



Hamilton

STAFF COMMENTS

HEARING DATE: November 12, 2024

A-24:205 (71 Rebecca St., Hamilton)

See full Comments from October 22, 2024 Agenda

Recommendation:

Approve

Proposed Conditions:

N/A

Proposed Notes:

N/A



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Development Planning:

Background

To permit the construction of a 29 storey mixed use development consisting of 477 dwelling units and commercial space at grade. Parking consists of 171 vehicular parking spaces provided over four levels within the podium as well as 239 long term bicycle parking spaces for residents and 10 short term visitor bicycle parking spaces are provided. Additionally, a total of 13 commercial bicycle parking spaces are proposed, being 8 long term and 5 short term spaces.

This minor variance application is to facilitate Site Plan applications DA-21-113 and DA-23-016, which received Conditional Approval on January 23, 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.

Policy E.2.3.1.16 states “reduced parking requirements shall be considered to encourage a broader range of uses and to support transit.”

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.6.1.3.5, and B.6.1.6.1, amongst others, are applicable and permit the proposed multiple dwelling and commercial uses.

Policy B.6.1.3.5 of the Downtown Secondary Plan states the following:

“The transportation system in the Downtown includes an integrated network for pedestrians, cyclists, transit users and drivers. The Downtown benefits when these integrated networks collectively provide a range of safe and sustainable travel choices to ensure mobility and accessibility for all people, contributing to the creation of complete communities. To achieve these objectives development shall:

- a. Establish an overall plan that appropriately allocates safe space for all users of the street including pedestrians, cyclists, motorists, people with disabilities, and public transit users as well as goods delivery, service vehicles and emergency vehicles.
- b. Prioritize pedestrians, cyclists, and public transit relative to private automobiles through the application of Complete, Livable, Better Streets Policy.



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- c. Reduce dependence on single occupant vehicles.
- d. Promote accessibility and improve options for walking, cycling and transit.”

Staff note that the proposed development includes 249 bicycle parking spaces for residential uses (239 long term and 10 short term) as well as 13 bicycle parking spaces for commercial uses (8 long term and 5 short term spaces). Staff further note the wide availability of public transit alternatives, including HSR bus routes and GO Transit, to personal automobiles within the vicinity of the subject lands. Additionally, the subject lands are within 200 metres to stops of the future Light Rail Transit route along King Street West.

Additionally, the popularity of car share services such as Communauto and ZipCar has expanded considerably since September 2018. Correspondingly, the availability of car share services has improved with a greater number of locations throughout Downtown Hamilton. Car share services such as Communauto now also offer FLEX cars which can be parked anywhere in non-paid parking streets within the City, adding further flexibility and availability to car share services.

Based on the above, staff are of the opinion that Variances 1 to 4 maintain the intent of the Urban Hamilton Official Plan and Downtown Hamilton Secondary Plan. The strong presence of public transit alternatives and bicycle parking spaces promotes the utilization of active transportation and public transit as alternatives to personal automobiles, reducing dependence on single occupant vehicles, in keeping with the goals of the Downtown Hamilton Secondary Plan.

Similarly, Variance 5 will not result in car share services being unavailable for residents and will not increase reliance on privately owned automobiles. It is staff's opinion that Variance 5 maintains the general intent of the Urban Hamilton Official Plan and Downtown Secondary Plan.

Beasley Neighbourhood Plan

The subject lands are identified as “Commercial” on Map 6703 within the Beasley Neighbourhood Plan.

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

The subject lands are zoned Downtown Central Business District (D1, 701, H17, H105) 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.

Variances 1 to 4

1. 55 parking stalls shall be permitted to maintain a width of 2.8 metres and a length of 5.8 metres instead of the required 62 parking stalls with a width of 2.8 metres and a length of 5.8 metres;



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2. 68 parking stalls shall be permitted to maintain a width of 2.6 metres and a length of 5.8 metres instead of the required 93 parking stalls with a width of 2.6 metres and a length of 5.8 metres;
3. 32 parking stalls shall be permitted to maintain a width of 2.6 metres and a length of 5.5 metres instead of the required 36 parking stalls with a width of 2.6 metres and a length of 5.5 metres;
4. 9 parking stalls shall be permitted to maintain a width of 2.8 metres and a length of 5.5 metres, instead of the required 13 parking stalls with a width of 2.8 metres and a length of 5.5 metres;

The intent of these provisions is to ensure sufficient on-site parking is provided for residents and visitors.

