



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

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-22:116	SUBJECT PROPERTY:	341 BARTON STREET E, HAMILTON
ZONE:	“D” and “C5A” (Urban protected Residential One and Two Family Dwellings and Mixed Use Density – Pedestrian Focus)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593 City of Hamilton 05-200, as Amended 17-240

APPLICANTS: Owner Malleum Core Partners
Agent Michael Barton

The following variances are requested:

Lands to be Conveyed (Hamilton Zoning By-Law No. 6593):

1. A minimum front yard depth of 3.0 m shall be maintained instead of the minimum required front yard depth of 6.0m; and
2. A minimum northerly side yard width of 0.5 m shall be maintained instead of the minimum required side yard width of 1.2m; and
3. A minimum rear yard depth of 1.1 m shall be provided from the newly created lot line to the basement entrance instead of the minimum required rear yard depth of 7.5 m; and
4. A minimum lot width of 9.4 m shall be maintained instead of the minimum required lot width of 12.0 m; and
5. A minimum lot area of 175.0 sq. m. shall be provided instead of the minimum required lot area of 360.0 sq. m; and
6. A roofed over unenclosed front porch including stairs shall be permitted to encroach the entire depth of the front yard and be 0.0 m from the front lot line instead of the maximum permitted encroachment of 3.0 m into a required front yard while providing a minimum distance of 1.5 m from the front lot line; and

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7. A minimum of one parking space shall be provided on site instead of the minimum required 2 parking spaces.
8. No manoeuvring space shall be provided on site instead of the minimum required 6.0 m.

Lands to be Retained (Hamilton zoning By-Law No. 05-200):

9. Zero setback shall be maintained on the northerly lot line where the new lot line is to be created abutting 283 Emerald Street North for the existing mixed use building located on the lands known as 341 Barton Street East whereas the By-Law requires a minimum side yard setback of 7.5 m abutting a residential or institutional zone or lot containing a residential use; and
10. No planting strip shall be provided where a property lot line abuts a property lot line within a Residential Zone instead of the minimum required 1.5 m wide planting strip.
11. No visual barrier shall be provided abutting a property lot line within a Residential Zone instead of the requirement in the By-Law which states that a visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, downtown (D5) Zone or Downtown (D6) Zone property line in Accordance with the requirements of Section 4.19 of this By-Law.

Lands to be Retained (Hamilton Zoning By-Law No. 6593):

12. No parking shall be required to be provided for the existing mixed-use building on the lands Zoned "D" Urban Protected Residential One- and Two-Family Dwellings notwithstanding that the use is not permitted.

PURPOSE & EFFECT: To permit the creation of two parcels of land through land severance application HM/B-22:27 notwithstanding that;

Notes:

These variances are necessary to facilitate land severance application HM/B-22: 27.

Variances for 283 Emerald Street North have been written as requested by the applicant.

Please note that the requested variances for the existing building known as 341 Barton Street East are not required for the building abutting a street as the "C5a" Zone Regulations state that a maximum building setback from a Street Line is 3.0 m for the first storey; however, an interior side yard setback variance is required for the mixed use building on the northerly lot line where the new lot line is to be created abutting 283 Emerald Street North.

Please note that the applicant has requested a variance to permit zero parking on the portion of the lands zoned "D" and shown as Part 3 noted as existing surface parking and vehicle circulation area. Should the area be used for parking further zoning review/variances will be required.

An Encroachment Agreement with the Public Works Department may be required for the existing overhangs, exhaust vent, existing air conditioning units, sign encroachment, building overhangs, existing

HM/A-22:116

bay windows, and steps all shown to encroach on the Road Allowance. For further information, please contact encroachment@hamilton.ca.

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Thursday, July 28, 2022
TIME:	2:50 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

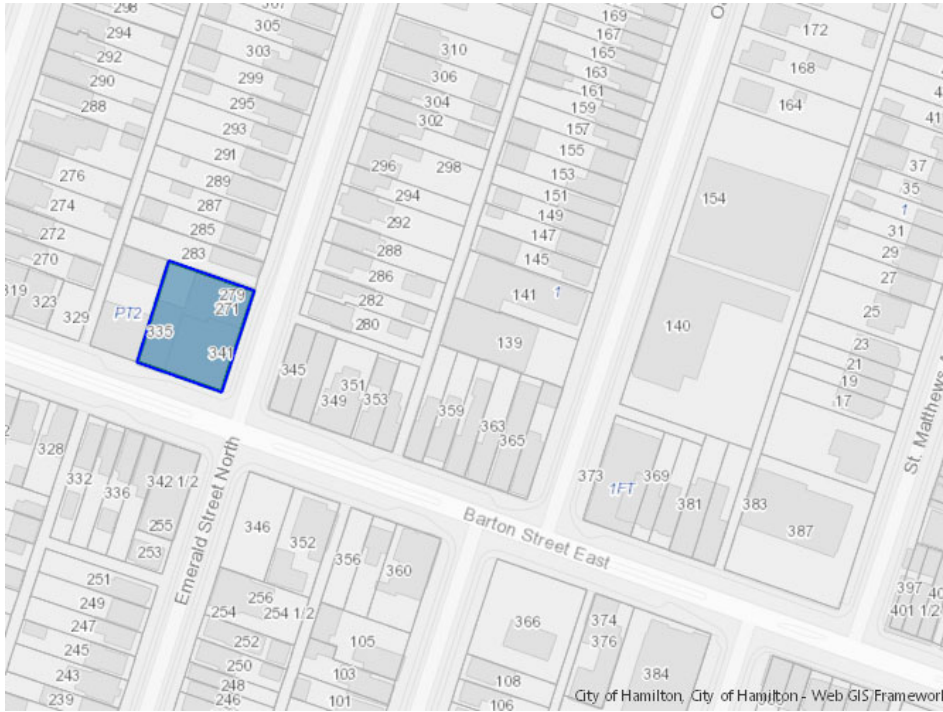
For more information on this matter, including access to drawings illustrating this request and other information submitted:

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.



 Subject Lands

DATED: July 12, 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, and may include posting electronic versions.



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PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.

**Planning Justification Report
341 Barton Street East & 283 Emerald Street North**

Prepared for:

**The City of Hamilton
October 2021**

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1. Introduction and Overview

1.1 *Qualifications and Expertise*

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

1.2 *Retainer*

I have been retained by the Owner of 341 Barton Street East and 283 Emerald Street North in Hamilton. These properties have merged on title to form the “Subject Property”. I have prepared this Planning Justification Report in support of a proposed consent to sever the existing single detached dwelling at 283 Emerald Street North (the “conveyed lands”) from 341 Barton Street East and the balance of the Subject Property (the “retained lands”).

1.3 *Background*

The Subject Property includes a single detached dwelling (283 Emerald Street North) and multi-storey mixed use building (341 Barton Street East) that are situated on properties that have merged on title. The proposal includes consent to sever the single detached dwelling and existing driveway from the balance of the Subject Property through creation of a new lot. The conveyed lands will include only the single detached dwelling and the residential lot while the retained lands will include the mixed use building and surface parking area. No changes are proposed to the built form or land use character of these lands. In addition to the consent, a minor variance application has been submitted to reflect the existing built form conditions on the severed and retained lands.

1.4 *Summary of Land Use Planning Opinion*

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

- Satisfies the criteria under section 51(24) of the Planning Act;

- Is consistent with the applicable policies of the Provincial Policy Statement, 2020;
- Conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe; and
- Conforms to the Urban Hamilton Official Plan, including policies related to land division.

It is also my opinion that the requested minor variances:

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

1.5 Recommendations

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

2. Existing Conditions and Context

2.1 Site Location and Existing Conditions

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

- A 2-storey single detached dwelling known municipally as 283 Emerald Street North, which includes parking in the existing driveway to the south of the dwelling;
- A multi-storey mixed use building known municipally as 341 Barton Street North that includes ground floor retail with above grade residential uses;
- A surface parking lot located west (to the rear) of these existing structures.

The only available parking for the single detached dwelling is located in the driveway at the front and side of the dwelling. The surface parking area is available only to the mixed use building and is accessed via a laneway that connects to Barton Street East, just west of Emerald Street North.

These addresses have merged on title to form the Subject Property. **Figure 3** provides an aerial view of the subject property and surrounding area. **Figure 4** and **Figure 5** include street views of the existing mixed use building and single detached dwelling.

