



Hamilton

STAFF COMMENTS

HEARING DATE: July 2, 2024

A-24:133 – 41 Wilson St., 97 John St. N., & 117 John St. N., Hamilton

Recommendation:

Approve variances 1 and 2, variances under By-law No. 24-052 are unnecessary.

Proposed Conditions:

N/A

Proposed Notes:

N/A



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Development Planning:

Background

To permit the construction of three mixed-use towers with commercial units at grade and residential units above, in order to facilitate Site Plan application DA-21-097. Staff note Site Plan application DA-21-097 received conditional approval on September 20, 2021. Staff further note that related Minor Variance application HM/A-22:132 was approved on June 9, 2022.

Analysis

Urban Hamilton Official Plan

The subject lands are identified as “Downtown Urban Growth Centre” in Schedule E – Urban Structure and are designated “Downtown Mixed-Use Area” in Schedule E-1 – Urban Land Use Designations of the Urban Hamilton Official Plan. Policies E.2.3.1.6 and E.4.4.4, amongst others, are applicable and permit the proposed multiple dwelling and commercial uses.

Development Planning staff defer to Cultural Heritage staff regarding the proposal’s conformity to the Cultural Heritage policies of the Urban Hamilton Official Plan and Downtown Hamilton Secondary Plan.

Downtown Hamilton Secondary Plan

The subject lands are designated “Downtown Residential” on Land Use Plan Map B.6.1-1 and are identified as “High Rise 2” on Maximum Building Heights Map B.6.1-2 of the Downtown Hamilton Secondary Plan. The subject lands are further identified as “Registered Non-Designated” on Appendix B – Cultural Heritage Resources of the Downtown Hamilton Secondary Plan. Policies B.6.1.3.1, B.6.1.4.12, B.6.1.4.14, B.6.1.4.18, B.6.1.4.33 through B.6.1.4.39, and B.6.1.5.1 amongst others, are applicable and permit the proposed multiple dwelling and commercial uses.

Policy B.6.1.4.18 states:

“6.1.4.18 The following policies shall apply to High-rise (tall) buildings:

- a. *a tall building is any building that is greater than 12 storeys in height;*
- b) *new tall buildings shall be no greater than the height of the top of the Escarpment as measured between Queen Street and Victoria Avenue;*
- c) *a tall building is typically defined as having a building base component (also known as podium), a tower component and tower top, however, Policies B.6.1.4.18 through B.6.1.4.24 shall also apply to other typologies of a tall*



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building;

d) a building base is defined as the lower storeys of a tall building which are intended to frame the public realm with good street proportion and pedestrian scale or contains streetwall heights that respect the scale and built form character of the existing context through design, articulation, and use of the ground floor;

e) a tower is defined as the storeys above the building base; and,

f) the tower top is defined as the uppermost floors of the building including rooftop mechanical or telecommunications equipment, signage and amenity space. This portion of the building shall have a distinctive presence in Hamilton's skyline by employing interesting architectural features and roof treatments.

Policy B.6.1.4.33 states:

"6.1.4.33 Development shall be required to provide transition in scale, within the development site, as a result of any of the following:

a) the development is of greater intensity and scale than the adjacent existing scale, or where appropriate, the planned built form context;

b) the development is adjacent to a cultural heritage resource or a cultural heritage landscape; or,

c) the development is adjacent to existing or planned parks, or open spaces.

Staff note that the subject stepback of Variance 2 is located at the northeastern corner of the subject lands, adjacent to a one storey commercial building on the neighbouring property of 119 John Street North. Staff further note that while the proposed stepback is only 0.2 metres, the proposed setback of the structure from the lot line is approximately 7.5 metres. Staff are of the opinion that the requested variance maintains the intent of the above transition policies as the setback to the lot line mitigates potential impacts in terms of sky views or transition in scale.

Based upon the above, staff are of the opinion that the requested variances maintain the general intent of the Urban Hamilton Official Plan.

Beasley Neighbourhood Plan

The subject lands are identified as "Commercial and Apartments" on Map 6703 (Map 1 of 2) within the Beasley Neighbourhood Plan. The proposal is consistent with the vision of the Beasley Neighbourhood Plan.