Staff note that the subject property falls under the parking requirements of Special Exception 701 to Zoning By-law No. 05-200 which provides specific parking regulations, including permissions for reduced parking space sizes. As part of the recent amendments to the parking regulations of City of Hamilton Zoning By-law No. 05-200, the subject property is located within Parking Rate Area 1, which does not require parking spaces for multiple dwellings aside from visitor parking and accessible parking spaces. .

Staff further note the subject property is located in close proximity to existing and future public transit as an alternative to personal automobiles. In terms of existing transit routes, the Hamilton Go Centre and the MacNab Terminal are within walking distance of the subject property providing close access to HSR bus routes and intercity transit via GO bus and train routes. Various HSR and GO bus stops are located along Rebecca Street, King Street West, James Street North and John Street North within walking distance of the subject property.

Based on the above, staff are of the opinion that Variances 1 to 4 reduce reliance on private automobiles with the strong presence of alternative modes of transport while still providing some on-site parking for residents. Therefore, it is staff's opinion that Variances 1 to 4 maintain the intent of the Urban Hamilton Official Plan and Zoning By-law, are desirable for the appropriate development of the land and are minor in nature. **Staff support the variances.**

Variance 5

5. To permit 0 car share parking stalls, at grade, at 2.6 metres by 5.5 metres, instead of 4 care share parking stalls at grade, at 2.6 metres by 5.5 metres.

The intent of this provision is to provide on-site parking for car share services to improve accessibility for use cases with the occasional need for automobile transportation, reducing reliance on personal vehicle use and single occupancy vehicles.



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Based on the above, it is staff’s opinion that the requested variance maintains the intent of the Urban Hamilton Official Plan and Zoning By-law, is desirable for the appropriate development of the land and is minor in nature. **Staff support the variance.**

Variance 6

- 6. A balcony shall be permitted to encroach a maximum of 1.5 metres into any required yard instead of the minimum 1.0 metres.

The intent of this provision is to prevent issues relating to overlook, privacy, shadowing and encroachment over property lines.

Staff note that the architectural package submitted with this application shows balconies at levels 6 to 9 on the westerly and easterly facades of the podium. The intent behind requesting a 1.5 metre balcony encroachment is to provide deeper balconies for residents, resulting in more individual amenity space per dwelling unit in the form of more usable balcony spaces. With a 1.5 metre encroachment, these balconies extend to the property line and cross the property line in the daylight triangle on the northeast corner of Rebecca Street and John Street North. Development Planning staff defer to Transportation Planning staff regarding matters of encroachment into the public right-of-way and daylight triangles.

Staff note that the current zoning permits a 1 metre encroachment for balconies, which would provide a 0.5 metre setback from the streetline. Staff further note that some buildings of similar height within downtown Hamilton, between 6 and 12 storeys, have setbacks to the streetline of close to 0 metres. Currently the lands to the west are commercial parking lots and the lands to the east are a 2 storey Hamilton Police Services facility. If the lands to the west are redeveloped in the future, there would be at minimum a 20 metre separation provided by the public right-of-way, limiting any potential future impacts.

Staff do not anticipate negative impacts or land use conflicts with neighbouring land uses arising from the 0.5 metre increased balcony encroachment. Provided Transportation Planning staff have no concerns regarding the public right-of-way, staff support the variance.

Based on the above, staff are of the opinion that the requested variance maintains the intent of the Urban Hamilton Official Plan and Zoning By-law, is desirable for the appropriate use and development of the land and is minor in nature.

In conclusion, staff are of the opinion that the requested variances meet the four tests of a minor variances. Based on the foregoing, **staff recommend approval.**

Development Engineering:

Recommendation:	No Comments
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Proposed Conditions:	N/A
Comments:	Development Engineering has no comments or objections regarding the minor variances as proposed. Detailed grading and servicing approvals have been provided under Site Plan applications DA-23-016 (previous file DA-21-091).
Notes:	