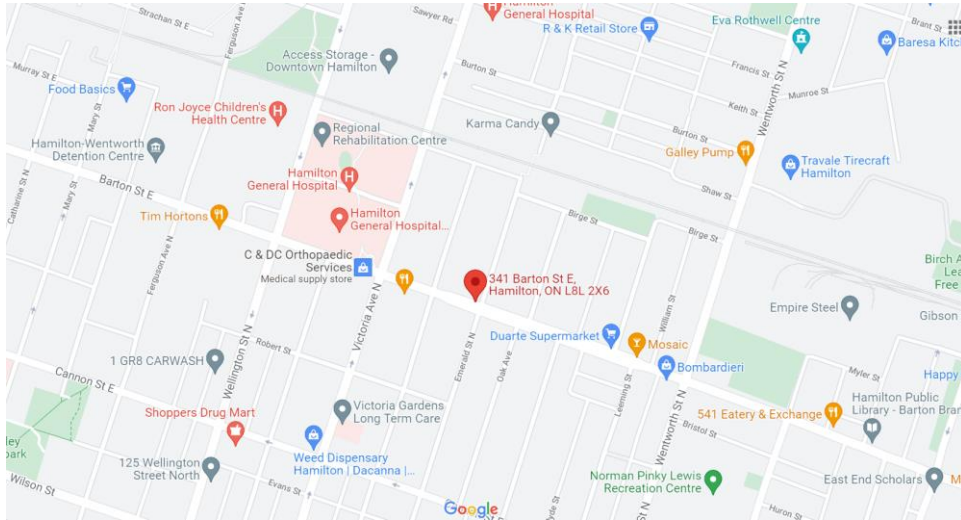


Figure 1 – Site Location

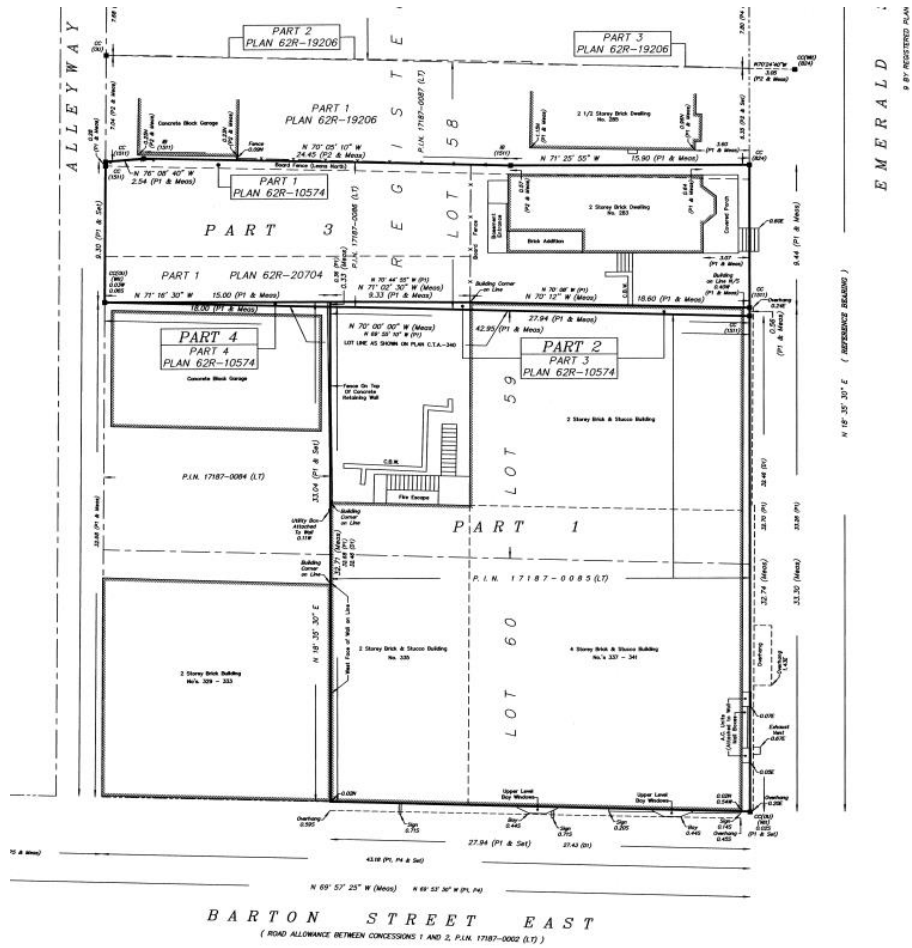


Figure 2 – Existing Property Survey



Figure 3 – Aerial View of Subject Property and Surrounding Uses



Figure 4 – Mixed Use Building at Northwest Corner of Barton/Emerald

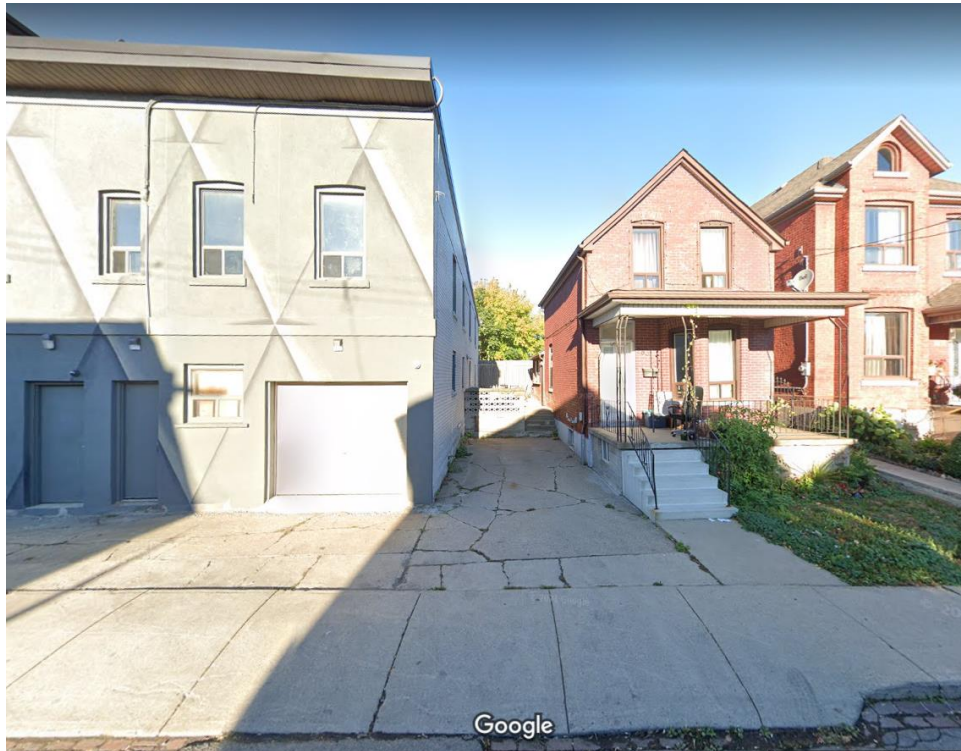


Figure 5 – Mixed Use Building and Detached Dwelling at 283 Emerald Street North

2.2 Surrounding Uses and Built Form

The subject property is surrounded by the following uses:

- To the north: Single detached dwellings on Emerald Street North (**Figure 6**);
- To the south: Mixed use building on the southwest corner of Barton/Emerald intersection (**Figure 7**);
- To the east: Mixed use building on northeast corner of Barton/Emerald intersection (**Figure 8**); and
- To the west: Mixed use building and laneway (**Figure 9**).