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City of Hamilton Zoning By-law No. 05-200

The subject lands are zoned Downtown Residential (D5) Zone in City of Hamilton Zoning By-law No. 05-200. The proposed mixed-use development consisting of residential (multiple dwelling) and commercial uses is permitted.

Variance 1

1. A minimum 0.2 metre stepback shall be required for any portion of a building exceeding 22.0 metres in height from a northeastern side or rear lot line, instead of the required 3.0 metre minimum stepback for any portion of a building exceeding 22.0 metres in height from a side or rear lot line.

The intent of this provision is to establish a sufficient transition in scale between high and neighbouring low-rise buildings to minimize potential negative impacts, such as sky views, wind or overlook.

Staff note that the stepback subject to this minor variance application is located at the northeastern corner of the subject lands between level 6 and level 7 of the 7-storey podium, between Tower C and Tower B, abutting 119 John Street North. The existing one storey structure on 119 John Street North is a commercial building. Staff further note that the setback between the level 6 and level 7 of the podium and the lot line are approximately 7.5 metres and 7.7 metres respectively. Based on the above, staff are of the opinion that the requested variance maintains the intent of the Zoning By-law as the 7.5 metre to 7.7 metre setback and the commercial nature of the neighbouring property minimize potential impacts in terms of sky views and overlook or privacy. Staff support the variance.

Variance 2

2. A minimum of 492 parking spaces shall be required for the residential units instead of the required minimum 508 parking spaces.

The intent of this provision is to ensure sufficient parking is provided on-site.

Staff note that the change in the required amount of parking is a result of a proposed change in the dwelling unit mix and distribution of Tower C. The applicant is proposing to decrease the number of one bedroom and three-bedroom units by 23 each and increase the number of two-bedroom units by 46. The total unit count within Tower C remains unchanged at 334 and the overall unit count for the proposed development is to remain providing 931 unit's total.

Staff further note that a Parking Opinion Letter prepared by LEA Consulting Ltd. was provided in support of this variance application. This letter provides estimated parking demand analysis based on parking space sales data for the proposed development. This analysis notes that while the proposed



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parking is below the required minimum of 508 parking spaces, the proposed 492 parking spaces exceeds expected demand.

Based upon the above and the passing of Amending By-law No. 24-052 by City Council on April 10 which, amongst other things, removed minimum parking requirements within the Lower City, staff are of the opinion that the requested variance will not negatively impact the surrounding area. Staff support the variance.

Variances 1 to 5 (under Amending By-law No. 24-052)

1. No accessible aisle shall be required abutting an accessible parking space instead of the requirement that a 1.5-metre-wide accessible aisle extending the full length of the accessible parking space shall be required abutting an accessible parking space.
2. A minimum of 492 residential parking spaces and no visitor parking spaces shall be permitted instead of the requirement that no parking spaces are required for residents and 2 visitor parking spaces plus 0.5 visitor parking spaces are required for each unit.
3. A minimum of 12 accessible parking spaces shall be permitted instead of the requirement that a minimum of 19 accessible parking spaces.
4. 0% of all parking spaces shall be electrical vehicle parking spaces instead of the requirement that 100% of all parking spaces excluding visitor parking spaces shall be electrical vehicle parking.
5. A minimum of 22 short-term and 468 long-term bicycle parking spaces shall be permitted instead of the required minimum of 96 short-term and 653 long-term bicycle parking spaces.

The intent of these provisions is to provide adequate accessible parking, visitor parking and short and long-term bicycle parking on-site in addition to preparing parking infrastructure for the transition to mass electric vehicle adoption.

Staff note that Site Plan application DA-21-097 received conditional approval on September 20, 2021. Staff further note that as Site Plan DA-21-097 received conditional approval prior to April 10, 2024, the new parking regulations would not be applied, however, the prior (currently in effect) parking regulations would be applied to the proposed development. Therefore, staff are of the opinion that Variances 1 through 5 under Amending By-law No. 24-052 are not necessary.

