



Hamilton

STAFF COMMENTS

HEARING DATE: January 21, 2025

A-24:265 – 63 Leavitt Boulevard, Flamborough

Recommendation:

Table — Development Planning

Proposed Conditions:

Proposed Notes:



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Development Planning:

Background

To facilitate the construction of a multi-tenanted industrial building.

Staff note that this minor variance application is associated with Site Plan application SPA-21-094, which was conditionally approved on October 5, 2021. The proposed development comprises Phase 2 of the site's development

Staff further note that the proposed development has been redesigned from the initial conditionally approved site plan and a resubmission was recently submitted. The resubmitted site plan is currently under review and at the time of analyzing the Minor Variance application, staff have not received comments on the most recent site plan submission.

Analysis

Urban Hamilton Official Plan

The subject lands are identified as "Employment Areas" in Schedule E – Urban Structure and are designated "Business Park" in Schedule E – 1 Urban Land Use Designations of the Urban Hamilton Official Plan. Policy E.5.4.3, amongst others, is applicable and permits a range of industrial uses and uses which primarily support industry. The proposed business centre is permitted.

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

The subject lands are zoned Prestige Business Park (M3) Zone in City of Hamilton Zoning By-law No. 05-200. A wide range of industrial uses are permitted.

Variances 1 and 2

1. A minimum 1.3 metre setback to a street line shall be permitted instead of the minimum 6.0 metre setback for a yard abutting a street.
2. A minimum 1.3 metre wide landscaping area abutting a street shall be permitted instead of the minimum 6.0 metre wide landscaped area abutting a street.

The intent of these provisions is to provide sufficient separation between industrial buildings on the subject property and features within the streetscape such as municipal trees, bike lanes and to maintain a consistent and appealing streetscape within the business park.



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Variance 3

- 3. A minimum of 1.25 parking spaces for each 100 square metres of gross floor area shall be permitted instead of the minimum required 2.0 parking spaces for each 100 square metres of gross floor area for a planned business centre.

The intent of this provision is to ensure sufficient on-site parking is provided to meet vehicular parking demand for the on-site uses.

Staff note that the subject property is located within Parking Rate Area 3, which is characterized as having the greatest dependence on personal vehicular transportation and lower availability of alternative transportation methods (such as public transit or supportive active transportation opportunities). Staff are requesting additional information and justification for the requested reduction in on-site parking as the provided rational was not accompanied by a transportation assessment. Also, Development Planning staff are of the opinion that a complete technical assessment of the site plan ought to occur prior to the evaluation of the proposed minor variance.

Variance 4

- 4. A minimum electric vehicle parking rate of 9% of all parking spaces shall be permitted instead of the minimum required electric vehicle parking rate of 50% of all parking spaces.

The intent of this provision is to ensure a sufficient portion of the on-site parking spaces are EV-capable to help prepare for the mass adoption and transition to electric vehicles.

Based on the foregoing, staff request that this application be tabled to afford additional time for additional information to be provided in the form of additional justification for the reduction in on-site parking and comments based on review of the most recent site plan submission. **Staff recommend tabling the application.**

Zoning:

Recommendation:	Comments only
Proposed Conditions:	
Comments:	<ul style="list-style-type: none"> 1. These variances are required to facilitate conditionally approved Site Plan application SPA-21-094. 2. Please be advised that the Electric Vehicle Parking requirements under By-law 24-052, remain under appeal and are not covered under Section 1.12 of the "Transitional Provisions" of the Hamilton Zoning By-law 05-200. At present, a review of the Electric Parking



	<p>requirements has not been included in the following zoning review. If the remaining portions of By-law 24-052 become final before issuance of a building permit, the Electric Vehicle Parking requirements will be applicable upon review for such building permit.</p> <p>Note Variance four has been provided as requested. However, at this time Electric Vehicle parking is not applicable to the proposed development until such a time where the appeal to the Ontario Land Tribunal has been resolved or through the approval of this minor variance or similar Planning Act applications.</p> <p>3. It is noted that there may be a loading space located within the drive aisle of the indoor parking spaces. All parking spaces shall have adequate means of ingress and egress to the street without the necessity of moving any other motor vehicle. Should any loading space block the access of a parking space, as required under Section 5.2.4.c) additional variances may be required.</p> <p>4. A portion of the property is within the area controlled by the Niagara Escarpment Planning and Development Act. As per Section 4.31 of Hamilton Zoning By-law 05-200, zoning shall have no effect and is provided for information purposes only. For further information, please contact the Niagara Escarpment Commission at (905) 877-5191 or necgeorgetown@ontario.ca.</p>
Notes:	