Figure 6 – Single Detached Dwellings to North of Subject Property

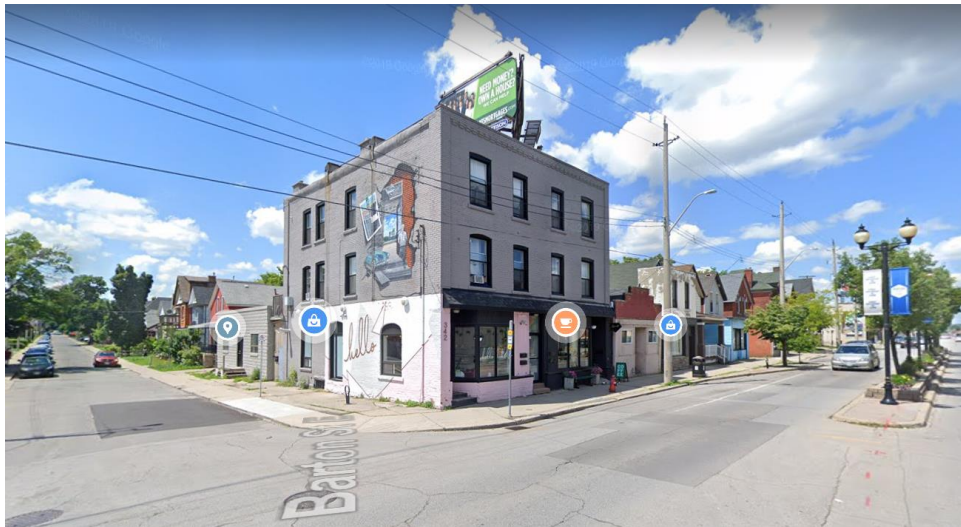


Figure 7 – Mixed Use Building to South of Subject Property



Figure 8 – Mixed Use Building to East of Subject Property

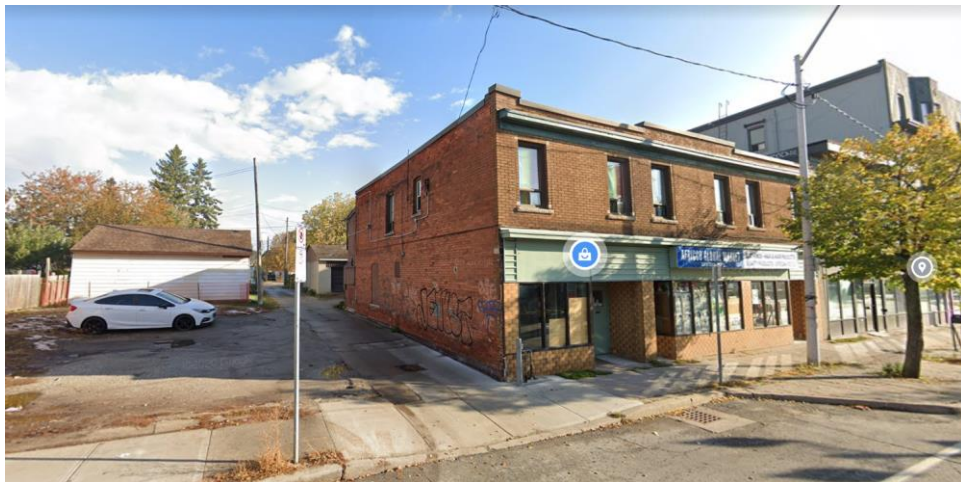


Figure 9 – Mixed Use Building and Laneway to West of Subject Property

2.3 Existing Land Use Designations

2.3.1 Urban Hamilton Official Plan

Figure 10 includes an excerpt from Urban Hamilton Official Plan Schedule E-1 and indicates that the portion of the Subject Property occupied by the mixed use building is designated “Mixed Use – Medium Density” while the single detached dwelling is designated “Neighbourhoods”. Schedule E of the Official Plan designates the Subject Property a part of the “Neighbourhoods” structural element.

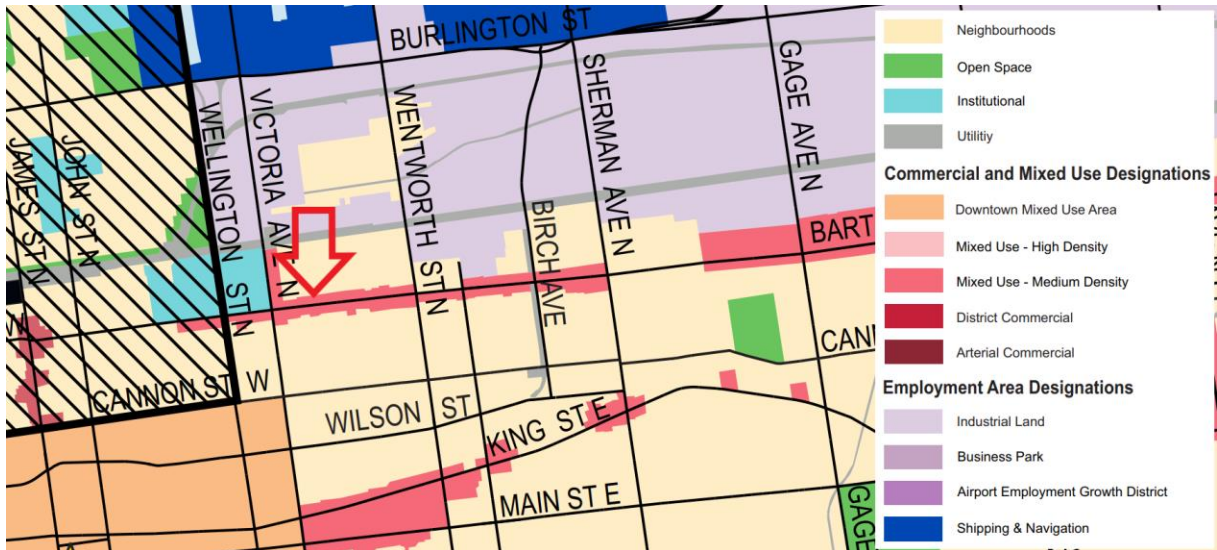


Figure 10 – Excerpt from Schedule E-1 of the Urban Hamilton Official Plan

2.3.2 City of Hamilton Zoning By-Law 05-200

As illustrated in **Figure 11**, the mixed use building and portion of the surface parking area on Subject Property is zoned “Mixed Use Medium Density - Pedestrian Focus (C5a)” under Zoning By-Law 05-200. The single detached dwelling at 283 Emerald Street North is zoned “Urban Protected Residential - One And Two Family Dwellings, Etc. (D)” under former City of Hamilton Zoning By-Law 6593.

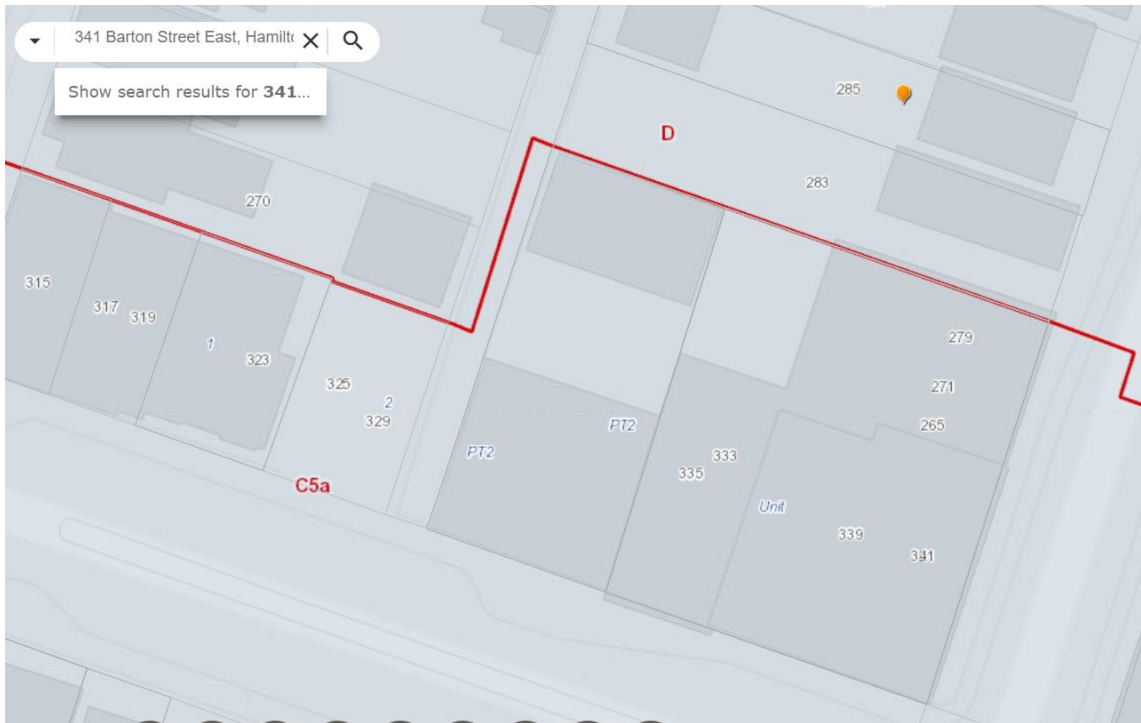
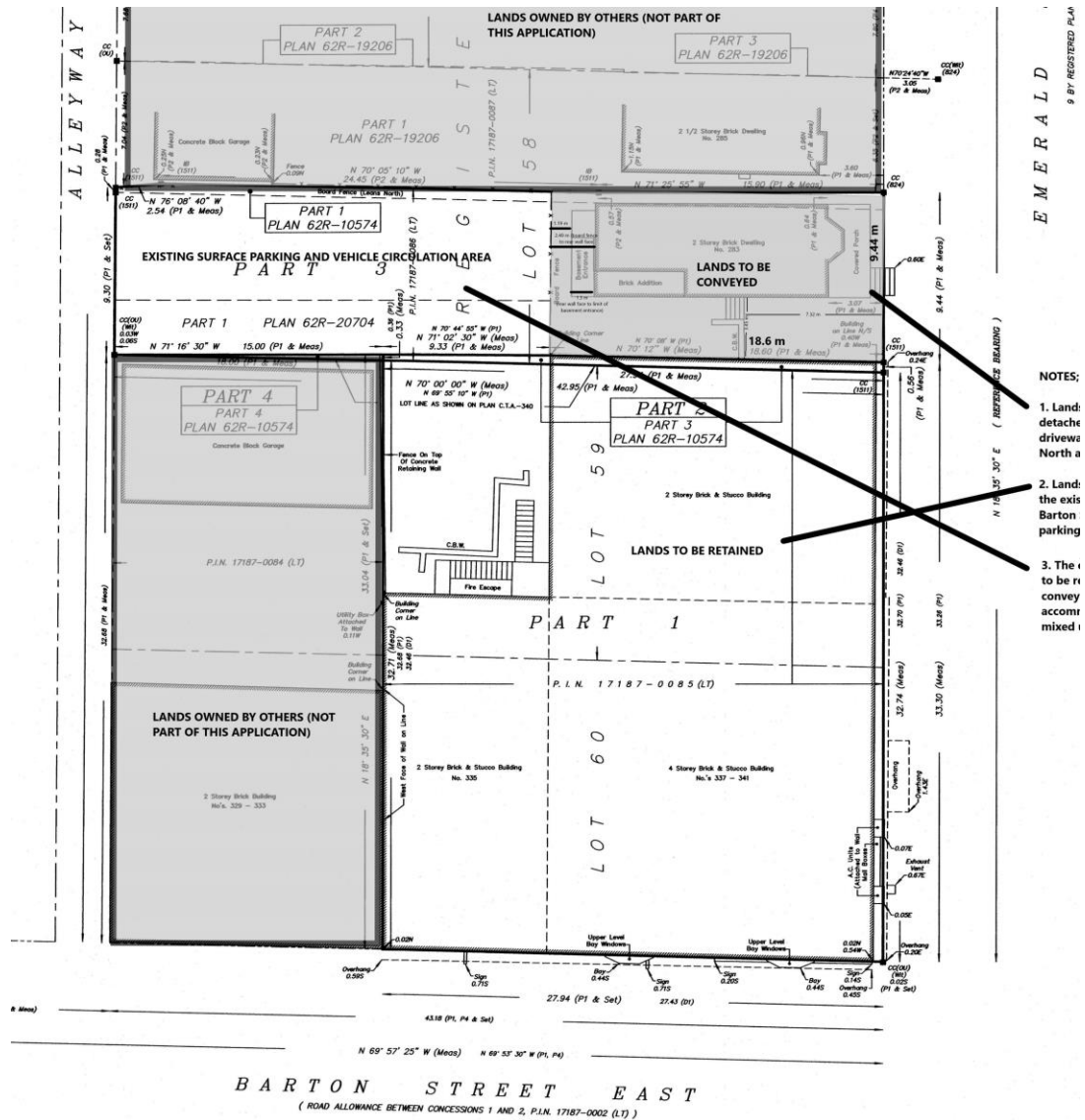


