQUIRED MINIMUM SIDE YARD SETBACK (NORTH – ABUTTING RESIDENTIAL ZONE)

Variance 3: Reduction to the Required Minimum Side Yard Setback (North)

As per Section 10A(3)(ii)(c) of the Former Hamilton Zoning By-law 6593.

The Required Minimum Side Yard Setback is 3.0 m.

The Proposed Side Yard Setback is 1.63 m (north – abutting residential zone)

All of the arguments that have been made for Variance #2 (Side Yard Setback – Abutting Commercial Zone) in Section 5.2 also apply to Variance #3 (Side Yard Setback – Abutting Residential Zone). The only difference is that the proposed minimum side yard setback for Variance #3 will provide for just a bit more separation space when compared to Variance #2. This differing approach to side yard setback/variance is appropriate, since the proposed building location has the room to offer the difference.

- **As such Variance #3, meets the four (4) tests of minor variance.**

5.4 VARIANCE 4: REDUCTION TO THE REQUIRED MINIMUM LOT WIDTH

Variance 4: Reduction to the Required Minimum Lot Width

As per Section 10A(4)(iii)(b) of the Former Hamilton Zoning By-law 6593.

The Required Minimum Lot Width is 24.0 m.

The Proposed Lot Width is 17.2 m.

In accordance with the policies in the Official Plan for the Neighbourhood Land Use Designation, applications for residential intensification shall be evaluated on the proposed lots relationship with the existing lot pattern and configuration found within the neighbourhood (**B.2.4.2.2 e**). The subject property is an existing lot that maintains a width that is compatible with the other residential and commercial lots found within the area. As such, the requested minor variance for a reduced lot width is considered minor in nature, as it is actually an existing and established situation.

The existing lot (with its established frontage) is technically able to support a higher residential density given its location on a 'Primary Corridor'. Under the Official Plan, 'Primary Corridors' should be designed with higher residential densities on narrow lots to support a comfortable and attractive pedestrian experience (**E.2.4.14**). Given the intensification and housing policies of the Official Plan, the requested variance is appropriate for the lands because it will provide for a slightly higher residential unit count in a building that makes an appropriate and innovative use of the site (**B.3.3.1.8**).

Minimum lot width zoning regulations are created for the purposes of ensuring there is enough space on the property to accommodate an orderly development and to provide for a harmonious lot pattern along the streetscape. Since the lot already exists and that the depth of the lot allows for an orderly site layout with respect to vehicular access and rear yard parking, the proposed development meets the purpose and general intent of the Zoning By-Law. The site is also technically able to have increased density (8 units) and height (6-storeys), although only 6 units and 3 storeys are being proposed under this application (E.3.5.2). Finally, since the lot frontage is existing, we are only bringing the grandfathered situation into modern conformity. Again, this 1950's zoning by-law did not anticipate modern development plans or techniques.

- **As such Variance #4, meets the four (4) tests of a minor variance.**

5.5 VARIANCE 5: REDUCTION TO THE REQUIRED MINIMUM LOT AREA PER DWELLING UNIT

Variance 5: Reduction to the Required Minimum Lot Area Per Dwelling Unit

As per Section 10A(4)(iii)(b) of the Former Hamilton Zoning By-law 6593.

The Required Minimum Lot Area per Dwelling Unit is 160 m².

The Proposed Lot Area per Dwelling Unit is 130.81 m².

In accordance with the policies of the Official Plan, applications for residential intensification shall be evaluated based on the development's contribution to achieving a full range of housing forms, types and densities (B.2.4.1.4 c) (B.3.2.4.1). The requested reduction to the required minimum lot area for Class A dwelling units is appropriate for the lands given the increasing demand for more affordable smaller sized units in addition to the changing housing needs of current and future residents. Given that the surrounding established neighborhood is primarily dominated by traditional low-density residential buildings such as single-detached homes on large underutilized lots, the proposed development will help to diversify the number and type of housing options that are available within the area (and along Upper James within the 'Main Street' corridor). It is important to remember that the Former City of Hamilton Zoning-By-Law-6593 was created at a time where there weren't many incentives available to allow for multiple dwelling uses within established neighbourhoods, and that Upper James was a minor collector road feeding the relatively new subdivisions on the Hamilton Mountain. That being said, the proposed variance from the historic lot area requirement of Zoning By-law 6593 to allow for 6 dwelling units with adequate parking on the subject lands is considered minor in nature when assessing the state of the today's housing market, affordability, and the increasing housing needs of Hamilton's citizens. The proposed density is also suitable for the lands given its proximity to public transit and location on a major arterial road which is encouraged to accommodate higher densities.

- **As such Variance #5, meets the four (4) tests of a minor variance.**

5.6 VARIANCE 6: REDUCTION TO THE REQUIRED MINIMUM LANDSCAPED AREA

Variance 6: Reduction to the Required Minimum Landscaped Area

As per Section 10A(5) of the Former Hamilton Zoning By-law 6593.

The Required Minimum Landscape Area is 196.22 m².

The Proposed Landscaped Area is 182.19 m².

The City of Hamilton Official Plan speaks to promoting spaces that are safe, functional and pedestrian oriented (**B.3.3.2.4 a**). These urban design standards are particularly important for 'Multiple Dwelling' developments where site design can be more complex. This includes providing adequate parking maneuvering space for vehicles, 1.5 m wide pedestrian walkways and barrier-free ramps for wheel-chairs, which have all been incorporated into the proposed design. In order to have enough space on site to meet these special requirements, a reduction of 14.03 m² is being requested to the required minimum landscaped area. The proposed reduction is minor in nature and will barely be noticeable from the pedestrian's perspective, provided that the frontage of the site will be animated with quality landscaping to promote a pedestrian-friendly streetscape. In addition, many of the lots that are situated to the south along Upper James Steet have less landscaping than what's being proposed especially in the front yard (**B.3.3.3.5 c**). Furthermore, the proposed reduction is also appropriate for the lands because it allows for a larger building footprint on site that ultimately increases the number of units that can be provided to meet the intensification objectives of the Official Plan (**B.2.4.1.2 c**). While the intent of the Zoning By-Law's landscape requirements is to ensure that neighbourhoods have an adequate amount of green space, the design of the building should allow sufficient amenity area. The site is located within close proximity to the Niagara Escarpment, and as such is within convenient walking distance site to a number of different destination parks and quality green space found along the Bruce Trail.

