



Hamilton

STAFF COMMENTS

HEARING DATE: October 8, 2024

B-24:53 – 167 Locke Street South, Hamilton

Recommendation:

Development Planning – Approve as Amended

Proposed Conditions:

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. That the Owner demonstrate or provide proof of separate and independent sewer and water services to the severed and retained parcels, to the satisfaction of the City's Director of Development Engineering.
5. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division- Building Engineering Section).
6. The owner shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping, conform to the requirements of the Zoning By-law or alternately apply for and receive final approval of any variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Planning Division – Zoning Examination Section).
7. The owner/applicant shall receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).
8. That at the time of registration the appropriate easements for access and maintenance be registered on Parts 4 and 5 identified on the submitted Sketch for Consent to Sever, dated August 15th, 2024, prepared by A.J. Clarke and Associates Ltd (To the satisfaction of the Manager of Development Planning).



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Proposed Notes:

The lands to be retained (Part 3) will remain as 167 Locke Street South (Hamilton).
The lands to be retained (Part 2) will remain as 165 Locke Street South (Hamilton).
The lands to be retained (Part 1) will remain as 163 Locke Street South (Hamilton).

We ask that the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's Sign By-law, in a manner that is clearly visible from the road.

Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Citizenship and Multiculturalism (MCM) should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MCM and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).



Development Planning:

Background

The purpose of this application is to sever the existing lot and building into two new lots and one retained lot for a total of three lots. The lot currently contains an existing mixed-use building and the severance will sever along the shared demising wall of each of the existing units. Additionally, the applicant is seeking to create an access and maintenance easement across Parts 4 & 5 as identified in provided Sketch for Consent to Sever. This is to allow for car parking access across lot lines. The applicant noted there was a previous agreement that has since expired (VM245105) for similar access easements. The building currently has ground floor commercial uses with residential uses on the second storey. There are no proposed changes to the existing building. The severance application proposes the following:

	Frontage	Depth	Area
Severed Lands (Part 1):	5.174 m ±	30.785 m ±	155.50 m ² ±
Severed Lands (Part 2):	4.984 m ±	30.785 m ±	147.43 m ² ±
Severed Lands (Access Easement (Part 4):	3.5 m ±	4.967 m ±	17.38 m ² ±
Severed Lands (Access Easement (Part 5):	0 m ±	4.741 m ±	16.59 m ² ±
Retained Lands (Part 3):	6.874 m ±	30.785 m ±	222.60 m ² ±

The following variances have been requested:

1. That a Planting Strip along the lot line abutting a residential zone shall not be required; whereas the by-law requires a 1.5 metres wide Planting Strip adjacent to a residential zone.

Urban Hamilton Official Plan

The subject property is designated as “Mixed Use - Medium Density” on Schedule E1 – Urban Land Use Designations in the Urban Hamilton Official Plan. Section E.4.6.5 permits commercial uses and multiple dwellings. Furthermore, Policy E.4.6.10 states uses shall be located in single or mixed use buildings. The subject property is not located in any secondary plan area found in Volume 2 of the Urban Hamilton Official Plan.

The following Urban Hamilton Official Plan policies are applicable among others:



“Policy F.1.14.3.4 states that consents for new lot creation for both the severed and retained lands for mixed uses, commercial, institutional, or open space uses in the Commercial/ Mixed Use and Institutional designation shall be permitted provided the following conditions are met:

- a) the lots severed for commercial, institutional or open space uses shall comply with the policies of this Plan including secondary plans, where one exists;”
- b) “The lots are in conformity with the Zoning By-law or a minor variance is approved;”
- c) “the lots severed for residential uses, including mixed use buildings which contain residential uses shall comply with Section B.2.4 – Residential Intensification Policies, Section B.3.3 – Urban Design Policies, Section E.3.0 – Neighbourhoods Designation and any other relevant policies of this Plan;
- d) the lots are fully serviced by municipal water and wastewater systems; and,
- e) the lots have frontage on a public road.

