



Hamilton

**STAFF COMMENTS**

**HEARING DATE: May 29, 2025**

A-25:084 — 56 York Boulevard, Hamilton

**Recommendation:**

Approve Variances 1 and 2, Deny Variance 3 — Development Planning

**Proposed Conditions:**

**Proposed Notes:**

A building permit is required for the renovation of the existing causeway and construction of the addition for the proposed hotel building. (Building Engineering)

MCFN's Department of Consultation and Accommodation (DOCA) have no questions or comments for you at this time. This does not indicate a position of support for the project, that the Duty to Consult and Accommodate the MCFN has been met, or that there are no adverse impacts to the MCFN's Indigenous and Treaty Rights.

DOCA expects to be notified of any and all future project updates and/or changes. Additionally, DOCA must be notified of, invited to participate in, and provided the opportunity to review any environmental and/or archaeological assessments. At its discretion, DOCA may request capacity funding from the proponent for its consultation and engagement activities relating to the project. (Mississaugas of the Credit First Nation)

All grading, drainage and servicing issues are going to be dealt with under the Site Plan Control Application, City file DA-25-019. (Development Engineering)



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## **Development Planning:**

### **Background**

The purpose of Minor Variance application A-25:084 is to permit the mixed-use redevelopment of existing buildings on the subject property, consisting of 36 dwelling units within the westerly building and a hotel containing 60 rooms within the easterly building, at the corner of MacNab Street North and York Boulevard.

Staff note that the property is a Designated Cultural Heritage Property under the *Ontario Heritage Act*.

### **Urban Hamilton Official Plan**

The subject lands are identified as “Downtown Urban Growth Centre” on Schedule E – Urban Structure and are designated “Downtown Mixed Use Area” on Schedule E – 1 Urban Land Use Designations of the Urban Hamilton Official Plan. Policies B.3.3.11.2, E.2.3.1.16 and E.4.4.4, amongst others, are applicable and permit the proposed multiple dwelling and hotel uses.

Policy E.2.3.1.16 states that reduced parking requirements shall be considered to encourage a broader range of uses and densities to support transit. Additionally, Policy B.3.3.11.2 requires barrier free design on private sector sites or buildings wherever possible through site plan approval, enforcement of the Ontario Building Code and implementation of all applicable provincial legislation, standards and guidelines.

Staff note that Variances 2 and 3 are related to the proposed addition that will contain an additional seven guest rooms for the hotel use, not located within the existing portion of the building.

Regarding Variance 2, staff note that there is both public transit and off-site parking available in proximity to the subject property. For example, multiple Hamilton Street Railway bus routes are available nearby, including routes 1/1A, 2, 3, 4, 7, 8, 9, 10, 20, 51, 99 and others. An elevated parking structure is located on the opposite, northeast corner of MacNab Street North and York Boulevard from the subject property and a private parking lot is directly adjacent to the north of the subject property.

Based upon the availability of public transit and off-site parking in the vicinity of the subject property, the proposed development will be supportive of public transit and nearby off-site parking is available as an alternative for hotel guests. Staff are of the opinion that Variance 2 meets the general intent of the Urban Hamilton Official Plan.

Regarding Variance 3, staff are of the opinion that the requested reduction in accessible parking spaces does not maintain the intent of the Urban Hamilton Official Plan as adequate barrier free design will not be provided for the proposed new hotel use, which is inconsistent with applicable provincial legislation, standards and guidelines.



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### **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.6.1.4.28 and B.6.1.6.1 are applicable and permit the proposed multiple dwelling and hotel uses.

Policy B.6.1.4.12 allows for a maximum building height of 30 storeys on properties identified as “High Rise 2”. The proposed development will maintain the existing building height of four storeys. Additionally, Policy B.6.1.4.28 requires all development to be massed in a complimentary way to the existing street proportions, be compatible with the surrounding neighbourhood, enhance the public realm and to provide high quality spaces within the public realm as well as within buildings.