Figure 11 – Zoning By-Law Designation on Subject Property

3. Development Proposal

3.1 Proposal Details

The proposal for the Subject Property involves an application to sever the lot containing the existing single detached dwelling and driveway from the balance of the property, as illustrated in the excerpt from the severance reference plan in **Figure 12**. The intent is that the north limit of the mixed use building will form a new property line shared with the single detached dwelling with no building encroachment. There will be no change to the existing structures or uses on the conveyed or retained lands. This proposal will allow the dwelling to function independently on the conveyed lands as part of the adjacent residential neighbourhood. The existing surface parking area to the west of the single detached dwelling (which is currently inaccessible from 283 Emerald Street North) and the parking area located to the northwest of the mixed use building will remain with the retained lands for use by the mixed use building. This will maximize the surface parking available for the mixed use building, while also keeping in mind the pedestrian focus of the current zoning.



- NOTES:**
1. Land: detached driveway North a
 2. Land: the exis Barton parking
 3. The t to be r convey accom mixed i

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

- The Subject Property represents a merger under the Planning Act of previously separately registered properties; the proposed consent will establish separate parcels for the single detached dwelling and mixed use building and allow for separate ownership and use of these structures and properties;
- The conveyed lands and single detached dwelling will be appropriately integrated into the “D” zoning under By-Law 6593 of the surrounding residential area with the mixed use building and surface parking area functioning within the C5a zoning;

- The two structures on the property are legally recognized with separate addresses and separate MPAC assessments and tax roll numbers, but have merged under the Planning Act;
- The consent application is also required to legally recognize the mixed use building and existing rear surface parking area as forming one property (retained lands), with the single detached dwelling, driveway and lot area east of the existing board fence to the rear of the dwelling forming a separate property (conveyed lands);
- The existing structures on both the conveyed and retained lands will be maintained in their current form, and these structures existed at the time the properties merged; and
- There is existing transit service and stops, as well as sidewalks and surface and on-street parking in close proximity to the Subject Property that will facilitate transit and active modes of transportation.

3.2 Land Use Planning Applications

An application has been submitted to the City of Hamilton for consent to sever the Subject Property to establish separate parcels for the detached dwelling at 283 Emerald Street North and the mixed use building and surface parking area on the balance of the property. No changes are proposed on either the severed or retained lands and the requested minor variances are required to reflect existing built form conditions. The following minor variances are requested to facilitate the proposed consent and maintain the existing built form conditions:

Conveyed lands

- To permit a minimum front yard setback (Emerald Street North) of 3.07 metres (existing condition);
- To permit a minimum interior side yard setback of 0.57 metres (existing condition);
- To permit minimum rear yard setback of less than 7.5 metres (existing condition – 2.49 metres from board fence on proposed property line to rear wall face of existing dwelling; 1.19 metres from board fence to basement entrance; basement entrance projects 1.3 metres from rear wall face);
- To permit minimum lot width of 9.44 metres;
- To permit minimum lot area of 175 m²;
- To permit covered porch encroachment of 2.67 metres into existing front yard setback of 3.07 metres;
- To permit encroachment of porch stairs onto Emerald Street North of 0.60 metres (existing condition);
- To permit 1 parking space (existing space of 3.45 m by 7.32 m) while 2 spaces per single detached dwelling unit are required (existing condition); and
- To permit the required parking space to be located 0 metres from the street line.

Retained lands (C5a zoning)

- To permit zero parking spaces to reflect the existing surface parking supply as the maximum required parking (NOTE: parking spaces are not currently striped but the main portion of the parking area is 24.33 metres deep and 9.3 metres wide, which can accommodate four vehicle stalls of 5.8 metres deep organized in a parallel configuration);
- To permit a minimum front yard setback (Barton Street) of 0 metres (existing condition);
- To permit minimum interior side yard setback of 0 metres (existing condition);
- To permit a minimum exterior side yard setback (Emerald Street North) of 0 metres (existing condition);
- To permit a minimum rear yard setback of 0 metres (existing condition);
- To permit existing building overhangs to encroach Emerald Street North by up to 1.43 metres (existing condition);
- To permit existing exhaust vent to encroach Emerald Street North by 0.67 metres (existing condition);
- To permit existing air conditioning units to encroach into the exterior side yard 0.05 metres from the property line (Emerald Street North);
- To permit existing sign encroachments on Barton Street of up to 0.71 metres (existing condition);
- To permit existing building overhangs to encroach Barton Street by up to 0.59 metres (existing condition);
- To permit existing bay windows to encroach Barton Street by up to 0.44 metres (existing condition); and
- To permit a minimum planting strip of 0 metres where a property lot line abuts a property lot line within a Residential Zone.

4. Land Use Planning Analysis

4.1 Provincial Policy Context

4.1.1 Provincial Policy Statement, 2020

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

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

Policy Analysis Matrix – PPS 2020

Policy Section	Policy Analysis
<p>Part V: Policies</p> <p>1.0 Building Strong Healthy Communities</p> <p>1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns</p> <p>1.1.1 Healthy, liveable and safe communities are sustained by:</p> <p>a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;</p> <p>b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;</p> <p>c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;</p> <p>d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;</p> <p>e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;</p> <p>f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;</p> <p>g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;</p> <p>h) promoting development and land use patterns that conserve biodiversity; and</p> <p>i) preparing for the regional and local impacts of a changing climate.</p>	<ul style="list-style-type: none"> • The development proposal will maintain the single detached dwelling unit and second floor dwelling units in the mixed use building while separating these uses onto separate parcels; • The proposed dwelling units are and will remain connected to existing municipal services already installed and available in the community; • The proposal will provide opportunities for separate owners to undertake enhancement of the existing uses and increase their positive contribution and support to the community; • The maintenance of the existing residential units on separate properties with the addition of no new on-site parking spaces represents efficient land use that is transit-supportive and also compatible with the existing land use and built form character of the surrounding area.
<p>1.1.3 Settlement Areas</p> <p>Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario’s settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available. The</p>	<ul style="list-style-type: none"> • The Subject Property is located within the existing Urban Area is located within the “Mixed Use – Medium Density” designation under the Urban Hamilton Official Plan; the Subject Property is also located within the “Neighbourhoods” community structure;

<p>vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities.</p> <p>Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.</p> <p>1.1.3.1 Settlement areas shall be the focus of growth and development.</p> <p>1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:</p> <ul style="list-style-type: none"> 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; c) minimize negative impacts to air quality and climate change, and promote energy efficiency; d) prepare for the impacts of a changing climate; e) support active transportation; f) are transit-supportive, where transit is planned, exists or may be developed; and g) are freight-supportive. <p>Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.</p> <p>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.</p> <p>1.1.3.5 Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. However, where provincial targets are established through provincial plans, the provincial target shall represent the minimum target for affected areas.</p> <p>1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.</p>	<ul style="list-style-type: none"> • The proposal will make more efficient use of an existing property located on a primary corridor and in a pedestrian-focus zone; • The proposed severance in conjunction with maintaining the existing parking supply on the conveyed and retained lands will facilitate the objectives of “Transit-Supportive” development and “Active Transportation” as defined in Section 6.0; • The proposal represents compact land use and built form character that respects the quality and character of the surrounding community, including the mix of uses, minimal building setbacks and lack of on-site parking.
<p>1.3 Employment</p> <p>1.3.1 Planning authorities shall promote economic development and competitiveness by:</p>	<ul style="list-style-type: none"> • The proposal will maintain the existing ground floor commercial area on the retained lands; • The existing structures on the conveyed and retained lands cover a significant portion of these lands and represent compact and transit-supportive built form