- **As such Variance #6, meets the four tests of a minor variance.**

5.7 VARIANCE 7: REDUCTION TO THE REQUIRED MINIMUM DISTANCE BETWEEN THE BOUNDARY OF A PARKING AREA AND THE ADJOINING RESIDENTIAL BOUNDARY

Variance 7: Reduction to the Required Minimum Distance Between the Boundary of a Parking Area and the Adjoining Residential Boundary

As per Section 18A(11)(a) of the Former Hamilton Zoning By-law 6593.

The Required Minimum Distance is 1.5 m.

The Proposed Minimum Distance is 1.0 m.

In accordance with the Urban Design policies of the Official Plan, redevelopment should connect the public and private realms by organizing space in a logical manner through the design and placement of buildings and landscaping. (**B.3.3.2.4 a**). The requested reduction to the required minimum distance between the proposed parking area and the

adjoining residential lot to the north is intended to accommodate a **hammerhead** that will provide for additional maneuvering area and **is NOT for any parking spaces**. The area will by its nature, will only be used during manuvuring, and is only a technical requirement of the parking design. As such, the proposed variance meets the general intent of the Official Plan and Zoning By-Law, which seeks to promote orderly development that ensures the safe and efficient movement of vehicles. Furthermore, the slight reduction from 1.5 m to 1 m for maneuvering is both minor and appropriate given the positive design results. Finally, enhanced landscaping will be included along the northern property line along with full privacy fencing to further mitigate any concerns.

- **As such Variance #7, meets the four (4) tests of a minor variance.**

5.8 VARIANCE 8: REDUCTION TO THE REQUIRED MINIMUM NUMBER OF LOADING SPACES

Variance 8: Reduction to the Required Minimum Number of Loading Spaces

As per Section 18A, Table 3 of the Former Hamilton Zoning By-law 6593.

The Required Minimum Number of Loading Spaces is 1.

The Proposed Number of Loading Spaces is 0.

In accordance with the City of Hamilton's Intensification and Housing policies, the requested reduction to the Zoning By-Law's loading space requirement would allow for the proposed development to provide for a higher residential unit count (i.e. 6 units vs. 5 units) that is necessary to support the efficient redevelopment of the Upper James Street 'Primary & Main Street Corridor'. The proposed variance is appropriate for the lands given that a loading space should not be necessary for a simple 6 unit dwelling development with on-street garbage pick-up, especially when considering the size of the units that are being proposed. Furthermore, the existing width of the property would not physically allow for the required turning movements for the loading space even if it were to be provided. There are examples of multiple dwellings with 5 or more units across the City that do not have a loading spaces and still function and operate just fine. By reducing the required number of loading spaces, the site can then accommodate redevelopment that better suits the City's housing and intensification needs, while also respecting the 'Main Street Character' that is being sought. Therefore, the proposed reduction in loading spaces is both minor and appropriate, while also meeting the general intent of the Official Plan and Zoning By-Law.

- **As such Variance #8, meets the four (4) tests of a minor variance.**

6.0 CONCLUSION

Given the analysis presented in this Planning Justification Report, it is in the Author's professional planning opinion that there is enough merit to support the eight (8) requested minor variances, which individually and collectively meet the general intent and purpose of the Official Plan, meet the general intent and purpose of the Zoning By-Law, are desirable and appropriate for the lands and minor in nature, which therefore meets the 'Four Tests' prescribed under Section 45(1) of the Planning Act.

Overall, the proposed development is considered to be of '**Good Planning**,' in the '**Public Interest**', and in '**Generally Conformity**' with the intent of the applicable planning policies. It will also facilitate the improvement of an often overlooked and sometimes neglected section of Upper James Street.

Finally, approval of the requested Minor Variances will facilitate the development of the conditionally approved Site Plan approval issued by the City on February 8, 2022.

As such, the Planning Applications for the above evaluated minor variances **should be approved**.

I hereby certify that this Planning Justification Report was prepared and reviewed by Registered Professional Planner (RPP), within the meaning of the Canadian Institute of Planners and the *Ontario Professional Planners Institute Act, 1994*.



Terrance Glover, RPP, CPT

Principal

Urban in Mind, Professional Urban Planning, Land Development & CPTED Consultants



Appendix 'A'
 (Places to Grow – Schedule 4, Urban Growth Centres)



Legend	
	Urban Growth Centres
	Built-Up Area – Conceptual
	Designated Greenfield Area – Conceptual
	Greenbelt Area*
	Greater Golden Horseshoe Growth Plan Area**

Sources: Ministry of Municipal Affairs and Housing, Ministry of Natural Resources and Forestry, Ministry of Transportation