Regarding Variance 1, the proposed addition is architecturally consistent with the existing building and will effectively extend the existing building façade and roofline across the MacNab Street North frontage. Staff are of the opinion that Variance 1 is consistent with the policy intent outlined in Policies B.6.1.4.12 and B.6.1.4.28, and others. It is staff’s opinion that Variance 1 maintains the general intent of the Urban Hamilton Official Plan and Downtown Secondary Plan.

Development Planning staff defer to Cultural Heritage Planning staff regarding the proposal’s conformity with the Cultural Heritage policies of the Urban Hamilton Official Plan and the Downtown Hamilton Secondary Plan.

### **Archaeology**

Staff comments addressed as part of Site Plan Control Application DA-25-019.

### **Cultural Heritage**

Staff comments addressed as part of Site Plan Control Application DA-25-019.

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

The subject lands are zoned Low Density Residential (R1) Zone in the City of Hamilton Zoning By-law No. 05-200. The existing single detached dwelling is a permitted use.

### **Variance 1**

1. A minimum setback of 0.0 metres shall be permitted for the portion of the building base façade above 16.0 metres in height along MacNab Street North instead of the minimum 3.0 metre setback required from the building base façade height of 16.0 metres.

The intent of this provision is to maintain a consistent, human-scale streetwall to promote a pedestrian friendly streetscape.

Staff note that part of the proposed redevelopment of the subject property is an addition to the fourth floor of the easterly building, fronting along MacNab Street North. This proposed addition is consistent



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with the existing fourth storey, both in building height and architecturally. It is staff's opinion that the proposed fourth storey addition will maintain and enhance the existing streetscape.

Therefore, staff are of the opinion that the requested variance maintains the general intent of the Urban Hamilton Official Plan, Downtown Hamilton Secondary Plan and Zoning By-law, is desirable for the appropriate use or development of the land and is minor in nature. Staff support the variance.

**Variance 2**

2. Parking for a hotel use shall be provided at a minimum of rate of 0.0 parking spaces per unit instead of the minimum required 0.6 parking spaces or a minimum required four parking spaces.

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

Staff note that this variance is related to the proposed addition that will contain an additional seven guest rooms for the hotel use, not located within the existing portion of the building.

Staff further note that there is both public transit and off-site parking available in proximity to the subject property. For example, multiple Hamilton Street Railway bus routes are available nearby including routes 1/1A, 2, 3, 4, 7, 8, 9, 10, 20, 51, 99 and others. An elevated parking structure is located on the opposite, northeast corner of MacNab Street North and York Boulevard from the subject property and a private parking lot is located directly adjacent to the north.

Based upon the availability of public transit and off-site parking in the vicinity of the subject property, the proposed development will be supportive of public transit and nearby off-site parking is available as an alternative for hotel guests.

Therefore, staff are of the opinion that the requested variance maintains the general intent of the Urban Hamilton Official Plan, Downtown Hamilton Secondary Plan and Zoning By-law, is desirable for the appropriate use or development of the land and is minor in nature. Staff support the variance.

**Variance 3**

3. No accessible parking spaces shall be provided instead of the minimum required one accessible parking space.

The intent of this provision is to ensure sufficient accessible parking spaces are provided on-site for the hotel use in order to comply with applicable provincial legislation, standards and guidelines.

Staff note that no parking is proposed on-site for the hotel use. As the proposal does not include any accessible or barrier free parking on-site, it is staff's opinion that this is in contradiction of applicable provincial legislation, standards and guidelines. Therefore, staff are of the opinion that the requested variance does not maintain the general intent of the Urban Hamilton Official Plan, Downtown



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Hamilton Secondary Plan and Zoning By-law, is not desirable for the appropriate use or development of the land and is not minor in nature. Staff do not support the variance.

Based on the foregoing, staff are of the opinion that Variances 1 and 2 meet the four tests of a minor variance whereas Variance 3 does not. **Staff recommend approval of Variances 1 and 2 and denial of Variance 3.**

However, for Committee’s consideration, staff note that there are paid City street parking spaces available along MacNab Street North adjacent to an entrance for the proposed hotel. Hotel guests that hold an Ontario Accessible Parking Permit are exempt from paying for on-street parking for a maximum of three hours, although, this does not apply during morning or afternoon rush hour when parking is prohibited.