Staff are of the opinion that Variances 1 and 2 meet the four tests of a minor variances and the requested variances under Amending By-law No 24-052 are not necessary. Based on the foregoing, **staff recommend approval of Variances 1 and 2 under Zoning By-law No. 05-200 and Variances 1 to 5 under Amending By-law No. 24-052 are not necessary.**



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Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<p>1. Please be advised Minor Variance application HM/A-22:132 is associated with the proposed development.</p> <p>2. As per the Transitional Provision Policy ZON-065 variance number 1, 2, 3, 4, and 5 under the Amending By-law 24-052 are no longer required.</p> <p>The Notice shall be amended to remove variance number 1, 2, 3, 4, and 5 under the Amending By-law 24-065.</p>
Proposed Notes:	

Cultural Heritage:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<p>Archaeology:</p> <p>The subject property meets the criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential. These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the <i>Planning Act</i> and Section 2.6.2 of the <i>Provincial Policy Statement</i> apply to the subject application.</p> <p>As per Site Plan File No. DA-21-097, a Stage 1 and Stage 2 archaeological report for a portion of the property (P372-0064-2019) and a Stage 1 archaeological report for the entire property (P372-0136-2021) have been submitted to the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries. The province provided receipt of</p>



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	<p>entrance into the Ontario Public Register of Archaeological Reports without technical review for the former archaeological report (P372-0064-2019) in a letter dated September 25, 2020, and the latter archaeological report (P372-0136-2021) in a letter dated June 29, 2021. Staff is of the opinion that the municipal interest in the archaeology of this portion of the site has been satisfied.</p> <p>Cultural Heritage:</p> <p>Staff comments addressed as part of DA-21-097.</p> <p>Staff have no further comments on the application as circulated.</p>
Proposed Notes:	

Development Engineering:

Recommendation:	No Comments
Proposed Conditions:	N/A
Comments:	Development Engineering has no comments/objections to the minor variances as proposed. Detailed grading and servicing comments are being facilitated through Site Plan DA-21-097.
Proposed Notes:	

Building Engineering:

Recommendation:	Comments Only
Proposed Conditions:	



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Comments:	
Proposed Notes:	<p>Building Permit # 22 133123, issued on 8/29/2023, to construct a 92,351 m² sprinklered 31 storey residential building consisting of three residential towers over a common eight storey podium, ground/mezzanine level retail, outdoor pool and amenity areas on the 8th storey. There are no levels below grade and parking is from ground to 7th floor, remains not finalized. Building Permit # 22 137861, issued on 9/1/2022, The excavation and shoring permit is for the development under building permit application # 22 133123 000 00 R3, remains not finalized.</p> <p>Building Permit # 22 139240, issued on 10/17/2023 , To install a sprinkler system and a standpipe system to serve the entire building, remains not finalized.</p> <p>A building permit is required for the construction of the proposed three (3) mixed-use towers with commercial units at grade and residential units above.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>