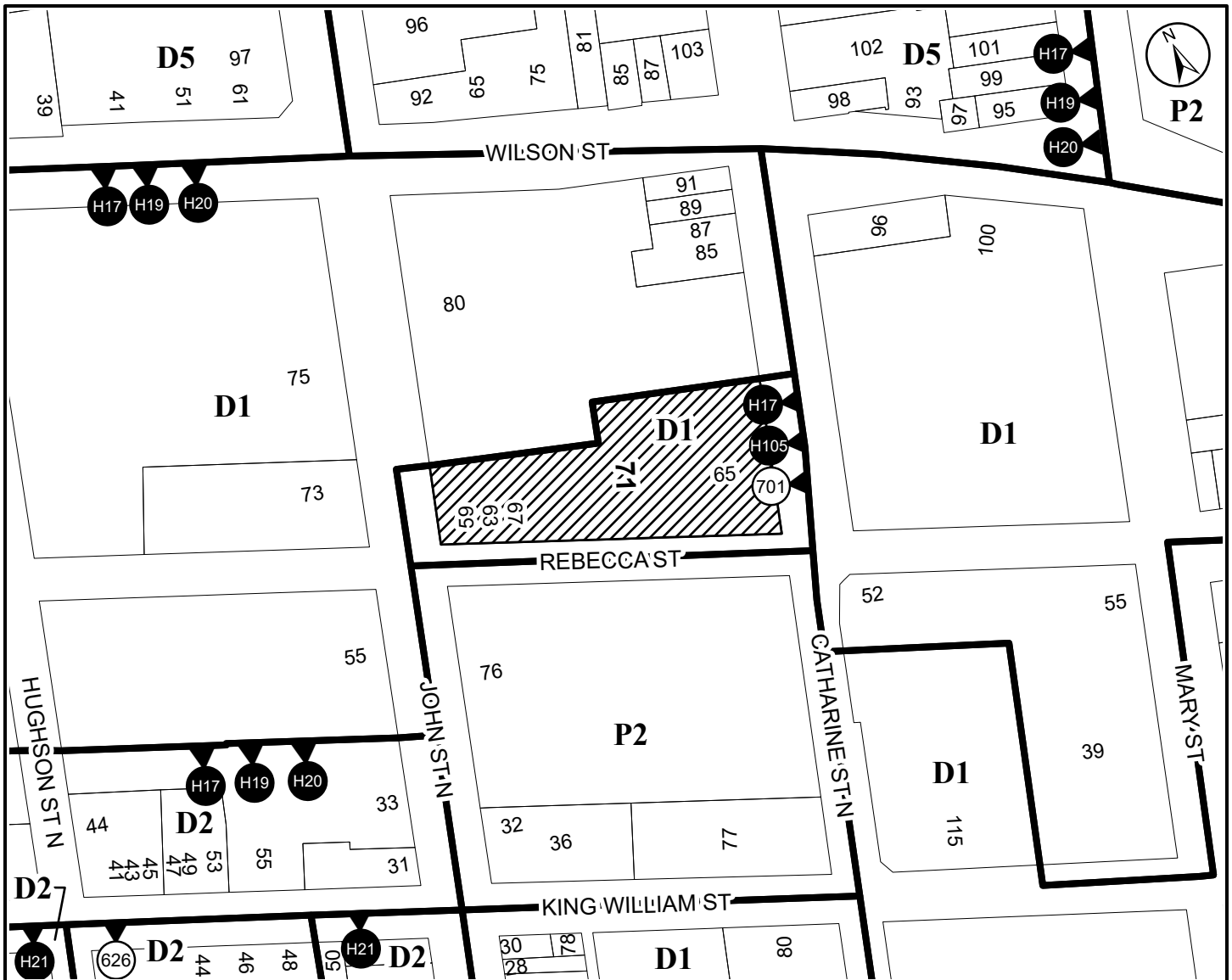
Building Engineering:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

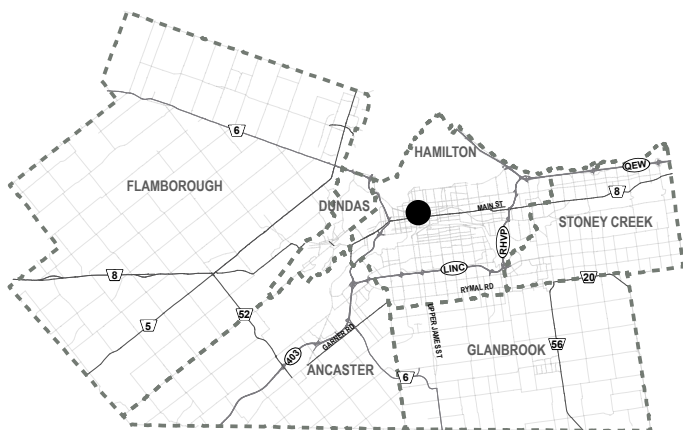
Transportation Planning:

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



71 Rebecca Street, Hamilton
(Ward 2)

File Name/Number:
A-24:205

Date:
October 8, 2024

Technician:
SH

Scale:
N.T.S.

Appendix "A"



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Planning and Economic Development Department