



Hamilton

STAFF COMMENTS

HEARING DATE: October 8, 2024

A-24:200 – 73 Hughson Street North, Hamilton

Recommendation:

Development Planning - Table

Proposed Conditions:

1. That the proponent demonstrates feasibility of installation of water service connections to satisfy the OBC requirements to the satisfaction of the City's Director of Development Engineering.

Proposed Notes:



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Development Planning:

Background

To permit the construction of a 30 storey mixed use development consisting of 380 dwelling units and commercial space at grade. Parking is to consist of 170 vehicular parking spaces provided over four levels of underground parking and 268 long term bicycle parking spaces and 38 short term bicycle parking spaces. This minor variance application is to facilitate Site Plan application DA-23-068, which received Conditional Approval on December 22, 2023.

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.2.3.1.16 and E.4.4.4, amongst others, are applicable and permit the proposed multiple dwelling and commercial uses.

Downtown Hamilton Secondary Plan

The subject lands are designated “Downtown Mixed Use” 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. Policies B.6.1.4.12, B.6.1.4.18, B.6.1.4.19, B.6.1.4.23, B.6.1.4.31 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.

Staff note that Holding Provisions “H17”, “H19” and “H20” are applicable to the subject lands. These provisions restrict development to a maximum height of 44 metres until, to the satisfaction of the Director of Planning and Chief Planner, a Shadow Impact Study, a Pedestrian Level Wind Study, a Visual Impact Assessment, Traffic Impact Study and a Functional Servicing Report are submitted and reviewed.

Staff note that a Sun Shadow Study and a Pedestrian Level Wind Study were submitted as part of the application process for DA-23-068. However, Urban Design staff have outstanding concerns related to these studies. Additionally, an application to remove the Holding Provisions has not been received by the City of Hamilton.

Beasley Neighbourhood Plan

The subject lands are identified as “Commercial” on Map 6703 (Map 1 of 2) within the Beasley Neighbourhood Plan.



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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) In areas of pioneer Euro-Canadian settlement and;
- 2) Along historic transportation routes

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 property known as 73 Hughson Street North is located within the Beasley Established Historical Neighborhood.

The subject property is located near a concentration of properties of cultural heritage value or interest listed on the City's Inventory of Heritage Properties and is located near a concentration of properties of cultural heritage value or interest listed on the City's Municipal Heritage Register.

Additionally, the subject property is located adjacent to 46-52 James Street North, a property designated under Part IV of the *Ontario Heritage Act* and a "protected heritage property" under the *Provincial Policy Statement*. Accordingly, Section 2.6.3 of the *Provincial Policy Statement* applies.

The proponent proposes to permit the construction of a 30 storey Mixed-Use building.

Staff comments are being addressed through DA-23-068

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

The subject lands are zoned Downtown Central Business District (D1, H17, H19, H20) 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. As noted above, Holding Provisions "H17", "H19" and "H20" apply to the subject lands and are required to be lifted prior to development occurring.

Variances 1 to 4

1. A minimum 1.5 metre stepback shall be required from the building base façade height shown at 21.95 metres in height instead of the minimum required 3.0 metre stepback from the building base façade height shown in Schedule "F" – Special Figure 15;



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2. A Minimum 8.8 metres setback for any portion of the building above 44.0 metres in height from the northerly side lot line shall be permitted instead of a minimum 12.5 metres setback for any portion of a building above 44.0 metres;
3. A Minimum 9.9 metres setback for any portion of the building above 44.0 metres in height from the southerly side lot line shall be permitted instead of a minimum 12.5 metres setback for any portion of a building above 44.0 metres; and,
4. No maximum setback to a street line for any portion of a building below 6.5 metres in height shall be permitted instead of a maximum 4.5 metres for any portion of building below 11.0 metres in height.

The intent of these provisions is to ensure that tall buildings incorporate sufficient transitions from adjacent low and mid-rise buildings, have sufficient separation from other tall buildings, are developed in a street-facing manner, and do not negatively impact the surrounding area regarding items such as, but not limited to, privacy and overlook, sky view, shadowing or wind.

Variance 5

5. A maximum building height of 94.7 metres shall be permitted instead of the maximum building height of 94.0 metres.

The intent of this provision is to ensure the maximum height of tall buildings does not exceed the height of the Niagara Escarpment.

Variance 6

6. A minimum of 170 parking spaces shall be permitted instead of the minimum required 180 parking spaces.

The intent of this provision is to ensure sufficient on-site parking is provided for residents of the development.

Development Planning staff are unable to determine if the proposal meets the tests of the *Planning Act* regarding Minor Variances. As the completion of technical studies to the satisfaction of the Director of Planning and Chief Planner is necessary to demonstrate that the proposal conforms with the policies of the Downtown Hamilton Secondary Plan, meets the intent of the Zoning By-law, confirms that the proposed relief is appropriate for the proposed development and is minor in nature



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staff are recommending that the applicant submit the application to remove the Holding Provisions prior to the Committee of Adjustment making a decision on Minor Variance application A-24:200. The outcomes of the technical studies may require design changes to the proposed buildings which may affect the requested variances Therefore, staff are recommending this application **be tabled** until the Holding Provisions have been lifted to ensure that additional variances are not required.