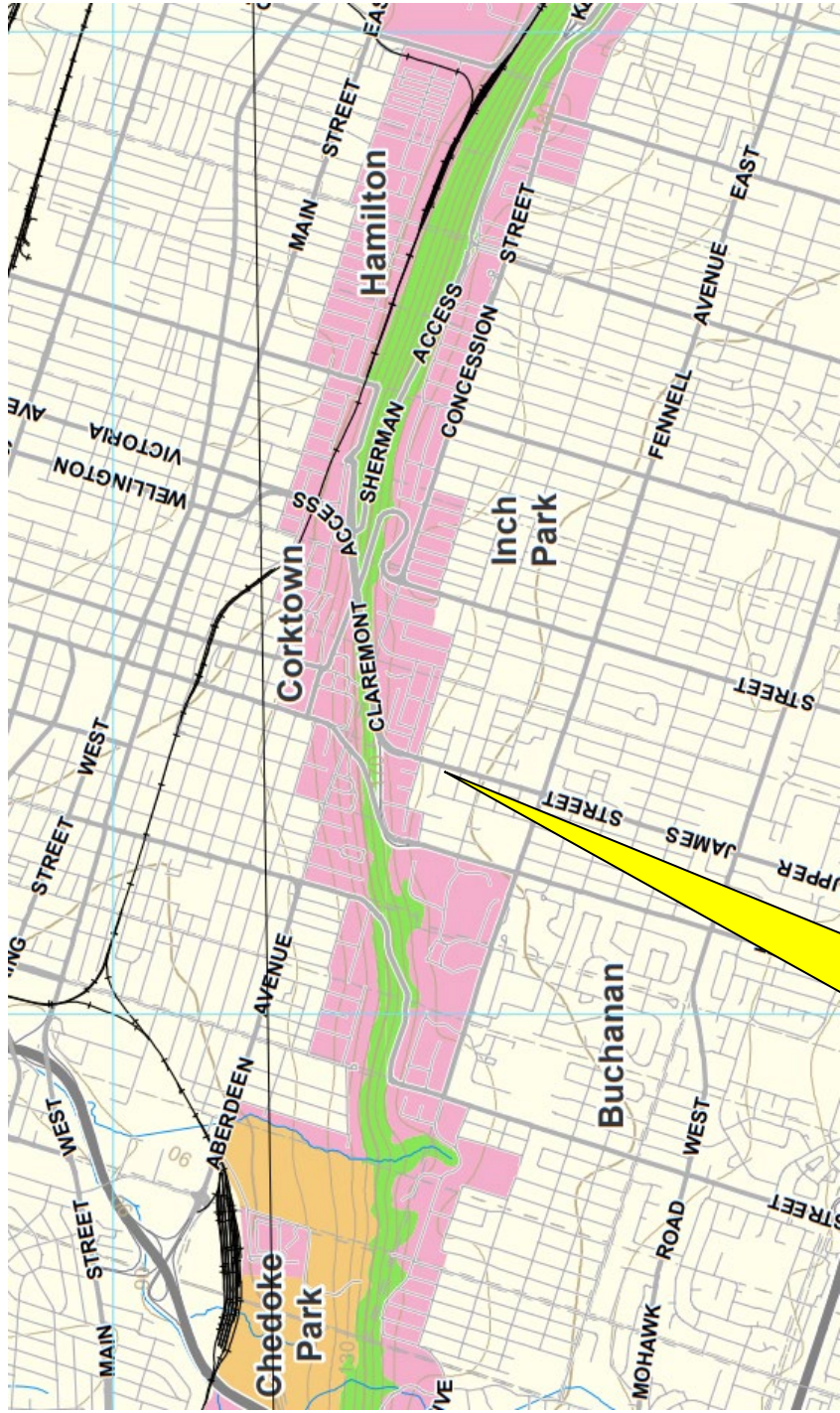
*Ontario Regulation 59/05
 **Ontario Regulation 416/05

Approx. Location of Subject Property

Ontario SCHEDULE 4
 Urban Growth Centres

Note: The information displayed on this map is not to scale, does not accurately reflect approved land-use and planning boundaries, and may be out of date. For more information on precise boundaries, the appropriate municipality should be consulted. For more information on Greenbelt Area boundaries, the Greenbelt Plan should be consulted. The Province of Ontario assumes no responsibility or liability for any consequences of any use made of this map.

Appendix 'B' (Niagara Escarpment Commission – Interactive Mapping)



LEGEND

NIAGARA ESCARPMENT PLAN AREA

Plan Designations

- Escarpment Natural Area
- Escarpment Protection Area
- Escarpment Rural Area
- Escarpment Recreation Area
- Mineral Resource Extraction Area
- Urban Area
- Minor Urban Centre

OVERLAY

- Niagara Escarpment Parks and Open Space System
- Special Policy Area

BASE MAP LEGEND

ROADS

- Expressway
- Provincial Highway
- County or Regional
- Local Municipal

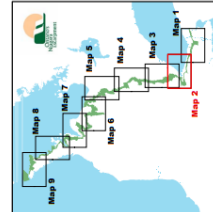
BOUNDARIES

- County or Regional Municipality
- Township, Local and Area Municipality

OTHER

- Railway
- Abandoned Railway
- Contour (10m Interval)
- Lot and Concession Boundary

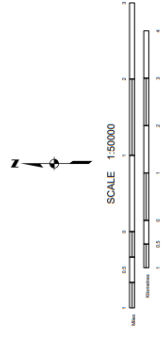
NIAGARA ESCARPMENT PLAN MAP 2



CITY OF HAMILTON

NOTE: The Niagara Escarpment Plan designation boundaries shown on this map were prepared through site inspection and the application of the interpretation of "Boundaries" section of the Niagara Escarpment Plan.