Staff have completed an analysis of the lot creation policies of Policy F.1.14.3.4 and are of the opinion that the proposed severance conforms to the above noted policies. The proposed lots reflect the general scale and character of the established development pattern in the surrounding area. The proposed lots have frontage onto a public road (Locke Street). Staff also note that the existing mixed-use building is fully serviced. The proposed lots also conform to the “C5a” Mixed Use Medium Density – Pedestrian Focus zone of Zoning By-law No. 05-200 with the exception of the above mentioned variance for the required Planting Strip. Staff support the severance application.

Policy B.2.4.1.4 states that residential intensification developments within the built-up area shall be evaluated based on the following criteria:

- a) a balanced evaluation of the criteria in b) through l), as follows;
- b) the relationship of the proposed development to existing neighbourhood character so that it builds upon desirable established patterns and built form;
- c) the contribution of the proposed development to maintaining and achieving a range of dwelling types and tenures;
- d) the compatible integration of the proposed development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
- e) the contribution of the proposed development to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;



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- f) existing and planned water, wastewater and stormwater capacity;
- g) the incorporation and utilization of green infrastructure and sustainable design elements in the proposed development;
- h) the contribution of the proposed development to supporting and facilitating active transportation modes;
- i) the contribution of the development to be transit-supportive and supporting the use of existing and planned local and regional transit services;
- j) the availability and location of existing and proposed public community facilities/services;
- k) the ability of the development to retain and/or enhance the natural attributes of the site and surrounding community including, but not limited to native vegetation and trees; and,
- l) compliance of the proposed development with all other applicable policies. (OPA 167)

Staff have completed an analysis of the proposal against Policy B.2.4.1.4 and are satisfied that the proposed severance conforms to the above noted residential intensification policies found in Chapter B of the Urban Hamilton Official Plan. The proposed severance is compatible with the scale and character of the neighbourhood. The severance maintains the general streetscape pattern and considers the relationship of the proposed lots with existing development. Please note that no exterior alterations to the existing development on the lands are proposed through this application.

Archaeology:

The subject property meets two (2) of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential:

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody and;
- 2) In areas of pioneer Euro-Canadian settlement.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application.

Cultural Heritage:

The subject property is located *adjacent* to 172-176 Locke Street South, a property designated under Part IV of the *Ontario Heritage Act* and a “protected heritage property” under the *Provincial Policy*



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Statement. Additionally, the subject property is adjacent to 324 Bold Street, a property listed on the City's Inventory of Heritage Properties.

Accordingly, section B.3.4.1.3 and B.3.4.2.1(g) of the Urban Hamilton Official Plan, Volume 1, apply.

The proponent proposes to sever the existing residential lot into three individual parcels, with the severed lands containing part of the existing mixed-use townhouse and the retained lands including the remaining portion of the townhouse.

Notwithstanding that the subject property is *adjacent* to a property designated under Part IV of the *Ontario Heritage Act* and adjacent to a property listed on the Inventory of Heritage Properties, Staff have reviewed the application and are of the opinion that the cultural heritage value or interest of the surrounding neighbourhood will be conserved because the proposal does not include plans for exterior work or alterations to the main dwellings.

Staff have no further comments on the application as circulated.

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

The subject lands are zoned "C5a" Mixed Use Medium Density – Pedestrian Focus, which permits Multiple Dwelling/Dwelling Unit(s) and a variety of commercial uses.

Analysis

Variance

1. That a visual barrier along the lot line abutting a residential zone shall not be required whereas the by-law requires a 1.5 metres wide visual barrier.

Amended Variance

1. That a Planting Strip along the lot line abutting a residential zone shall not be required; whereas the by-law requires a 1.5 metres wide Planting Strip adjacent to a residential zone.

The intent of the Planting Strip provision is to provide physical and visual buffering between proposed development and existing/future residential land uses on adjacent properties. The required Planting Strip adjacent to a residential zone is 1.5 metres wide and the applicant is seeking to remove the required planting strip. Staff note that there is no existing Planting Strip, and the applicant is only seeking to recognize the existing conditions of the site, there is no construction proposed through this application. Staff do not foresee the creation of any adverse impacts by allowing the existing conditions to continue on the property. Staff have included a condition that would require the provision of the Planting Strip requirement should the lands be redeveloped.