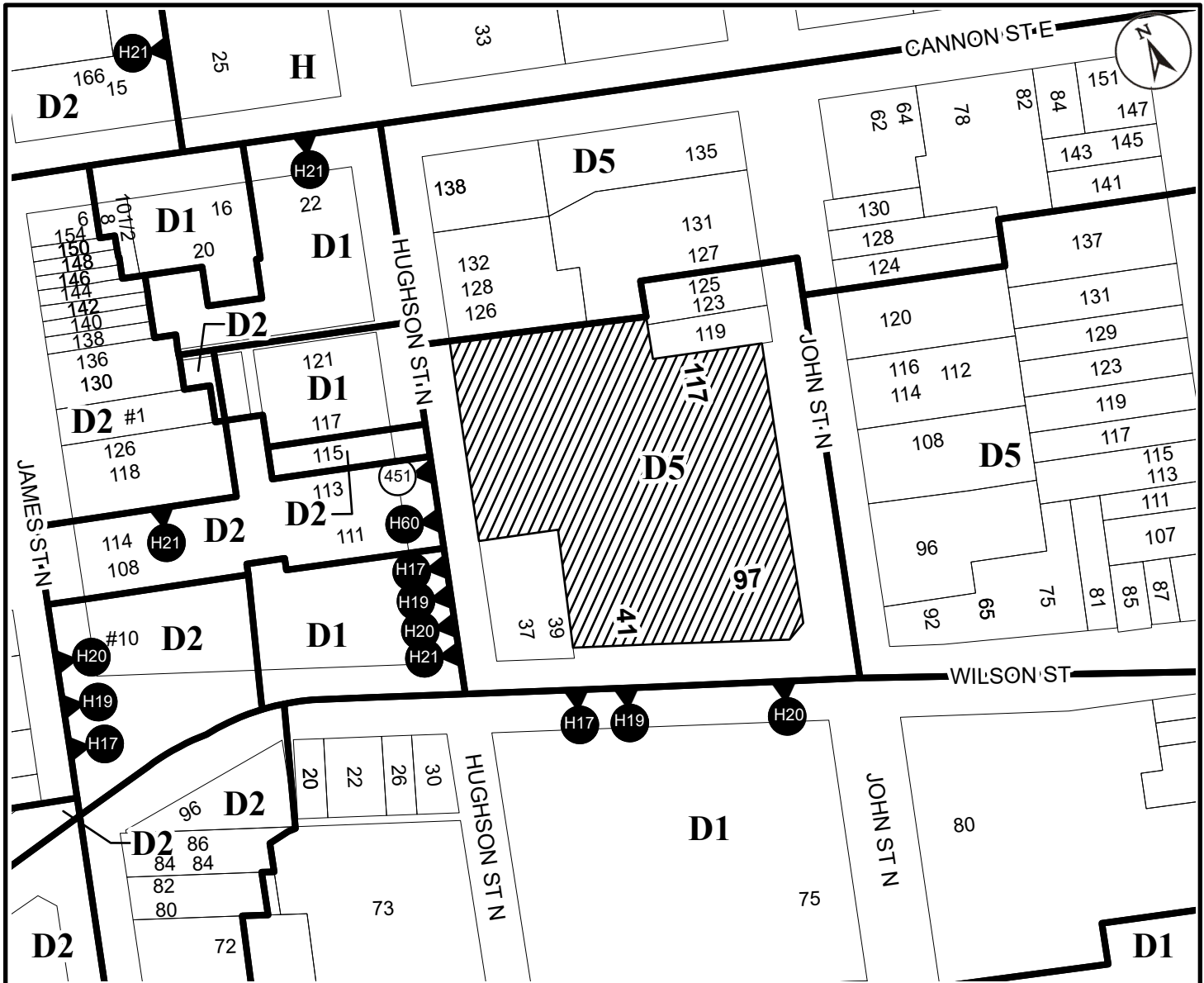
Transportation Planning:

Recommendation:	Comments Only
Proposed Conditions:	The Owner must provide the minimum of 20 accessible parking spaces along with the minimum visitor parking spaces as per zoning by-law 05-200

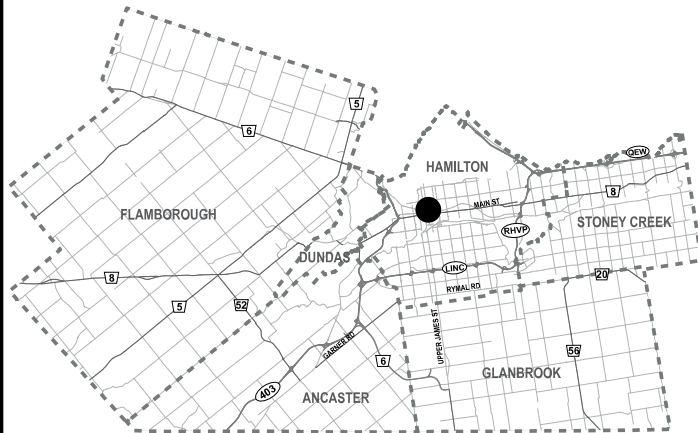


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<p>Comments:</p>	<p>Variance #3: A minimum of 12 accessible parking spaces shall be permitted instead of the minimum 20 accessible parking spaces required. Remove 8/12 parking spaces and provide the required 20 accessible parking spaces. Transportation does not accept the proposed reduction as this is counter intuitive to Accessibility for Ontarians with Disabilities Act (AODA) and Transportation Planning Cannot support the reduction.</p> <p>Variance #5: A minimum of 469 long-term bicycle parking shall be permitted instead of the minimum 653 long-term bicycle parking required. Transportation Planning cannot support the reduction in long-term bicycle parking. This site is located downtown, and the appropriate number of long-term bicycle parking should be provided for the proposed development.</p>
<p>Proposed Notes:</p>	



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



41 Wilson Street, 97 John Street North,
117 John Street North, Hamilton
(Ward 2)

File Name/Number:
A-24:133

Date:
June 19, 2024

Technician:
AL

Map Not To Scale

Appendix "A"



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