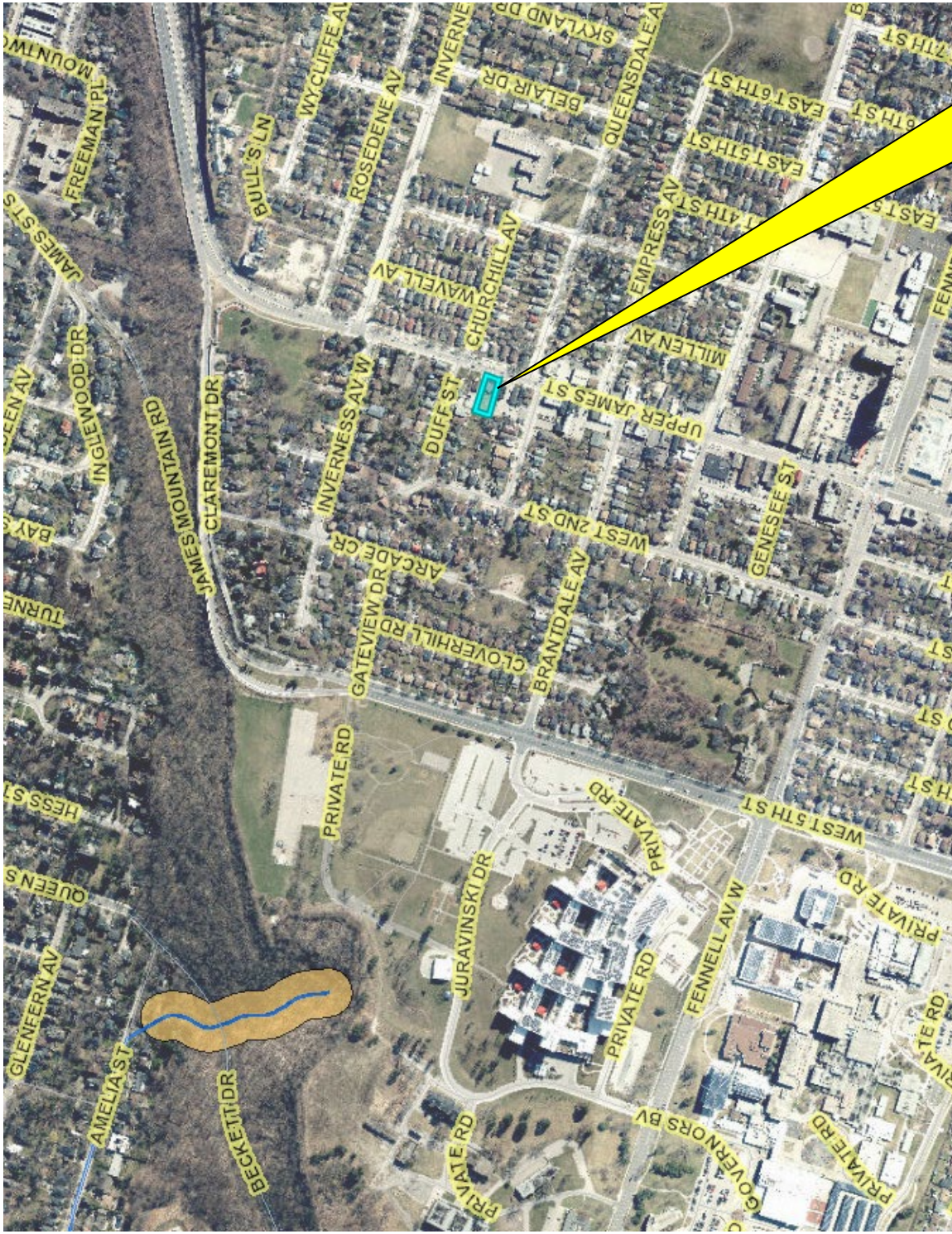
The NIAGARA ESCARPMENT PLAN (1917) APPROVED AND ORDERED June 1, 2017. O.C. # 19282817



Map Data supplied by the Crown Ministry of Natural Resources and Forestry, Land Information Ontario
Map Compiled and Produced by the Geographic Information Systems (GIS) Department of the Niagara Escarpment Commission, Ministry of Natural Resources and Forestry
© 2017 Crown in Right of Ontario

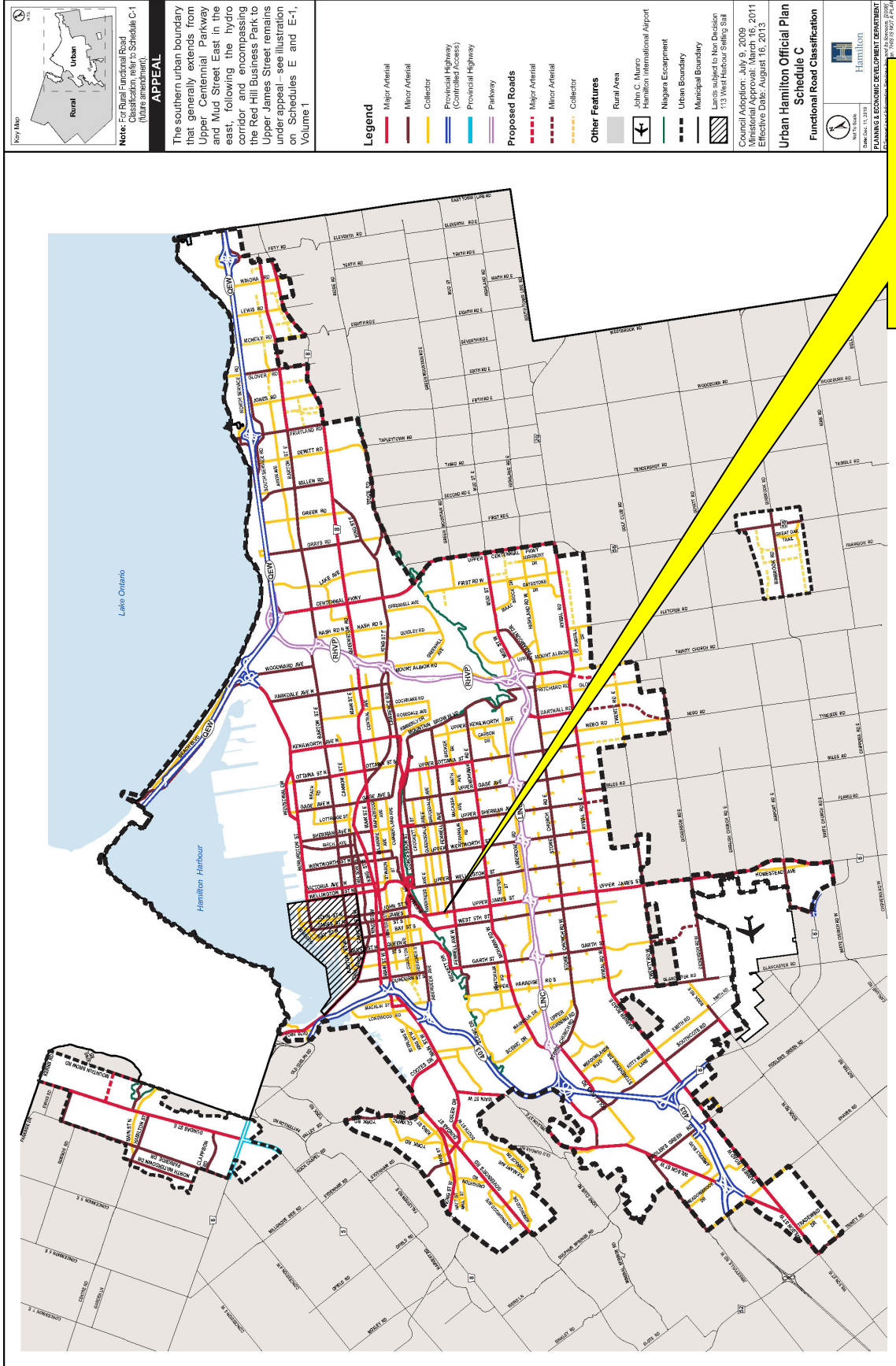
Approx. Location of Subject Property

Appendix 'C'
(Hamilton Conservation Authority – Interactive Mapping)