<p>a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;</p> <p>b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;</p> <p>c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;</p> <p>d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4; and</p> <p>e) ensuring the necessary infrastructure is provided to support current and projected needs.</p>	<p>that will support the pedestrian focus for this area;</p> <ul style="list-style-type: none"> • The proposal will separate the detached dwelling from the mixed use building but maintain the mix of uses in the community; • The conveyed and retained lands will utilize existing services and infrastructure; • The proposed severance will not adversely impact the parking supply available to the conveyed and retained lands relative to existing conditions.
<p>1.4 Housing</p> <p>1.4.1 To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:</p> <p>a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and</p> <p>b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans. Upper-tier and single-tier municipalities may choose to maintain land with servicing capacity sufficient to provide at least a five-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.</p> <p>1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:</p> <p>a) establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;</p>	<ul style="list-style-type: none"> • The proposal will maintain range of housing options on the Subject Property and available in the community in close proximity to transit service and infrastructure supportive of active modes of transportation; • The proposed density and built form character are compatible with the surrounding community, including the building setbacks and proposed parking supply; and • The proposed built form and density is transit-supportive and will make efficient use of existing services and infrastructure.

<p>b) permitting and facilitating:</p> <ol style="list-style-type: none"> 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; <p>c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;</p> <p>d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;</p> <p>e) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and</p> <p>f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.</p>	
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It is my opinion that the development proposal is consistent with PPS 2020 on the following basis:

- The proposal represents efficient and compact use of land and available municipal services in an existing mixed use community that abuts a low density residential community;
- The proposal will maintain the number and range of dwelling types available in the community, along with commercial floor area that is available for immediate employment use;
- The proposed lots and structures will be compatible with the existing land use and built form character of the surrounding area, including setbacks and lack of on-site parking supply; and
- The proposal supports objectives for transit and active transportation, particularly given the location of the Subject Property in close proximity to existing transit corridors and use of existing on-site parking opportunities.

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

The Growth Plan for the Greater Golden Horseshoe 2019 was prepared and approved under the Places to Grow Act, 2005 to take effect on May 16, 2019. Amendment 1 (2020) to the Growth Plan for the Greater Golden Horseshoe 2019 was approved by the Lieutenant Governor in Council, Order in Council No 1244/2020 to take effect on August 28, 2020. As set out in Section 1.2.2 of this Plan, all decisions in respect of the

exercise of any authority that affects a planning matter will conform with this Plan, subject to any legislative or regulatory provisions providing otherwise.

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

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

Policy Section	Policy Analysis
<p>Section 1.2.1 Guiding Principles</p> <ul style="list-style-type: none"> • Support the achievement of complete communities that are designed to support healthy and active living and meet people’s needs for daily living throughout an entire lifetime. • Prioritize intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability. • Support a range and mix of housing options, including additional residential units and affordable housing, to serve all sizes, incomes, and ages of households. • Protect and enhance natural heritage, hydrologic, and landform systems, features, and functions. 	<p>The development proposal is supportive of these Guiding Principles for the following reasons:</p> <ul style="list-style-type: none"> • The proposal will intensify land use while maintaining the existing residential density and commercial floor area, which will ensure compatibility of land use in the established urban area and mixed use neighbourhood; • The proposal seeks to maintain existing built form character with minimal building setbacks and no on-site parking as opposed to providing new surface parking and open space characteristics; • There are no natural heritage features on or adjacent to the Subject Property that will be impacted by the proposal; • The proposal supports the concept of “complete communities” per the following definition from Section 6.0: <p>Complete Communities: Places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities. Complete communities are age-friendly and may take different shapes and forms appropriate to their contexts.</p>
<p>2.2 Policies for Where and How to Grow</p> <p>2.2.1 Managing Growth</p> <p>2. Forecasted growth to the horizon of this Plan will be allocated based on the following:</p> <p>a) the vast majority of growth will be directed to settlement areas that:</p> <ul style="list-style-type: none"> 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; <p>c) within settlement areas, growth will be focused in:</p> <ul style="list-style-type: none"> i. delineated built-up areas; 	<ul style="list-style-type: none"> • The Subject Property is an appropriate location for growth and intensification due to its location in the existing urban area and in close proximity to transit corridors; • The development proposal will connect to and make efficient use of existing municipal services; • The proposal will facilitate “compact built form” per the following definition: <p>Compact Built Form: A land use pattern that encourages the efficient use of land, walkable neighbourhoods, mixed land uses (residential, retail, workplace, and institutional) all within one neighbourhood, proximity to transit and reduced need for infrastructure. Compact built form can include detached and semi-detached houses on small lots as well as townhouses and walk-up apartments, multi-storey commercial developments, and apartments or offices above retail. Walkable</p>

<p>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;</p> <p>d) development will be directed to settlement areas, except where the policies of this Plan permit otherwise; e) development will be generally directed away from hazardous lands; and f) the establishment of new settlement areas is prohibited.</p> <p>4. Applying the policies of this Plan will support the achievement of complete communities that:</p> <p>a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities; 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 additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes; d) expand convenient access to:</p> <p style="padding-left: 20px;">i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation; ii. public service facilities, co-located and integrated in community hubs; iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and iv. healthy, local, and affordable food options, including through urban agriculture;</p> <p>e) provide for a more compact built form and a vibrant public realm, including public open spaces; f) mitigate and adapt to the impacts of a changing climate, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; and g) integrate green infrastructure and appropriate low impact development.</p>	<p>neighbourhoods can be characterized by roads laid out in a well-connected network, destinations that are easily accessible by transit and active transportation, sidewalks with minimal interruptions for vehicle access, and a pedestrian-friendly environment along roads to encourage active transportation.</p>
<p>2.2.6 Housing</p> <p>1. Upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:</p> <p>a) support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:</p> <p>i. identifying a diverse range and mix of housing options and densities, including additional residential units and affordable</p>	<ul style="list-style-type: none"> • The development proposal will maintain the range and availability of housing options in the community in a manner that is consistent and compatible with the built form and land use character. • The proposed severance will allow for separate ownership and operation of the detached dwelling and mixed use building, and encourage enhancement of these uses.

<p>housing to meet projected needs of current and future residents; and</p> <p>ii. establishing targets for affordable ownership housing and rental housing;</p>	
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It is my opinion that the development proposal and Committee of Adjustment applications conform to the applicable policies of the Growth Plan for the following reasons:

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

4.2 *Municipal Policy Context*

4.2.1 Urban Hamilton Official Plan

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

Policy Matrix – Urban Hamilton Official Plan

Policy Section	Policy Analysis
<p>2.4 Residential Intensification</p> <p>2.4.1 General Residential Intensification Policies</p> <p>2.4.1.1 Residential intensification shall be encouraged throughout the entire built-up area, in accordance with the policies of Chapter E – Urban Systems and Designations and Chapter F – Implementation.</p> <p>2.4.1.2 The City’s primary intensification areas shall be the Urban Nodes and Urban Corridors as illustrated on Schedule E – Urban Structure and as further defined in secondary plans and corridor studies for these areas, included in Volume 2.</p> <p>2.4.1.3 The residential intensification target specified in Policy A.2.3.3.4 shall generally be distributed through the built-up area as follows:</p>	<ul style="list-style-type: none"> • The number of dwelling units and residential density across the Subject Property will not change under the proposal. The conveyed and retained lands will have different residential density than the Subject Property under current conditions, but there will be no change in the built form character relative to existing conditions. • The built form on the conveyed and retained lands will be more compact in the sense that new setbacks are being created. However, the existing character of the built form will be maintained. • There is currently limited on-site parking available for the detached dwelling and mixed use building. Therefore, the proposal maintains this existing condition, which supports transit and active modes of transportation while also relying on existing on-street and off-street parking opportunities in the