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ol style="list-style-type: none"> 1. Please note, the variances are required to facilitate Site Plan application DA-23-068, Conditionally Approved on December 22, 2023. 2. Be advised, Variance #4 shall only apply to the portion of the building less than 6.5 metres in height. All other portions of the building between 6.5 m to 11.0 m in height shall comply with the maximum 4.5 metre setback requirement.
Notes:	

Development Engineering:

Recommendation:	Approve with Conditions
Proposed Conditions:	<ol style="list-style-type: none"> 1. That the proponent demonstrates feasibility of installation of water service connections to satisfy the OBC requirements to the satisfaction of the City's Director of Development Engineering.
Comments:	Proposed variance #5 is seeking permission for a building height of 94.7m. We would like to advise that per Ontario Building Code ("OBC") clause 3.2.9.7(4), buildings exceeding 84 metres in height, as measured from grade to the ceiling level of the top storey, must be served by no fewer than two sources of water supply from a public water system.
Notes:	

Building Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Notes:	<p>A building permit is required for the construction of the proposed 30 storey Mixed-Use building.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>



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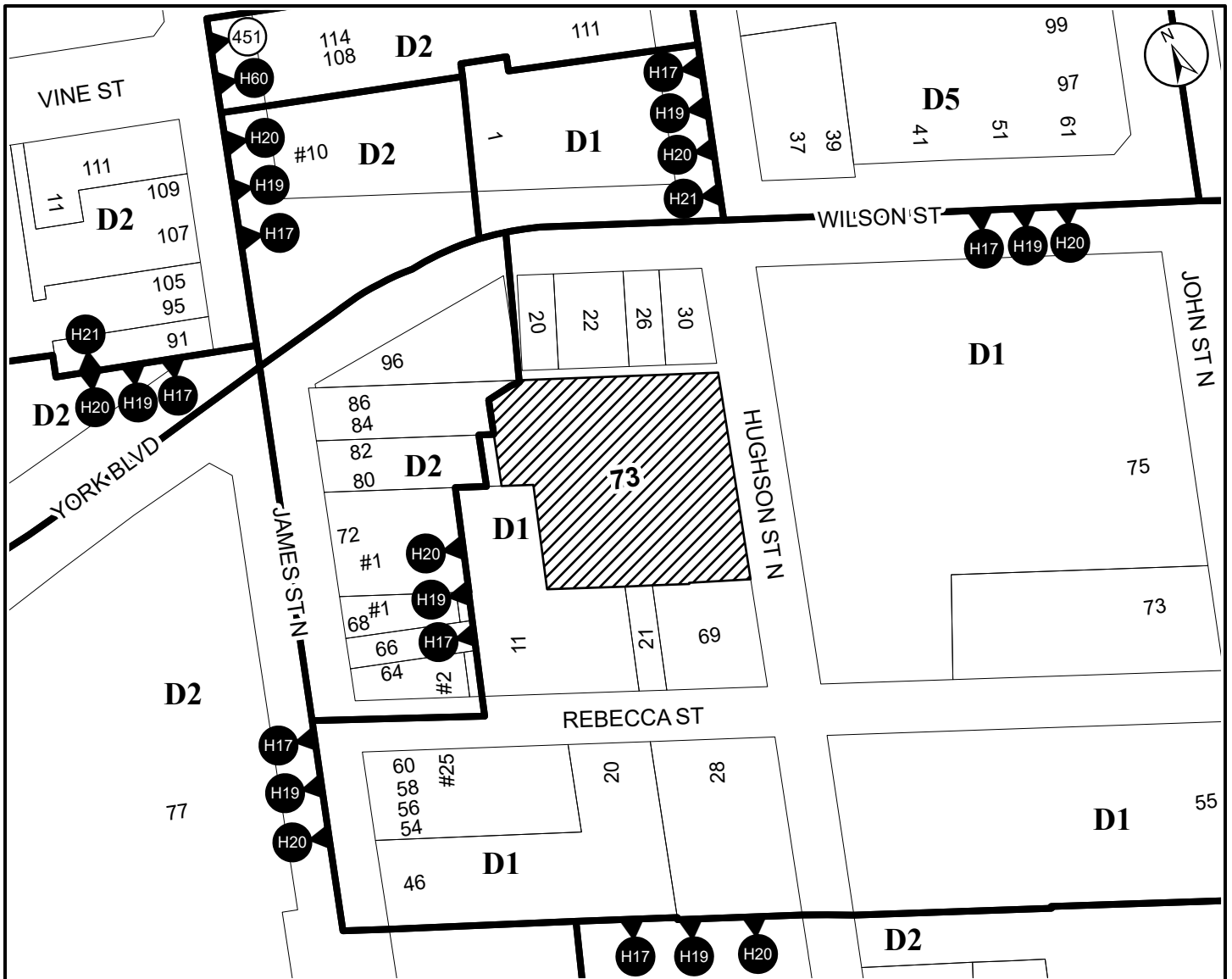
STAFF COMMENTS

HEARING DATE: October 8, 2024

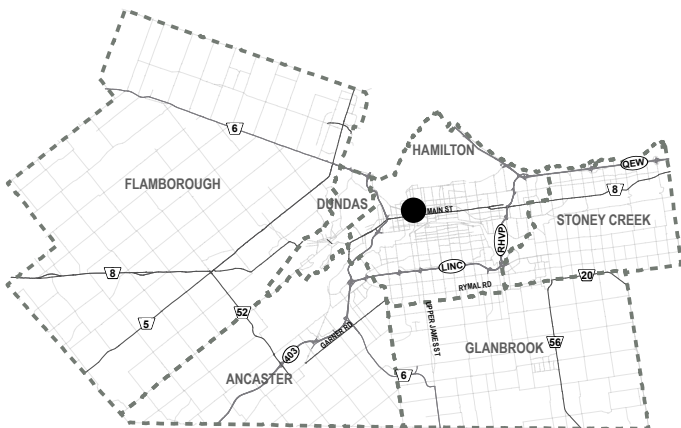
Transportation Planning:

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Notes:	

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



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



73 Hughson Street North, Hamilton
(Ward 2)

File Name/Number:
A-24:200

Date:
September 26, 2024

Technician:
SH

Scale:
N.T.S.

Appendix "A"



Hamilton