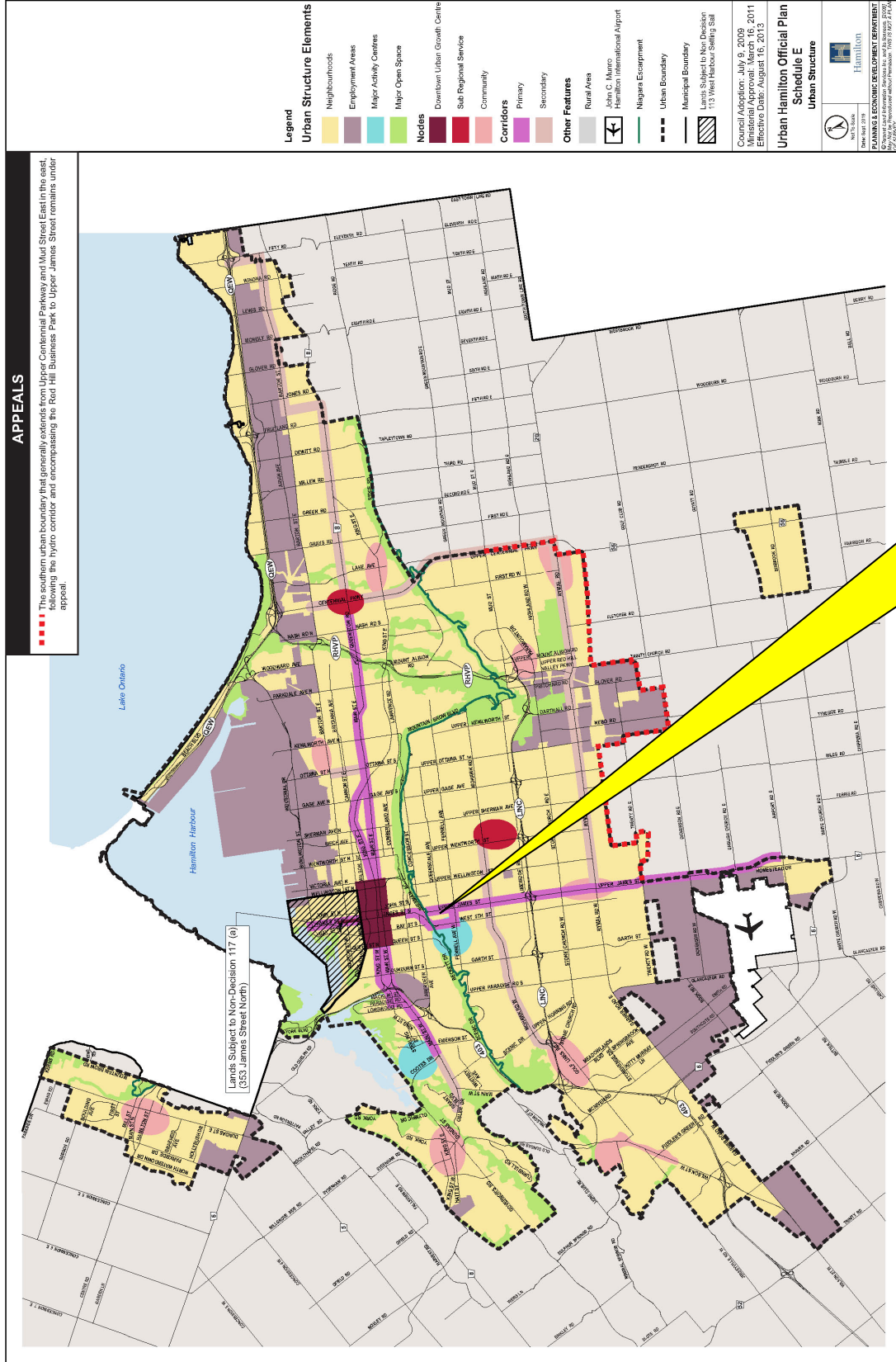
Subject Property

Appendix 'D' (City of Hamilton Urban Official Plan – Schedule C, Functional Road Classification)