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Staff support the Minor Variance and recommend **approval** as the proposed variance meets the general intent and purpose of the Official Plan and Zoning By-law, is minor and nature, and desirable for the appropriate development of the lands.

Severance

Based on the policies noted above including Policy Sections B.2.4.1.4 & F.1.14.3.4, the proposed severance conforms to the policies of the Urban Hamilton Official Plan. Staff are of the opinion that the lots are well integrated within the existing neighbourhood and lot fabric and are compatible with the existing character and streetscape.

Based on the forgoing analysis staff recommend the **approval** of the severance as it conforms to the Urban Hamilton Official Plan.

Zoning:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	<ol style="list-style-type: none"> 1. The owner shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping, conform to the requirements of the Zoning By-law or alternately apply for and receive final approval of any variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Planning Division – Zoning Examination Section). 2. The owner/applicant shall receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).
Comments:	<ol style="list-style-type: none"> 1. In order to clear conditions, the owner/applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.
Notes:	<ol style="list-style-type: none"> 1. Concurrent Minor Variance application HM/A-24-198.

Development Engineering:

Recommendation:	Approve with Conditions
Proposed Conditions:	<ol style="list-style-type: none"> 1. That the Owner demonstrate or provide proof of separate and independent sewer and water services to the severed and retained parcels, to the satisfaction of the City’s Director of Development Engineering.
Comments:	<ul style="list-style-type: none"> • The proposed severance application is intended for land-assembly purposes and to facilitate an access easement to the existing rear parking area.



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	<ul style="list-style-type: none"> The owner shall demonstrate that each parcel (163, 165 and 167 Locke Street South) has separate and independent sewer and water services.
Notes:	

Building Engineering:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division- Building Engineering Section).
Comments:	
Notes:	In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.

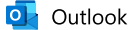
Transportation Planning:

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Notes:	

Legislative Approvals:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	
Comments:	<p>The lands to be retained (Part 3) will remain as 167 Locke Street South (Hamilton).</p> <p>The lands to be retained (Part 2) will remain as 165 Locke Street South (Hamilton).</p> <p>The lands to be retained (Part 1) will remain as 163 Locke Street South (Hamilton).</p>
Notes:	We ask that the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's Sign By-law, in a manner that is clearly visible from the road.

Please Note: Public comment will be posted separately, if applicable.



Hamilton - 167 Locke Street South - B-24-53

From AMIN Pranav <Pranav.Amin1@HydroOne.com>
Date Mon 9/30/2024 4:26 PM
To Committee of adjustment <CofA@hamilton.ca>