<p>a) The Downtown Urban Growth Centre shall be planned to accommodate approximately 20% of the intensification target.</p> <p>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.</p> <p>c) 40% of the residential intensification target is anticipated to occur within the Neighbourhoods as illustrated on Schedule E – Urban Structure.</p> <p>2.4.1.4 Residential intensification developments shall be evaluated based on the following criteria:</p> <p>a) a balanced evaluation of the criteria in b) through g), as follows;</p> <p>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;</p> <p>c) the development’s contribution to maintaining and achieving a range of dwelling types and tenures;</p> <p>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;</p> <p>e) the development’s contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;</p> <p>f) infrastructure and transportation capacity; and,</p> <p>g) the ability of the development to comply with all applicable policies.</p>	<p>surrounding community.</p> <ul style="list-style-type: none"> • There will be no net increase in parking demand or requirements associated with the proposal relative to the residential units under existing conditions. • The Subject Property is located on in an appropriate location for intensified land use and uses that rely on transit and active modes of transportation with no on-site parking. • The proposal maintains the existing land use and built form character in a manner that is also more compact and also supportive of transit and active modes of transportation.
<p>Urban Systems and Designations (Chapter E)</p> <p>Section E.1.0 sets out goals for the urban systems and land use designations of UHOP, including the following:</p> <p>a) Designate land uses to facilitate the development of a node and corridor based urban structure.</p> <p>b) Support and facilitate development and investment that contributes to the development of the overall urban structure.</p> <p>c) Develop compact, mixed use urban environments that support transit and active transportation.</p> <p>d) Develop complete communities where people can live, work, learn, and play.</p> <p>e) Plan and designate lands for a range of housing types and densities, taking into account affordable</p>	<ul style="list-style-type: none"> • The proposal supports compact built form in a manner that is consistent and compatible with the existing land use and built form character of the community. • The compact built form character and lack of on-site parking support and encourage use of transit and active modes of transportation, which are directly accessible. • The existing residential units and commercial floor area will be maintained in their current form for continued use.

<p>housing needs.</p> <p>f) Promote and support design which enhances and respects the character of existing neighbourhoods and creates vibrant, dynamic, and liveable urban places.</p> <p>g) Promote and support appropriate residential intensification throughout the urban area and focused in Urban Nodes and Urban Corridors.</p> <p>h) Recognize that Hamilton’s neighbourhoods are stable, not static.</p> <p>i) Protect and enhance a system of linked natural areas.</p> <p>j) Protect Hamilton’s existing and planned Employment Areas.</p> <p>Section 2.1 further stresses that Hamilton’s urban structure shall be a node and corridor structure guided by the following general principles:</p> <p>a) Nodes and corridors are the focus of reurbanization activities (i.e. population growth, private and public redevelopment, and infrastructure investment).</p> <p>b) Nodes and corridors provide focal points of activity for Hamilton’s local communities and neighbourhoods.</p> <p>c) Nodes and corridors are connected to each other and are internally served by various modes of transportation, including higher order transit.</p> <p>d) Nodes and corridors provide a vibrant pedestrian environment and facilitate active transportation through careful attention to urban design.</p> <p>e) Nodes and corridors evolve with higher residential densities and mixed use developments to achieve their planned functions and support transit.</p>	
<p>3.3 Urban Design Policies</p> <p>3.3.1 Urban Design Goals</p> <p>The following goals shall apply in the urban area:</p> <p>3.3.1.1 Enhance the sense of community pride and identification by creating and maintaining unique places.</p> <p>3.3.1.2 Provide and create quality spaces in all public and private development.</p> <p>3.3.1.3 Create pedestrian oriented places that are safe, accessible, connected, and easy to navigate for people of all abilities.</p> <p>3.3.1.4 Create communities that are transit-supportive and</p>	<ul style="list-style-type: none"> • The proposal will maintain the current built form on Subject Property and provide opportunities for enhancement and/or redevelopment of the conveyed and retained lands through separate ownership. • The existing structures will cover significant portions of both the conveyed and retained lands, providing limited on-site parking, which will encourage use of transit and active modes of transportation. • The proposal will support the existing transit, cycling and pedestrian infrastructure directly adjacent to the Subject Property, as well as existing on-street and off-street parking facilities. • Separating the existing detached dwelling and mixed use building allows for separate ownership and operation to make changes over time to accommodate current and future needs.

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.

3.3.1.9 Encourage innovative community design and technologies.

3.3.1.10 Create urban places and spaces that improve air quality and are resistant to the impacts of climate change.

3.3.2 General Policies and Principles

This subsection contains policies describing general design principles and directions that contribute to the achievement of the goals stated in Section B.3.3.1. The successful integration of new development and redevelopment of in the urban area and its integration with surrounding neighbourhoods requires the form of development to follow appropriate urban design principles. Every design direction will not apply in all situations.

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,
- c) be in accordance with the applicable policies of Chapter E – Urban Systems and Designations, secondary plans, specific design studies and other plans or studies that make specific design recommendations.

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.

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;

- The surrounding community will experience no changes in land use or built form as a result of the proposed severance and minor variances.
- The proposal is appropriate in the context of the Subject Property in a pedestrian-focus area transit-oriented corridor zone in that the result will be compact and efficient land use relying on transit and active modes of transportation.
- The reduced setbacks and encroachments facilitate appropriate built form that establishes and protects the streetscape and the context of the existing structures to one another and the structures on surrounding properties.

- b) promoting quality design consistent with the locale and surrounding environment;
- c) recognizing and protecting the cultural history of the City and its communities;
- d) conserving and respecting the existing built heritage features of the City and its communities;
- e) conserving, maintaining, and enhancing the natural heritage and topographic features 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;
- h) respecting prominent sites, views, and vistas in the City; and,
- i) incorporating public art installations as an integral part of urban design.

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;
- d) creating streets as public spaces that are accessible to all;
- e) creating a continuous animated street edge in urban environments;
- f) including transitional areas between the public and private spaces where possible through use of features such as landscaping, planters, porches, canopies, and/or stairs;
- g) creating public spaces that are human-scale, comfortable, and publicly visible with ample building openings and glazing;
- h) creating, reinforcing, and emphasizing important public vistas and view corridors; and,
- i) minimizing excessive street noise and stationary noise source levels through the design, placement, and construction of buildings and landscaping.

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

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

3.3.2.8 Urban design should promote environmental sustainability by:

- a) achieving compact development and resulting built forms

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

- a) creating high quality, safe streetscapes, parks, and open spaces that encourage physical activity and active transportation;
- b) ensuring an equitable distribution of accessible and stimulating amenity areas, including the development of places for active and passive recreation uses; (OPA 142)
- c) encouraging development of complete and compact communities or neighbourhoods that contain a variety of land uses, transportation, recreational, and open space uses; and,
- d) reducing air, noise, and water pollution through the following:
 - i) facilitating and promoting the use of active transportation modes through building and site design;
 - ii) providing adequate green space, landscaped buffering, and storm water management facilities;
 - iii) using appropriate pavement treatments;

<p>iv) promoting energy efficient design of sites and buildings; and, v) promoting innovative construction materials and techniques.</p> <p>3.3.3 Built Form</p> <p>3.3.3.1 New development shall be located and organized to fit within the existing or planned context of an area as described in Chapter E – Urban Systems and Designations.</p> <p>3.3.3.2 New development shall be designed to minimize impact on neighbouring buildings and public spaces by:</p> <ul style="list-style-type: none"> 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. <p>3.3.3.3 New development shall be massed to respect existing and planned street proportions.</p> <p>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.</p> <p>3.3.3.5 Built form shall create comfortable pedestrian environments by:</p> <ul style="list-style-type: none"> 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, <p>e) using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas.</p>	
<p>Section 1.14 of Chapter F of UHOP provides policies for Division of Land.</p> <p>Section 1.14.3.1 includes the following criteria for permitting lot creation in the Urban Area and, more specifically, the Neighbourhoods Designation:</p> <ul style="list-style-type: none"> a) The lots comply with the policies of this Plan, including secondary plans, where one exists; b) The lots comply with existing Neighbourhood Plans; c) The lots are in conformity with the Zoning By-law or a minor variance is approved; d) The lots reflect the general scale and character of the 	<ul style="list-style-type: none"> • The requested minor variances will establish zoning conformity for lots and structures that are consistent and compatible with the existing land use and built form character of the Subject Property and surrounding community. • The proposed lots represent properties with separate municipal addresses, structures and uses, and tax roll numbers. • The lots are fully serviced and will make use of the existing servicing connections without requiring any extensions or upgrades. • The conveyed and retained lands will both have frontage on public roads.

<p>established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;</p> <p>e) The lots are fully serviced by municipal water and wastewater systems; and</p> <p>f) The lots have frontage on a public road.</p>	
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It is my opinion that the development proposal and Committee of Adjustment applications conform to the applicable policies of the Urban Hamilton Official Plan and should be approved on the following basis:

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

4.2.2 City of Hamilton Zoning By-Law 05-200

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

The information and opinion outlined in this report demonstrate that the proposed severance and minor variances will facilitate land use and built form that conforms to the Urban Hamilton Official Plan. While minor variances are required to the parking, building setback and other regulations, these minor variances reflect existing built form conditions and will establish compact, efficient and transit-supportive built form. Given that the minor variances will facilitate appropriate land use and built form character that is consistent with the existing neighbourhood and supports objectives for transit and active modes of transportation, it is my opinion that the requested minor variances maintain the general purpose and intent of the Zoning By-Law.