Additionally, Committee may consider including conditions for the owner to explore the possibility of a third-party agreement with neighbouring private parking facilities to provide the required accessible parking space. Staff note that the hotel plans to provide valet service, which would assist the retrieval of the vehicle and reduce the reliance on an onsite accessible space. Alternatively, the Committee may desire that the applicant explore providing the required accessible parking space on-site at the rear of the proposed multiple dwelling. This space could be utilized in conjunction with a valet service.

Staff note that a minor variance to remove the requirement of an accessible parking space does not remove the owner’s obligations under the *Accessibility for Ontarians with Disabilities Act, 2005*.

**Zoning:**

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ol style="list-style-type: none"> <li>1. These variances are required to facilitate Site Plan application DA-25-019.</li> <li>2. Please note, Variances #2 and #3 are provided in relation to the proposed addition to the portion of the building containing the Hotel use. The proposed addition is intended to provide an additional 7 guest rooms not located within an existing portion of the building. As such, a total of 4 Parking Spaces and 1 Accessible Parking Space are/is required for the proposed addition. Should additional guest rooms be proposed which result in an increased number of parking spaces, beyond that which relief is provided for, additional variances may be required.</li> <li>3. Be advised, this property is designated under Part IV of the <i>Ontario Heritage Act</i>, by municipal By-law Number 22-203 as a property of cultural heritage value. A Heritage Permit may be required for</li> </ol>



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	alterations or changes to the property. Please contact a Cultural Heritage Planner at <a href="mailto:culturalheritageplanning@hamilton.ca">culturalheritageplanning@hamilton.ca</a> , or visit <a href="http://www.hamilton.ca/heritageplanning">www.hamilton.ca/heritageplanning</a> for further information.
Notes:	

**Development Engineering:**

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	All grading, drainage and servicing issues are going to be dealt with under the Site Plan Control Application, City file DA-25-019.

**Building Engineering:**

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	
Notes:	A building permit is required for the renovation of the existing causeway and construction of the addition for the proposed hotel building.

**Transportation Planning:**

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

**Mississaugas of the Credit First Nation:**

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	<p>MCFN's Department of Consultation and Accommodation (DOCA) have no questions or comments for you at this time. This does not indicate a position of support for the project, that the Duty to Consult and Accommodate the MCFN has been met, or that there are no adverse impacts to the MCFN's Indigenous and Treaty Rights.</p> <p>DOCA expects to be notified of any and all future project updates and/or changes. Additionally, DOCA must be notified of, invited to participate in, and provided the opportunity to review any environmental and/or</p>