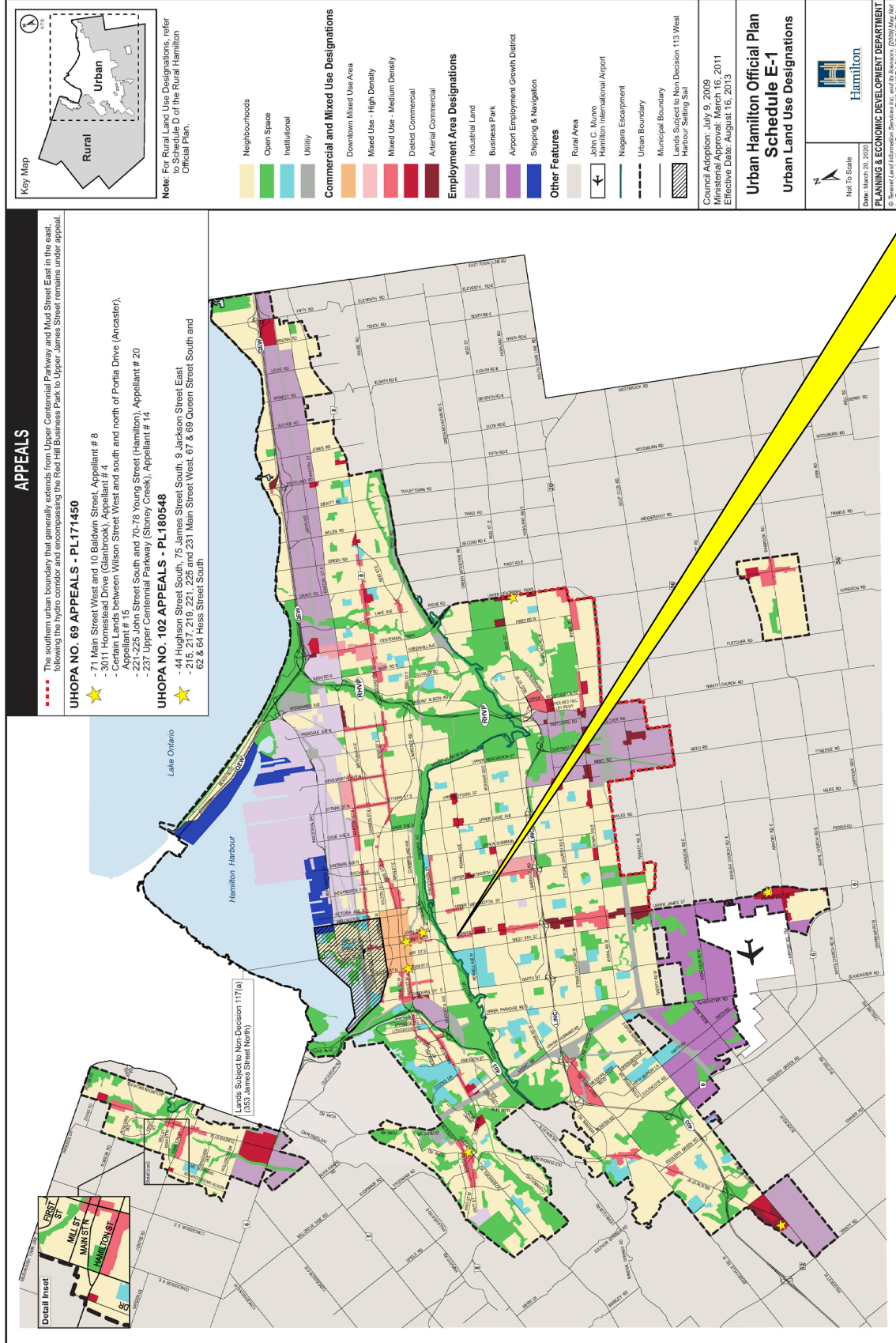
Approx. Location of Subject Property

Appendix 'E' (Hamilton Urban Official Plan – Schedule E, Urban Structure)



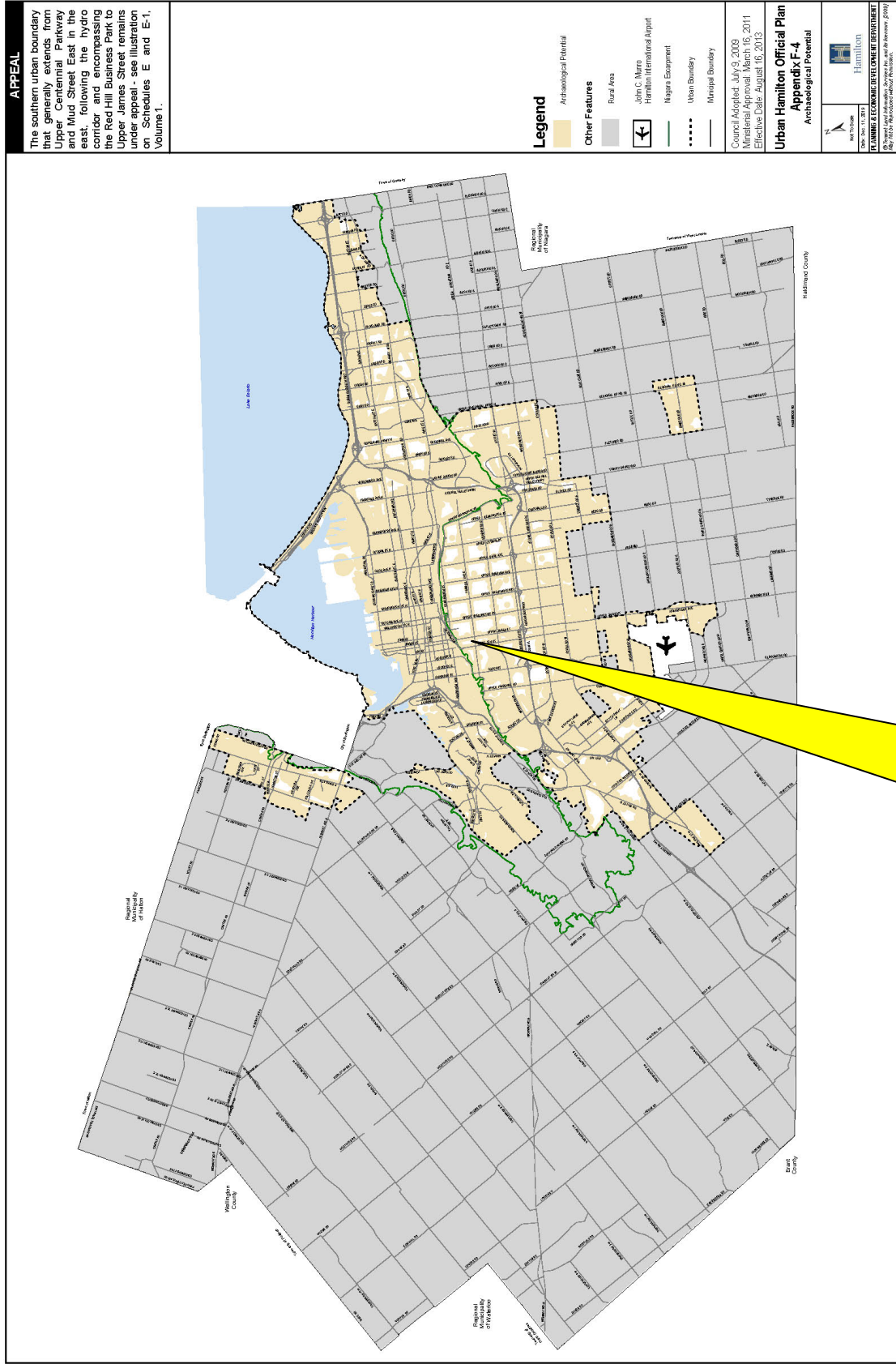
Approx. Location
of Subject Property

Appendix 'F' (Hamilton Urban Official Plan – Schedule E-1, Urban Land Use Designation)