External Email: Use caution with links and attachments

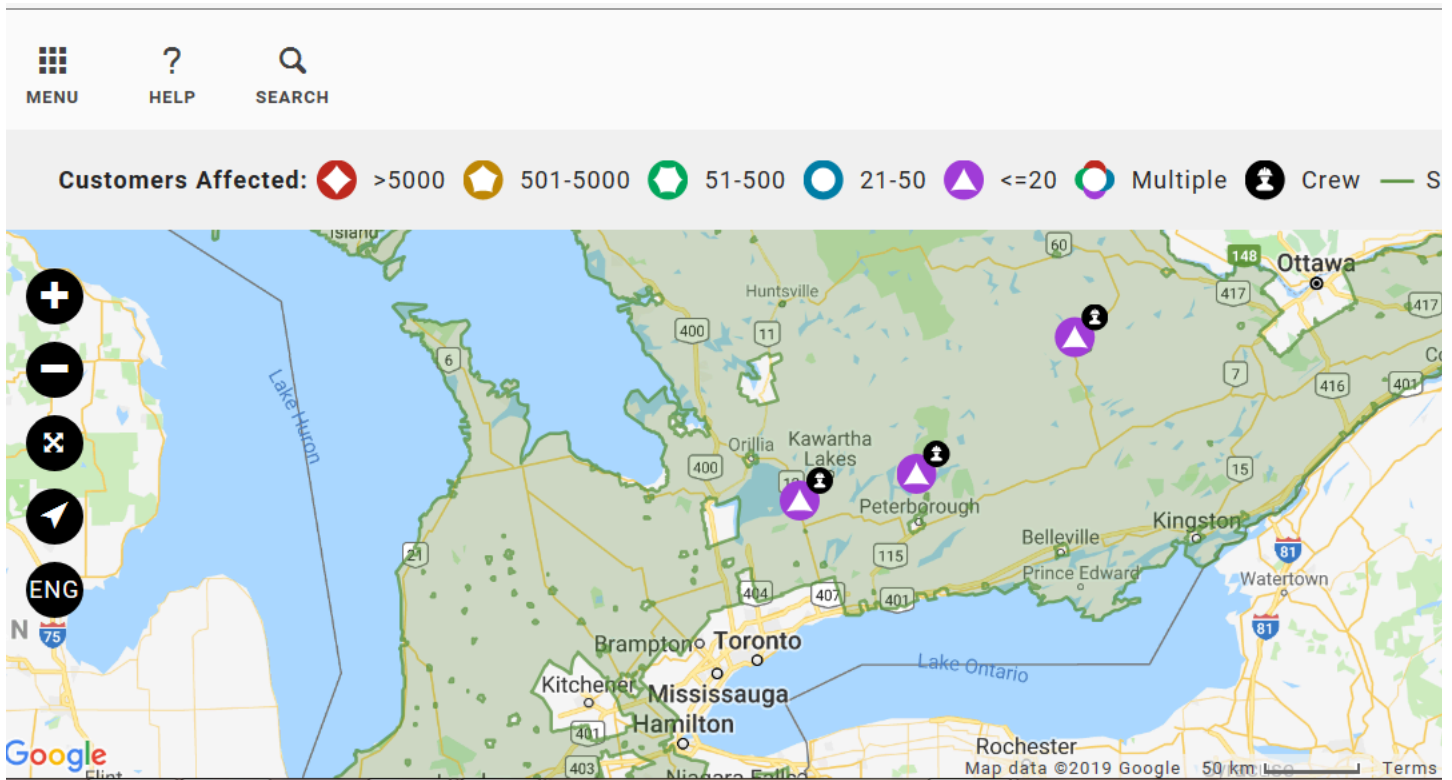
Hello,

We are in receipt of your Application for Consent, B-24-53 dated September 19th, 2024. We have reviewed the documents concerning the noted Application and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

To confirm if Hydro One is your local distributor please follow the following link:
[Stormcentre \(hydroone.com\)](https://stormcentre.hydroone.com)

Please select " Search" and locate address in question by entering the address or by zooming in and out of the map



If Hydro One is your local area Distribution Supplier, please contact Customer Service at 1-888-664-9376 or e-mail CustomerCommunications@HydroOne.com to be connected to your Local Operations Centre