4.2.3 Authority to Grant Consents (Ontario Planning Act)

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

- a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
- b) whether the proposed subdivision is premature or in the public interest;
- c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- d) the suitability of the land for the purposes for which it is to be subdivided;
 - d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;
- e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- f) the dimensions and shapes of the proposed lots;
- g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- h) conservation of natural resources and flood control;
- i) the adequacy of utilities and municipal services;
- j) the adequacy of school sites;
- k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
- m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the *City of Toronto Act, 2006*.

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

- a) the protection of ecological systems, including natural areas, features and functions;
- b) the protection of the agricultural resources of the Province;

- c) the conservation and management of natural resources and the mineral resource base;
- d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- e) the supply, efficient use and conservation of energy and water;
- f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- g) the minimization of waste;
- h) the orderly development of safe and healthy communities;
(h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
- i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
- j) the adequate provision of a full range of housing, including affordable housing;
- k) the adequate provision of employment opportunities;
- l) the protection of the financial and economic well-being of the Province and its municipalities;
- m) the co-ordination of planning activities of public bodies;
- n) the resolution of planning conflicts involving public and private interests;
- o) the protection of public health and safety;
- p) the appropriate location of growth and development;
- q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- r) the promotion of built form that,
 - is well-designed,
 - encourages a sense of place, and
 - provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.

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

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

- There are no natural heritage features on or adjacent to the Subject Property that will be adversely impacted.

5. Conclusions and Recommendations

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

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

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

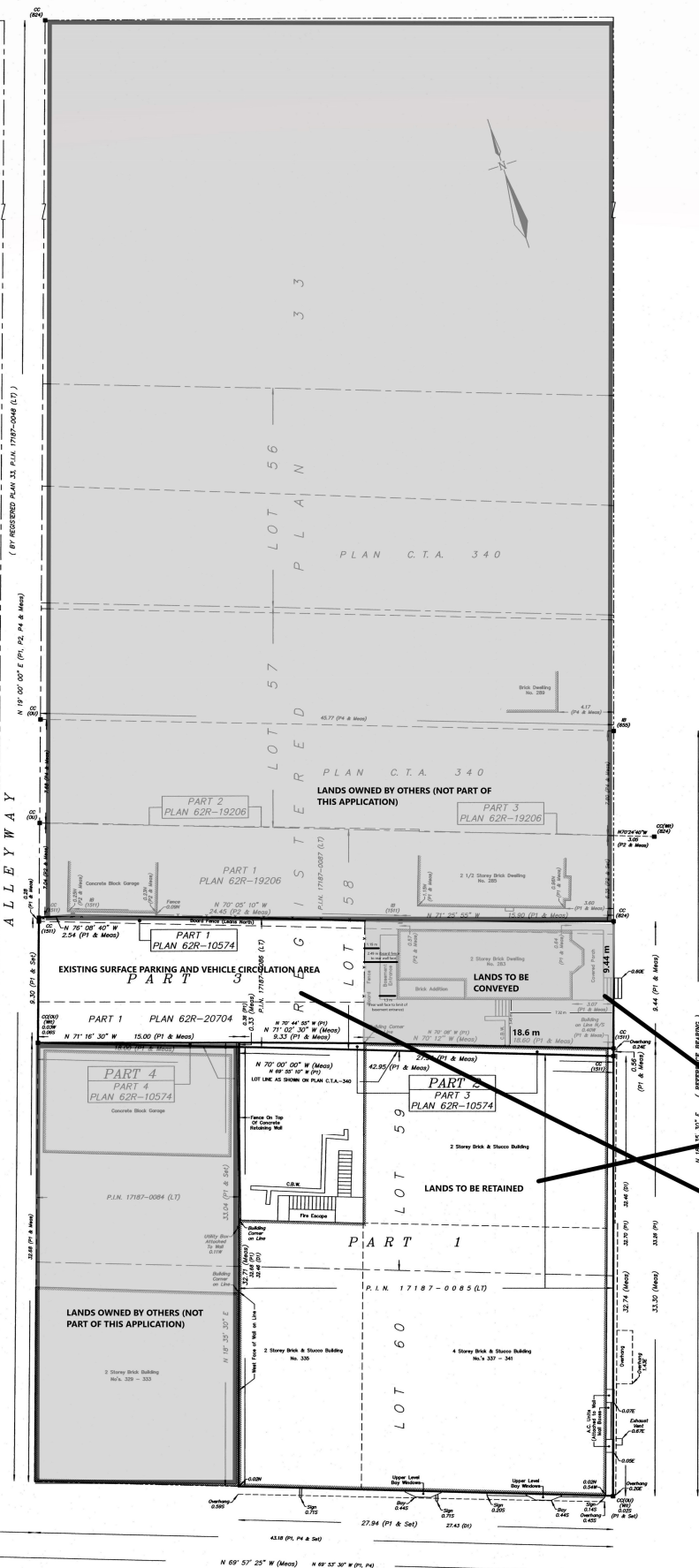
Regards,



Michael Barton, MCIP, RPP
President

MB1 Urban Planning Services
MB1 Development Consulting Inc.

BIRGE STREET



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

DATE: _____

DATE: _____

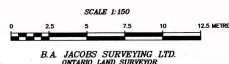
REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND DIVISION OF WESTERN (No. 652)

BRYAN JACOBS
ONTARIO LAND SURVEYOR

SCHEDULE		
PART	LOT	PLAN
1	PART OF LOTS 58 & 60	REGISTERED PLAN 33
2	PART OF LOT 58	REGISTERED PLAN 33
3	PART OF LOT 58	REGISTERED PLAN 33
4	PART OF LOT 58	REGISTERED PLAN 33

PARTS 2, 3 & 4 COMPRISE ALL OF PLAN 17187-0086 (L1).

PLAN OF SURVEY OF
PART OF LOTS 58, 59 & 60
REGISTERED PLAN 33
CITY OF HAMILTON



BEARING NOTE:
BEARINGS ARE ASTROMERIC AND ARE REFERRED TO THE WESTERLY LIMIT OF EMERALD STREET NORTH AS SHOWN PLAN 62R-10574 HAVING A BEARING OF N 18° 35' 30" E.

- LEGEND AND NOTES:**
- DENOTES SURVEY MONUMENT FOUND
 - DENOTES SURVEY MONUMENT PLANTED
 - SSB DENOTES STANDARD IRON BAR
 - SB DENOTES IRON BAR
 - CP DENOTES CUT CROSS
 - CO DENOTES CROWN UNBURN
 - WT DENOTES WITNESS
 - P1 DENOTES PLAN 62R-10574
 - P2 DENOTES PLAN 62R-19206
 - P3 DENOTES PLAN 62R-20704
 - P4 DENOTES PLAN C.T.A. - 340
 - P5 DENOTES L.T. PETERS D.L.S.
 - P6 DENOTES A.T. MALDEN D.L.S.
 - (S24) DENOTES G.V. SOROKI D.L.S.
 - (S101) DENOTES G.V. SOROKI D.L.S.
 - C.B.M. DENOTES CONCRETE BLOCK WALL

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048. BEARINGS ARE ASTROMERIC AND CAN BE CONVERTED TO GRID BY ROTATING COUNTER CLOCKWISE BY DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF

SPECIFIED CONTROL POINTS (SCP), UTM ZONE 17, NAD83 (ORIGINAL), COORDINATES TO URBAN ACCURACY FEET SEC. 14 (2) OF OREG. 219/10

POINT ID	NORTHING	EASTING

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

- NOTES:**
1. Lands to be conveyed include lot currently occupied by single detached dwelling (283 Emerald Street North) and existing driveway. This parcel has 9.44 m of frontage on Emerald Street North and depth of 18.6 metres.
 2. Lands to be retained include the non-shaded area that include the existing mixed use building on the northwest corner of Barton Street East and Emerald Street North, as well as the parking area accessed from the rear laneway.
 3. The existing surface parking area is located on the land to be retained at the rear (west) of the lands to be conveyed. Adequate width and depth is provided to accommodate multiple parked vehicles for the existing mixed use building.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON _____

DRAFT
DATE: _____
BRYAN JACOBS
ONTARIO LAND SURVEYOR

B.A. JACOBS SURVEYING LTD.
150 JACKSON STREET EAST, SUITE 100
HAMILTON, ONTARIO (L8N 1J2)
PHONE: 905-521-1535 info@bajacobs.com

BARTON STREET EAST
(ROAD ALLOWANCE BETWEEN CONCESSIONS 1 AND 2, P.L.N. 17187-0002 (L1))

BIRGE STREET

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.
 DATE: _____
 REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF WENTWORTH (No. 62).
 BRYAN JACOBS
 ONTARIO LAND SURVEYOR

PLAN 62R-
 RECEIVED AND DEPOSITED
 DATE: _____

SCHEDULE			
PART	LOT	REGISTERED PLAN	P.L.N.
1	PART OF LOTS 59 & 60	REGISTERED PLAN 33	ALL OF P.L.N. 17187-0085 (LT)
2	PART OF LOT 58	REGISTERED PLAN 33	PART OF P.L.N. 17187-0086 (LT)
3	PART OF LOT 58	REGISTERED PLAN 33	PART OF P.L.N. 17187-0086 (LT)
4	PART OF LOT 58	REGISTERED PLAN 33	PART OF P.L.N. 17187-0086 (LT)

PARTS 2, 3 & 4: COMPRISE ALL OF P.L.N. 17187-0086 (LT).