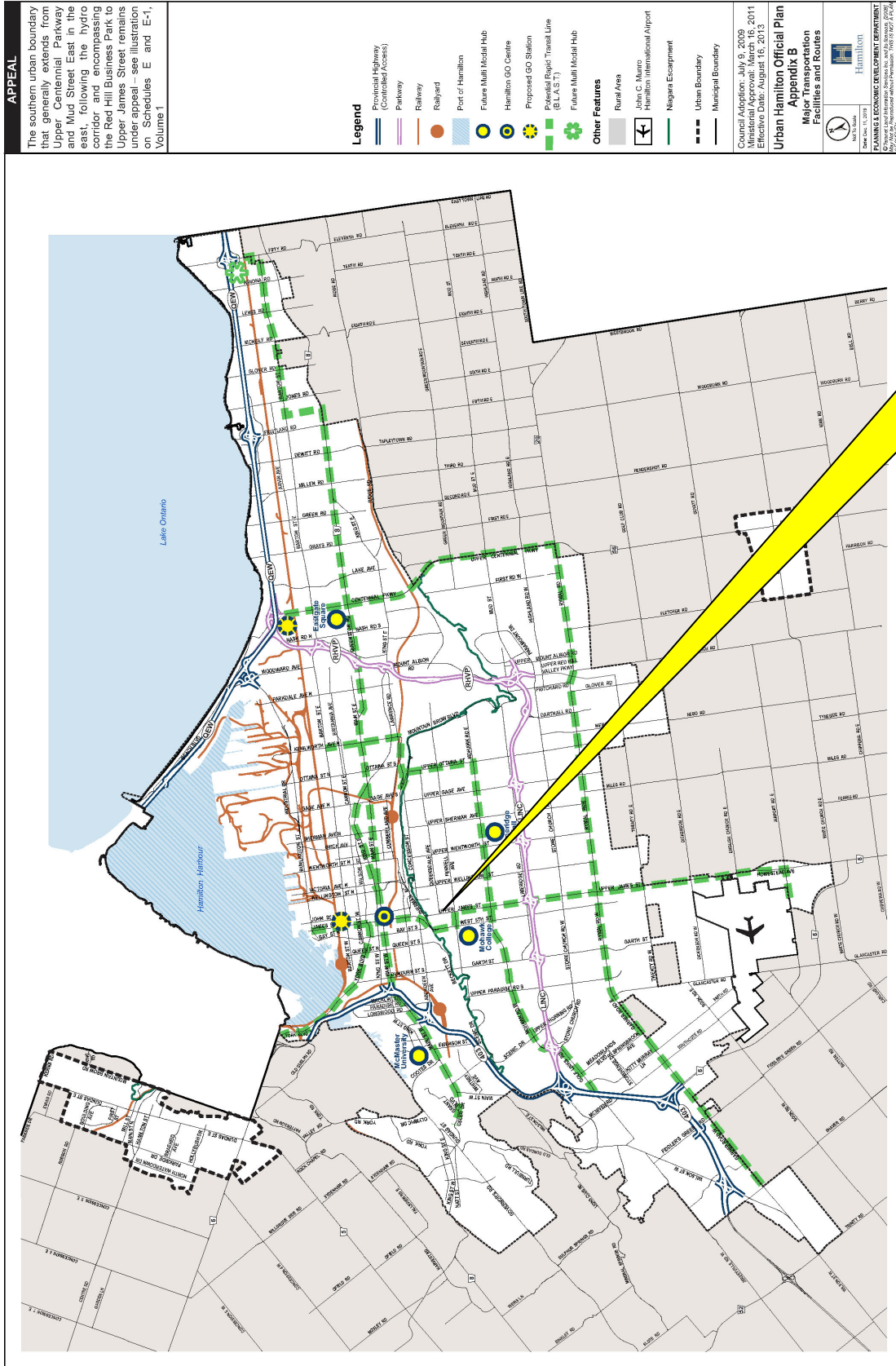
Approx. Location
of Subject Property

Appendix 'G' (Hamilton Urban Official Plan – Appendix F-4, Archaeological Potential)