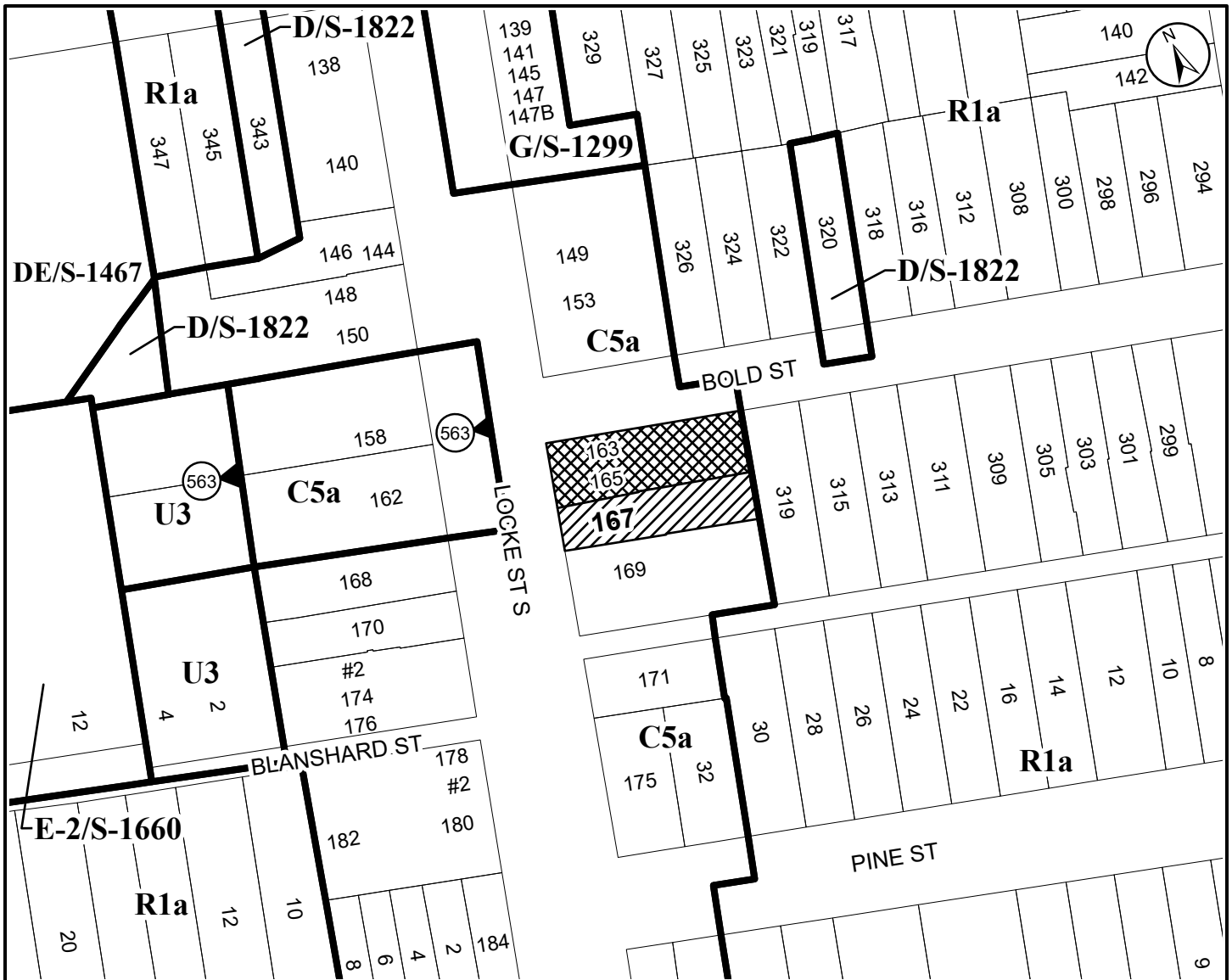
Please let me know if you have any questions or concerns.

Thank you,

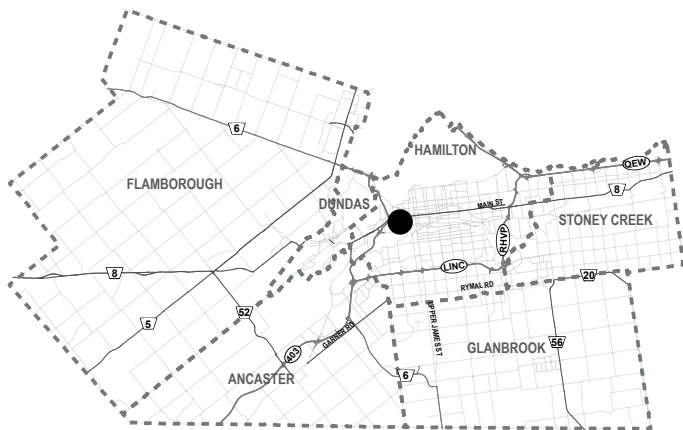
Dennis De Rango

Specialized Services Team Lead, Real Estate Department
Hydro One Networks Inc.
Tel: (905)946-6237

Email: Dennis.DeRango@HydroOne.com



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property

167 Locke Street South, Hamilton (Ward 1)

- Lands to be retained
- Lands to be severed

File Name/Number:
B-24:53

Date:
September 24, 2024

Technician:
SH

Scale:
N.T.S.

Appendix "A"



Hamilton