PLAN OF SURVEY OF
 PART OF LOTS 58, 59 & 60
 REGISTERED PLAN 33
 CITY OF HAMILTON

SCALE 1:150
 0 2.5 5 7.5 10 12.5 METRES
 B.A. JACOBS SURVEYING LTD.
 ONTARIO LAND SURVEYOR

BEARING NOTE:
 BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE WESTERLY LIMIT OF EMERALD STREET NORTH AS SHOWN PLAN 62R-10574 HAVING A BEARING OF N 18° 35' 30" E.

LEGEND AND NOTES:

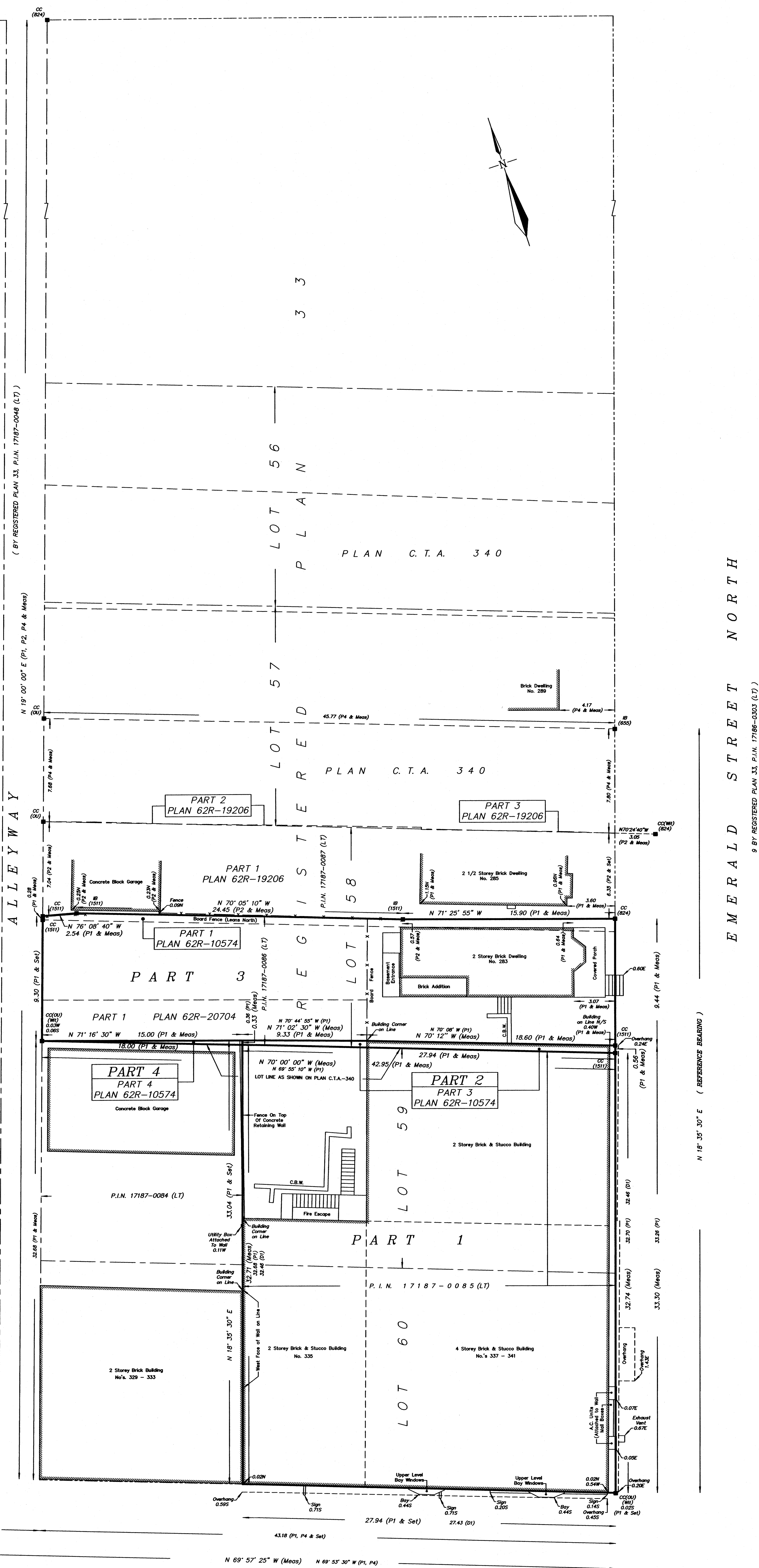
- DENOTES SURVEY MONUMENT FOUND
- SIB DENOTES SURVEY MONUMENT PLANTED
- IB DENOTES STANDARD IRON BAR
- IB DENOTES IRON BAR
- CC DENOTES CUT CROSS
- (OU) DENOTES ORIGIN UNKNOWN
- WT DENOTES WITNESS
- P1 DENOTES PLAN 62R-10574
- P2 DENOTES PLAN 62R-19206
- P3 DENOTES PLAN 62R-20704
- P4 DENOTES PLAN C.T.A. - 340
- P5 DENOTES PLAN BY THIS OFFICE (FILE: 90-172)
- D1 DENOTES INSTRUMENT No. CD196191
- (655) DENOTES J.T. PETERS O.L.S.
- (824) DENOTES A.T. McLAREN O.L.S.
- (1511) DENOTES G.V. CONSOLI O.L.S.
- C.B.W. DENOTES CONCRETE BLOCK WALL

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
 BEARINGS ARE ASTRONOMIC AND CAN BE CONVERTED TO GRID BY ROTATING COUNTER CLOCKWISE BY _____
 DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF _____

SPECIFIED CONTROL POINTS (SCPs): UTM ZONE 17, NAD83 (ORIGINAL), COORDINATES TO URBAN ACCURACY PER SEC. 14 (2) OF O.R.G. 216/10.

POINT ID	NORTHING	EASTING

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



SURVEYOR'S CERTIFICATE
 I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON _____

DRAFT
 DATE: _____
 BRYAN JACOBS
 ONTARIO LAND SURVEYOR

B.A. JACOBS SURVEYING LTD.
 152 JACKSON STREET EAST, SUITE 102
 HAMILTON, ONTARIO (L8M 1L2)
 PHONE 905-521-1535 b.jacobs@rogers.com

BARTON STREET EAST
 (ROAD ALLOWANCE BETWEEN CONCESSIONS 1 AND 2, P.L.N. 17187-0002 (LT))



Hamilton

Committee of Adjustment

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

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

APPLICATION FOR A MINOR VARIANCE

FOR OFFICE USE ONLY.

APPLICATION NO. _____ **DATE APPLICATION RECEIVED** _____

PAID _____ **DATE APPLICATION DEEMED COMPLETE** _____

SECRETARY'S SIGNATURE _____

The Planning Act

Application for Minor Variance or for Permission

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

1, 2	NAME	MAILING ADDRESS	
Registered Owners(s)			
Applicant(s)*			
Agent or Solicitor			

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

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

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

4. Nature and extent of relief applied for:

Secondary Dwelling Unit Reconstruction of Existing Dwelling

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

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

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
Agricultural Vacant Other

Other _____

8.1 If Industrial or Commercial, specify use _____

8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes ____ No ____ Unknown ____

8.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes ____ No ____ Unknown ____

8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes ____ No ____ Unknown ____

8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes ____ No ____ Unknown ____

8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes ____ No ____ Unknown ____

8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes ____ No ____ Unknown ____

8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes ____ No ____ Unknown ____

8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes ____ No ____ Unknown ____

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

Yes _____ No _____ Unknown _____

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

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

Is the previous use inventory attached? Yes _____ No _____

9. ACKNOWLEDGEMENT CLAUSE

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

_____ 2021
Date

TPearson

Signature Property Owner(s)
MALLEUM CORE PARTNERS I LP & MALLEUM CORE PARTNERS I GP
XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage _____
Depth _____
Area _____
Width of street _____

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

Existing: _

Proposed

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

Existing:

Proposed:

13. Date of acquisition of subject lands:

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

15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
17. Length of time the existing uses of the subject property have continued:
18. Municipal services available: (check the appropriate space or spaces)
- | | |
|----------------|-----------|
| Water | Connected |
| Sanitary Sewer | Connected |
| Storm Sewers | |
19. Present Official Plan/Secondary Plan provisions applying to the land:
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
21. Has the owner previously applied for relief in respect of the subject property?
- | | |
|-----|----|
| Yes | No |
|-----|----|
- If the answer is yes, describe briefly.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
- | | |
|-----|----|
| Yes | No |
|-----|----|
23. Additional Information
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.