



Hamilton

STAFF COMMENTS

HEARING DATE: November 12, 2024

A-24:219 – 468 Ottawa Street North, Hamilton

Recommendation:

Development Planning: Approve amended Variance 1 deny Variances 2, 3 and 4.

Transportation Planning - Deny

Proposed Conditions:

N/A

Proposed Notes:

N/A



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Development Planning:

Background

The purpose of this application is to facilitate interior renovations to permit an additional 21 dwelling units to be added to the existing Multiple Dwelling. The added units are going to be located in converted underutilised spaces in the existing building.

The following variances are requested:

1. No visitor parking spaces shall be provided for the 21 additional units proposed, instead of the 3 visitor parking spaces required.
2. No accessible parking spaces shall be provided for the 21 additional units proposed, instead of the 2 accessible parking spaces required.
3. No short-term bicycle parking shall be required instead of the minimum 2 short term bicycle parking spaces required.
4. No long-term bicycle parking shall be required instead of the minimum 14 long term bicycle parking spaces required.

Variance 1 is recommended to be **amended** as follows:

1. 1 visitor parking spaces shall be provided for the 21 additional units proposed, instead of the 3 visitor parking spaces required.

Urban Hamilton Official Plan

The subject property is designated as Mixed Use – High Density in the Urban Hamilton Official Plan. Policy E.4.5.5 permits multiple dwellings. Policy E.4.5.10 states that permitted uses shall be located in both single and mixed-use buildings. The subject property is not located in any secondary plan area found in Volume 2 of the Urban Hamilton Official Plan. Based on the forgoing policies the proposed additional multiple dwelling units are a permitted use in the Mixed Use – High Density land use designation in the Urban Hamilton Official Plan.

The following Official Plan policies among others apply:

- “E.4.5.2 Areas designated Mixed Use - High Density shall serve as a focus for surrounding communities, creating a sense of place for those communities. Retail and service commercial uses are a key element in maintaining that function and ensuring the continued vibrancy of Sub-regional Service Nodes.



- E.4.5.3 Areas designated Mixed Use - High Density shall evolve into compact, mixed use people places where people can live, work and shop. To achieve this function, new development shall be designed and oriented to create comfortable, vibrant, and stimulating pedestrian oriented streets within each Mixed Use - High Density area.
- E.4.5.12 Areas designated Mixed Use - High Density are intended to develop in a compact urban form with a streetscape design and building arrangement supporting pedestrian use and circulation and the creation of a vibrant people place.
- E.4.5.19 New development shall respect the existing built form of adjacent neighbourhoods by providing a gradation in building height and densities, and by locating and designing new development to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods.
- E.4.5.20 Reduced parking requirements shall be considered to take advantage of the higher level of transit service to the Sub-Regional Service Nodes.”

Based on the forgoing policies staff understand the multiple dwelling building is existing and in staff's opinion meets the general intent of the official plan policies. Policy E.4.5.2 speaks specifically to creating a sense of place in the community. Staff are supportive of permitting additional units on the site that will further foster and evolve the existing area into compact and mixed-use area that contributes to the creation of complete communities. Staff are supportive of reduced quantity of parking spaces where appropriate to better support walkable streets and to allow for a range of transportation methods. However, staff do have concerns with the proposed elimination of the bicycle parking and barrier free requirements for the proposed additional dwelling units.

Archaeology:

The subject property meets three (3) 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;
- 2) In areas of pioneer Euro-Canadian settlement; and
- 3) 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.



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Cultural Heritage:

No comments.

If this variance is granted, the proponent must be advised in writing by the Committee of Adjustment as follows:

“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).”

City of Hamilton Zoning By-law 05-200

The subject lands are zoned “C4” (Mixed Use High Density) in the City of Hamilton Zoning By-law No. 05-200. The “C4” zone permits multiple dwellings.

Analysis

Variance 1

Variance 1 as **submitted**

1. No visitor parking spaces shall be provided for the 21 additional dwelling units proposed, instead of the 3 visitor parking spaces required.

Variance 1 as **amended**

1. 1 visitor parking spaces shall be provided for the 21 additional units proposed, instead of the 3 visitor parking spaces required.