Cultural Heritage:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	Staff Comments addressed by SPA-21-094
Notes:	

Development Engineering:

Recommendation:	Approve
Proposed Conditions:	
Comments:	63 Leavitt Boulevard is subject to the site plan application SPA-21-094 in which detailed engineering comments are provided. Development Engineering has no concerns with the minor variances as proposed.
Notes:	



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Building Engineering:

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

Transportation Planning:

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Notes:	

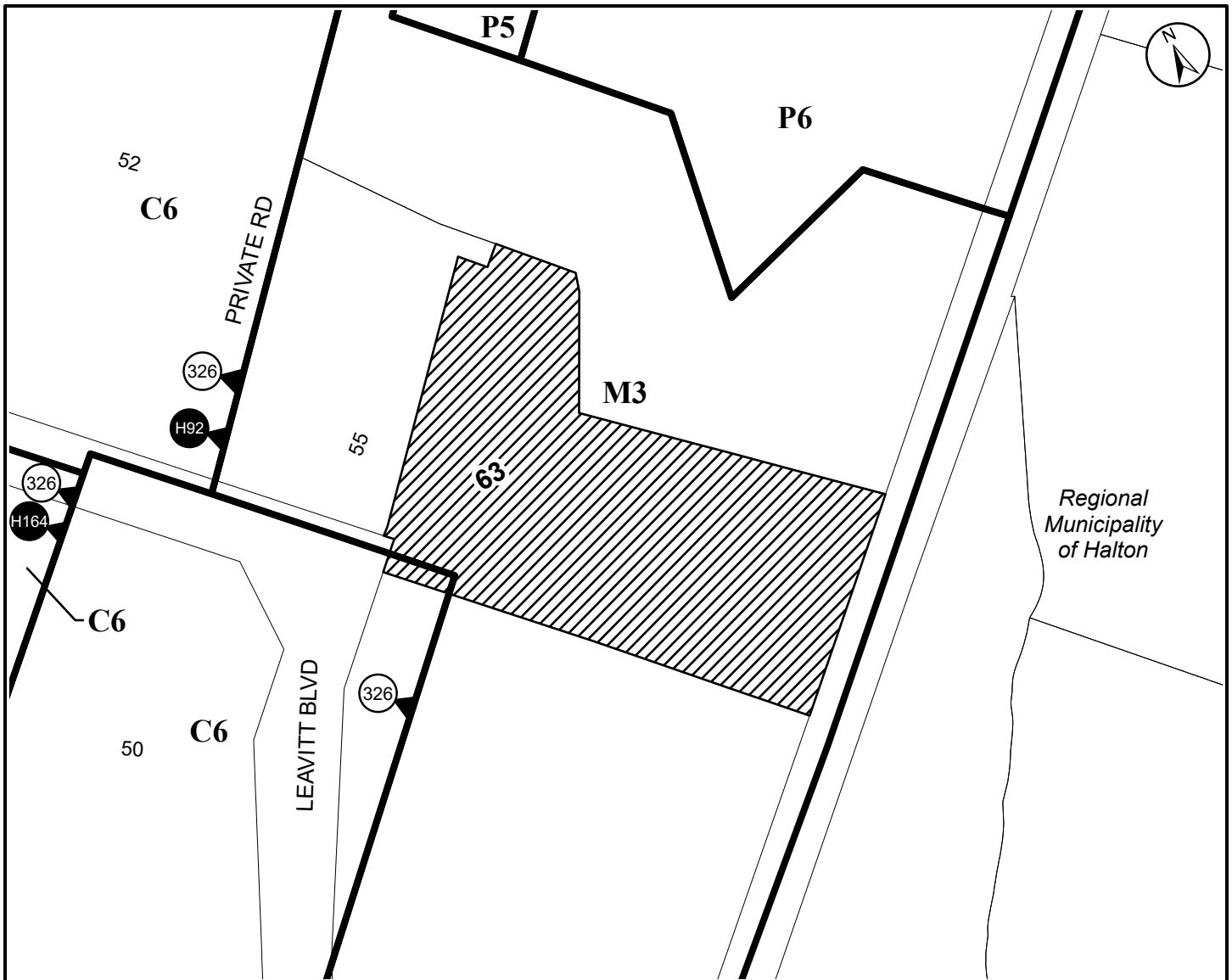
Conservation Halton:

Recommendation:	Approve
Proposed Conditions:	N/A
Comments:	<p>Conservation Halton (CH) staff has reviewed the above-noted applications as per our regulatory responsibilities under the <i>Conservation Authorities Act</i> (CA Act) and Ontario Regulation 41/24, and our provincially designated responsibilities under Ontario Regulation 686/21 (e.g., acting on behalf of the province to ensure decisions under the <i>Planning Act</i> are consistent with the natural hazards policies of the Provincial Planning Statement [PPS, Sections 5.1.1-5.2.8] and/or provincial plans).</p> <p>Documents reviewed as part of this submission include:</p> <ul style="list-style-type: none"> • <i>Minor Variance Sketch</i>, Prepared by Urban Solutions, Dated November 20, 2024 • <i>Cover Letter</i>, Prepared by Urban Solutions, dated November 20, 2024 <p><u>Proposal</u></p> <p>The purpose of the minor variance application (A-24:265) is to facilitate the construction of a multi-tenanted industrial building. Staff understand that variances are generally being requested to permit specified reductions in</p>



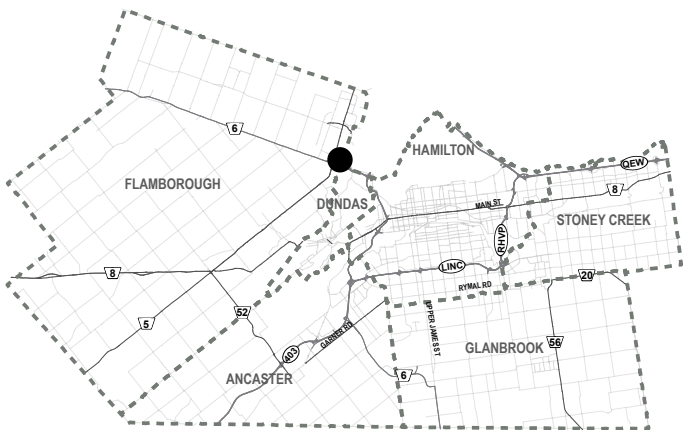
	<p>street setbacks, landscaping areas and parking spaces required to facilitate conditionally approved Site Plan Application SPA-21-094.</p> <p><u>Conservation Authorities Act and Ontario Regulation 41/24</u></p> <p>Effective April 1, 2024, CH's previous regulation, Ontario Regulation 162/06 ("Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses") under Section 28 of the <i>Conservation Authorities Act</i> (CA Act) was repealed and replaced by Ontario Regulation 41/24 ("Prohibited Activities, Exemptions and Permits"). Complementary provisions under Part VI ("Regulation of Areas Over Which Authorities Have Jurisdiction") and Part VII ("Enforcement and Offences") of the CA Act were proclaimed on the same date.</p> <p>Under Part VI of the CA Act and Ontario Regulation 41/24, CH regulates all watercourses, valleylands, wetlands, Lake Ontario Shoreline and hazardous lands as well as lands adjacent to these features. Although CH's Approximate Regulation Limit (ARL) mapping indicates that this property does not contain areas regulated by CH, previous studies on neighboring properties have identified regulated karst, considered hazardous land, on adjacent properties. Permits are required from CH prior to undertaking development activities within CH's regulated area and applications are reviewed under the CA Act, Ontario Regulation 41/24, and CH's Board-approved policies and requirements (https://conservationhalton.ca/policies-and-guidelines).</p> <p><i>Proposed Development</i></p> <p>Further to the above, should karst be encountered during construction, a karst specialist or geotechnical engineer should be consulted with to assess the risk and propose any necessary mitigation measures to be circulated for review by CH staff to confirm any CH permitting requirements. A CH permit may be required if hazardous karst is identified.</p> <p><u>Recommendation</u></p> <p>Based on the above, CH has no objection to approval of the proposed minor variance applications.</p> <p>Should karst be encountered during construction, please contact CH for further review and comments.</p>
Notes:	N/A

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



Regional Municipality of Halton

● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



63 Leavitt Boulevard, Flamborough (Ward 15)

File Name/Number:
A-24:265

Date:
January 8, 2025

Technician:
SH

Scale:
N.T.S.

Appendix "A"



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