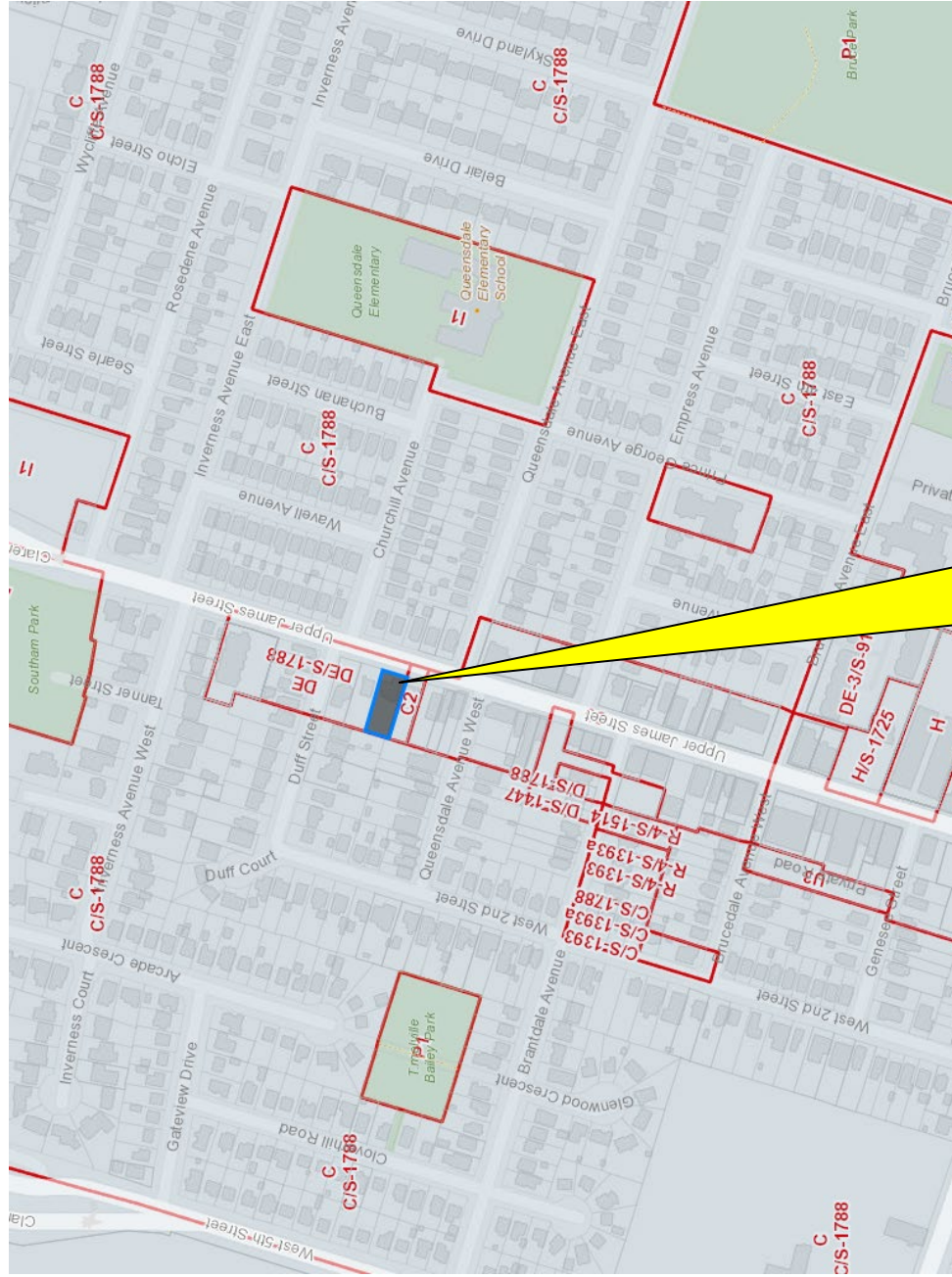
Approx. Location
of Subject Property

Appendix 'H'
(Hamilton Urban Official Plan – Appendix B, Major Transportation Facilities and Routes)



Appendix 'I'
(City of Hamilton – Interactive Zoning Map)

Zoning Boundaries: DE	
Zoning Code	DE
Zoning Description	Low Density Multiple Dwellings
Parent Bylaw Number	6593 Former Hamilton
Parent Bylaw URL	More info
Bylaw Number	
Bylaw URL	
Exception 1	DE/S-1788
Exception 1 Bylaw	19-307
Exception 1 URL	More info
Holding 1	
Holding Bylaw	
Holding URL	
Zoom to	



Subject Property



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

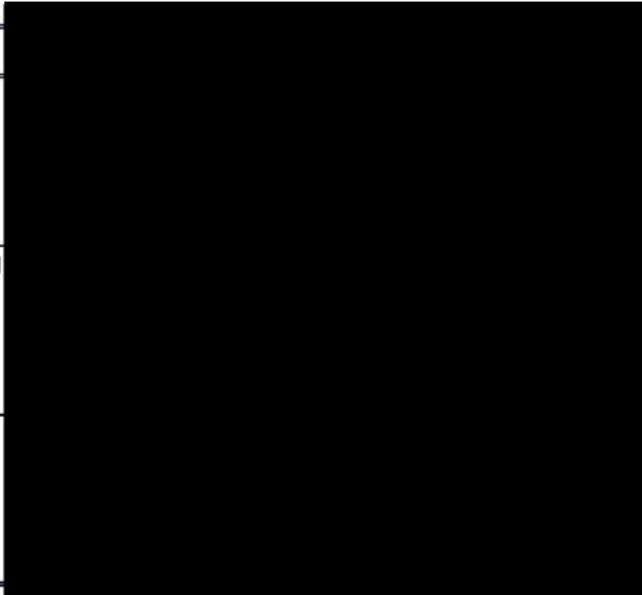
FOR OFFICE USE ONLY.	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	Aug 24

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
Registered Owners(s)	Oriyomi Holdings Inc.
Applicant(s)*	Urban in Mind Planning Consultants, C/O Terrance Glover
Agent or Solicitor	Terrance Glover, CPT, RPP



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:
George and Hess Properties
c/o Paul Ciardullo
120 Highgate Drive, Stoney Creek, ON L8J 3P2

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:

To redevelop the site with a new 3 storey 'Multiple Dwelling' building that will accommodate 6 residential units.

Secondary Dwelling Unit Reconstruction of Existing Dwelling

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

Minor adjustments need to be made to the existing zoning standards under Hamilton's Former Zoning By-Law to reflect today's expectations for a 'Multiple Dwelling' building on a primary corridor.

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**):

524-526 Upper James Street Hamilton, ON

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?

DSS identified potentially hazardous materials on site, residential neighbourhood

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.

2021/08/16

Date

Signature Property Owner(s)

Oriyomi Holdings Inc

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	17.2 m
Depth	45.1 m
Area	784.91 sq.m
Width of street	20.0 m

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: _

One storey former Triplex - approximately 170 sq.m. Building is an irregular shape roughly 14m x 14 m and +/- 3.5m tall

Building has been Condemned by the City

Proposed

3 Storey (11 m) 6 unit Residential Development with 6 parking spaces.
Ground Floor Area = 86.41m² Gross Floor Area = 737.23 m²

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

Existing:

One Building on the existing Lot. Front yard Setback = 4.88m, North Interior Side = 0.3m, South interior Side Yard = 3.1m , Rear Yard = 25.09 m

Proposed:

One (1) - 3 Storey Building. Front yard Setback = 4.84m, North Interior Side = 2m, South interior Side Yard = 2.0m , Rear Yard = 12.53 m

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.):
City Condemed Triplex
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Commercial Salon (South)
Multi-unit Residential (North)
17. Length of time the existing uses of the subject property have continued:
18. Municipal services available: (check the appropriate space or spaces)
- | | | | |
|----------------|-------------------------------------|-----------|-------------------------------------|
| Water | <input checked="" type="checkbox"/> | Connected | <input checked="" type="checkbox"/> |
| Sanitary Sewer | <input checked="" type="checkbox"/> | Connected | <input checked="" type="checkbox"/> |
| Storm Sewers | <input checked="" type="checkbox"/> | | |
19. Present Official Plan/Secondary Plan provisions applying to the land:
UHOP Designations - Neighbourhoods and along a Primary Corridor
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
ZB 6953 Zoned DE 'S-1788'
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
Subsequent Site Plan & Plan of Condominium Applications will be submitted alk
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.