Staff note that the site is providing a significant oversupply of occupant parking on the lands. The lands are located in Parking Rate Area 1, which does not have an occupant parking requirement. Based on the submitted materials, the site currently provides 90 surplus occupant parking space. A Parking Justification Study was submitted, which supports a reduced visitor parking demand of 0.03 spaces per unit. Staff are generally supportive of the reduction in required visitor parking spaces as the applicant has demonstrated that there will be a reduced demand for visitor parking thus allowing the site to provide for sufficient supply of visitor parking through the utilisation of existing parking



spaces that are in excess. Staff recommend the implementation of the Parking Justification Study through the amendment of variance 1 to reduce the required visitor parking spaces down to 1 required space for the additional 21 units proposed. This would result in a total of 7 visitor parking spaces being provided on the lands, which is in line with the recommendations of the submitted Parking Study. In staff's opinion the reduction of surplus parking will better align with the Official Plan policies and is generally in keeping with the intent of the Zoning By-law. Encouraging alternative modes of transportation meets the general intent of the Official Plan and staff encourage a reduction in trips being taken by personal automobile to promote transit and active transportation. Development planning staff defer further comments to Transportation Planning Staff. Based on the forgoing analysis **staff are supportive of variance 1 as amended** and recommend approval of this variance.

Variance 2, 3 & 4

2. No accessible parking spaces shall be provided for the 21 additional units proposed, instead of the 2 accessible parking spaces required.
3. No short-term bicycle parking shall be required instead of the minimum 2 short term bicycle parking spaces required.
4. No long-term bicycle parking shall be required instead of the minimum 14 long term bicycle parking spaces required.

Staff are not supportive of variances 2, 3 and 4 as they do not meet the general intent and purpose of the Official Plan and Zoning By-law. Staff have analyzed the proposal within the context of the existing site and are of the opinion that sufficient barrier free parking spaces can be provided through the reduction of existing surplus occupant parking spaces. The current barrier-free parking requirements of Zoning By-law No. 05-200 aligns the City's Zoning By-law with the requirements under the *Accessibility for Ontarians with Disabilities Act (AODA)*. Through the varying of the applicable provisions of the Zoning By-law and reducing the required barrier free spaces, the proponent would be deviating from AODA requirements. **Staff do not support variance 2.**

Staff are also of the opinion that the existing site has sufficient space to provide both short-term and long-term bicycle parking spaces. Staff note that there appears to be existing short-term bicycle parking on the site, which may satisfy the requirement under the Zoning By-law. Furthermore, staff are of the opinion that the required 14 long-term bicycle parking spaces can be accommodated within the portion of the building proposed to be converted. Staff note that part of the justification for the reduction in the required vehicular parking rate in Parking Rate Area 1 is to encourage alternative modes of transportation, including cycling. Development Planning staff defer to Transportation Planning for further comment. Staff **recommend denial of variances 2, 3 and 4.**

Based on the forgoing analysis staff recommend the **approval of variance 1 as amended and the denial of variances 2, 3 and 4** as those variances do not meet the general intent and purpose of the



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Official Plan and Zoning By-law, are not minor in nature, nor are they desirable for the appropriate development of the lands.

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ol style="list-style-type: none"> 1. Requested variances are required to facilitate the addition of 21 dwelling units to an existing multiple dwelling Variances written as requested by the applicant
Notes:	

Development Engineering:

Recommendation:	No Comments
Proposed Conditions:	N/A
Comments:	N/A
Notes:	N/A

Building Engineering:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

Transportation Planning:

Recommendation:	Deny
Proposed Conditions:	
Comments:	<ol style="list-style-type: none"> 1. Transportation Planning cannot support a reduction in 3 visitor parking spaces. 2. Transportation Planning cannot support the reduction in 2 accessible parking spaces <ol style="list-style-type: none"> 1. No visitor parking spaces shall be provided for the 21 additional units proposed, instead of the 3 visitor parking spaces required. 2. No accessible parking spaces shall be provided for the 21 additional units proposed, instead of the 2 accessible parking spaces required.