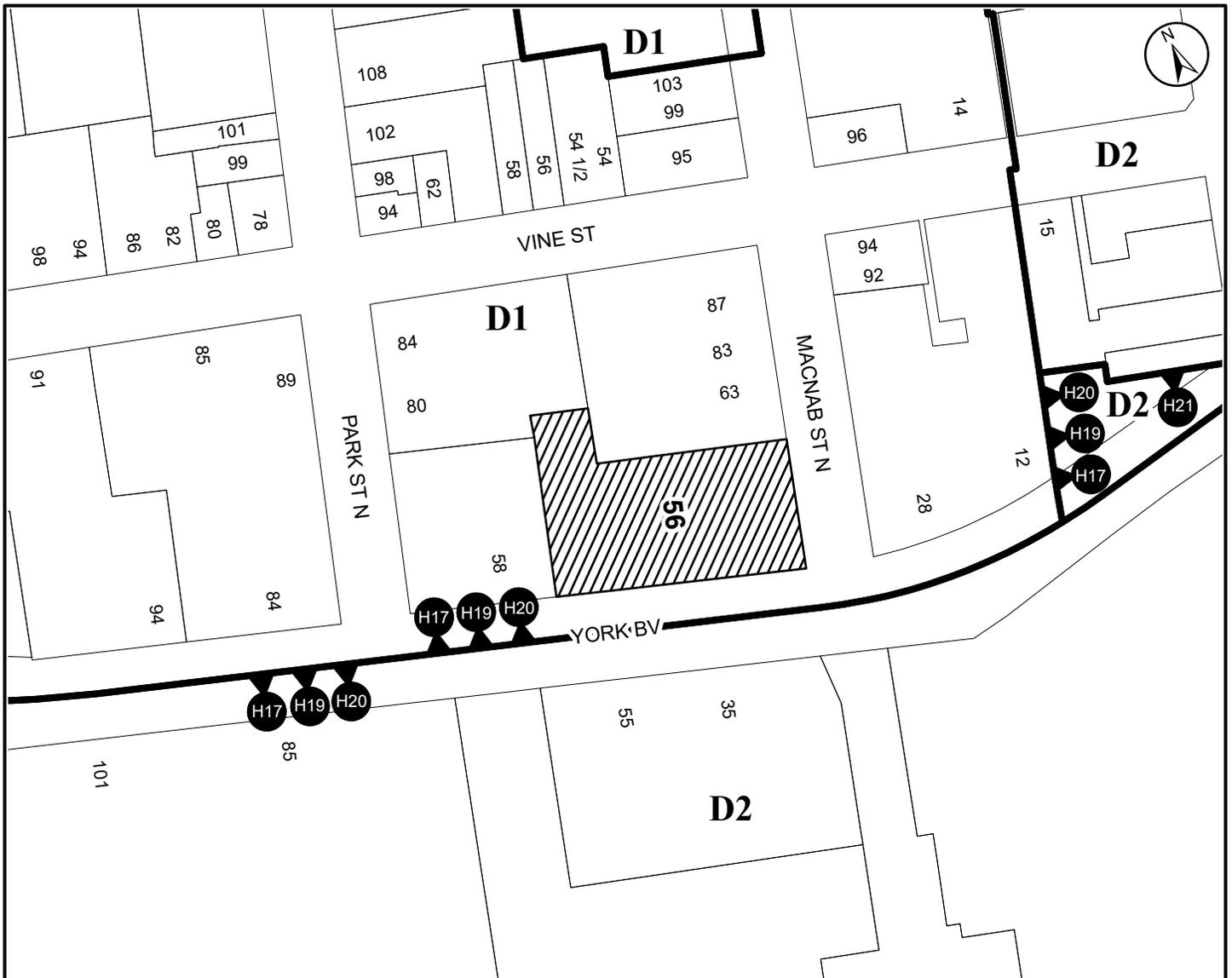
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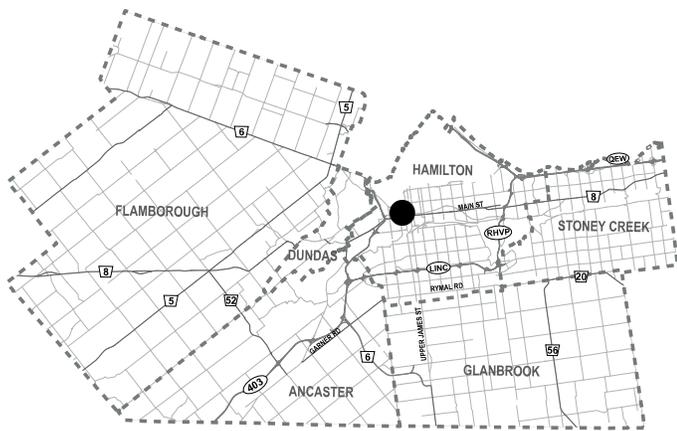
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	archaeological assessments. At its discretion, DOCA may request capacity funding from the proponent for its consultation and engagement activities relating to the project.
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Please Note: Public comment will be posted separately, if applicable.



● Site Location



**City of Hamilton**

## Committee of Adjustments

### Subject Property



56 York Boulevard, Hamilton  
(Ward 2)

File Name/Number:  
A-25:084

Date:  
May 6, 2025

Technician:  
RS

Scale:  
N.T.S.

Appendix "A"



**Hamilton**

Planning and Economic Development Department