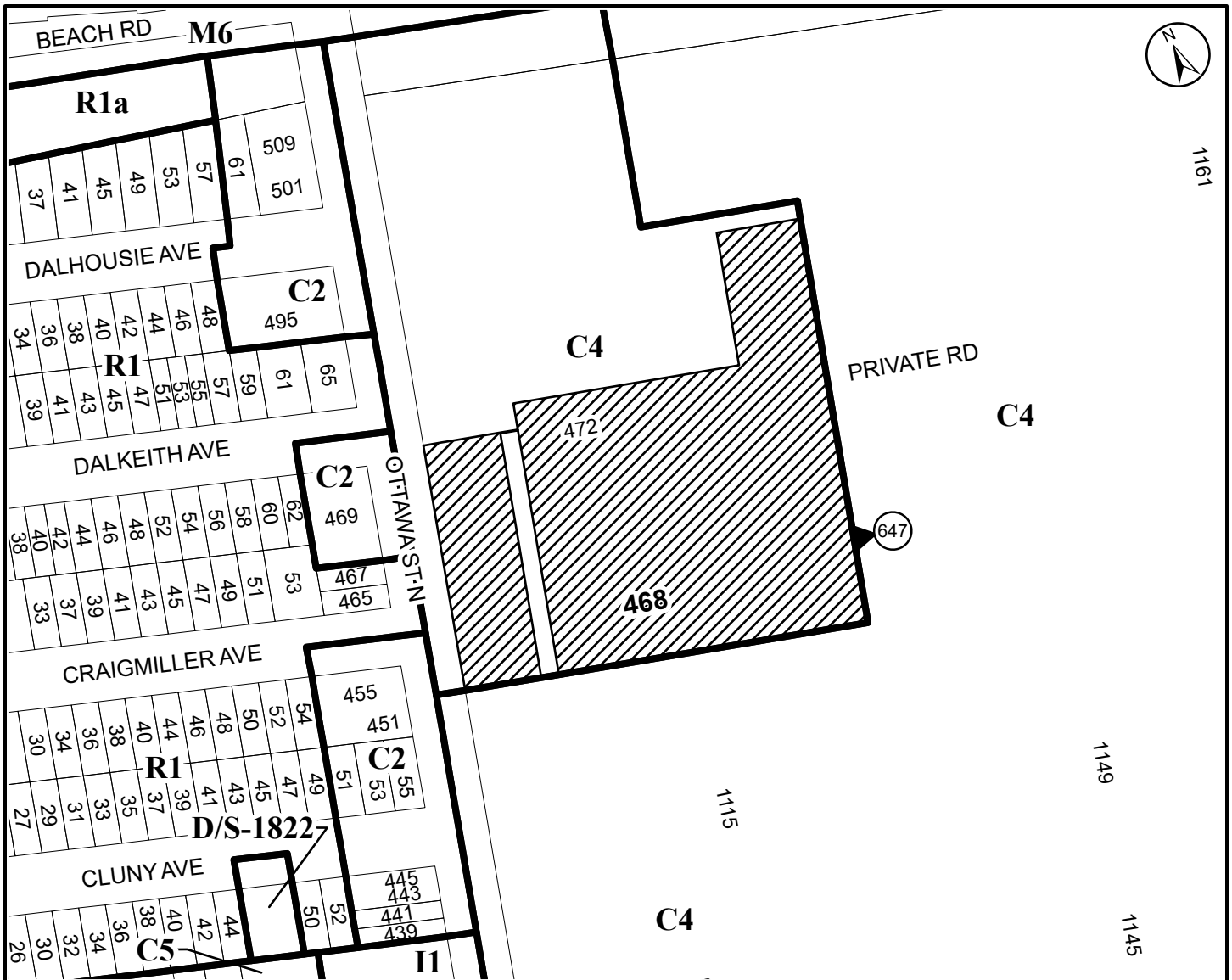
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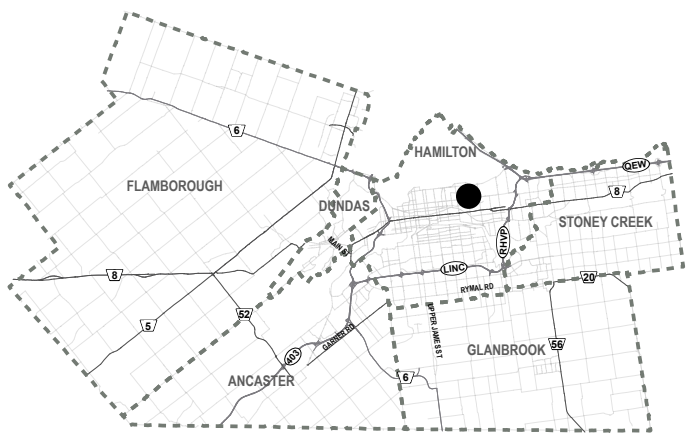
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	3. No short-term bicycle parking shall be required instead of the minimum 2 short term bicycle parking spaces required. 4. No long-term bicycle parking shall be required instead of the minimum 14 long term bicycle parking spaces required.
Notes:	

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



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property

468 Ottawa Street North, Hamilton (Ward 4)

File Name/Number:

A-24:219

Date:

October 30, 2024

Technician:

SH

Scale:

N.T.S.

Appendix "A"



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