

## RIGHT OF WAY IMPACT (ROW) ASSESSMENT

Prepared By: UrbanSolutions Planning & Land Development Consultants Inc.  
Prepared For: Official Plan and Zoning By-Law Amendment Application  
Location: 299-307 John Street South and 97 St. Joseph's Drive, Hamilton, Ontario  
Owner: Spallacci and Sons Limited  
Date: December 21, 2017

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) has been retained as the professional planning consultant acting on behalf of Spallacci and Sons Limited, the owner of 299-307 John Street South and 97 St. Joseph's Drive, Hamilton, Ontario.

On May 10, 2017, City staff held a Formal Consultation meeting in order discuss the requirements of an Official Plan / Zoning By-Law Amendment, Standard Plan of Condominium and Site Plan Control Applications. The Formal Consultation document was prepared and provided by City Staff on June 6, 2017 (FC-17-052). At this meeting, the following road widening and daylight triangle requirements were discussed;

- A required 36.576m wide Right of Way (ROW) width for John Street South;
- A required 26.213m wide Right of Way (ROW) width for Charlton Avenue East;
- A required Daylight Triangle of 12.19m by 12.19m from the widened limits of the roads at the intersection of John Street and Charlton Street; and
- A required Daylight Triangle of 12.19m by 12.19m from the widened limits of the roads at the intersection of John Street and St. Josephs Drive.

In response to the above, a Right of Way (ROW) Impact Assessment have been prepared along with the enclosed Appendix A. The Report and Appendix have been prepared in conjunction with the Official Plan and Zoning By-Law Amendment application submission. The purpose of this submission is to request consideration for required road widening and daylight triangle be waived. These considerations have been evaluated against the criteria contained in the City of Hamilton's Right of Way (ROW) Impact Assessment Guidelines. The Guidelines identify that a road widening and the dedication of the daylight triangles may not be appropriate if it would result in significant adverse impacts on an existing streetscape form or negative impacts on the existing built form. This analysis has been prepared to detail and evaluate the merits of these requirements based previous widenings that have been dedicated and on these two policies.

### **Road Widening Impacts on the Existing Streetscape Form**

#### **John Street South**

Currently the existing Right of Way width on John Street South is 20.20m, which would require a road widening dedication of 8.19m on each side of the road in order to satisfy the City's road widening

requirement. This widening is required to be dedicated in order to provide a total road width of 36.576m along John Street South as required through Formal Consultation.

The ROW Impact Guidelines identify that a road widening may not be appropriate if it would result in significant adverse impacts on an existing streetscape form. The property currently is wider along John Street and narrower along Charlton Avenue and St. Joseph's Drive. Providing a widening of 8.19m would significantly limit the developable area and proposed to eliminate **11.7%** of the lot width. This area can be used to provide an adequate building / site layout design and contribute to the overall existing streetscape realm. Currently John Street South exhibits a reasonable streetscape area, however this development could significantly improve and contribute to the overall pedestrian realm. If a widening of such depth was provided it would limit the developable area and affect the potential area that could be used to enhance the streetscape. The proposed building design will be setback on John Street allowing for the existing streetscape to be maintained and enhanced. If this requirement was waived, an adequate streetscape area can be provided which would significantly enhance the character of the neighbourhood.

#### Charlton Avenue West

Currently the existing Right of Way width on Charlton Avenue West is 20.20m, which would require a road widening dedication of 3.00m on each side of the road in order to satisfy the City's road widening requirement. This widening is required to be dedicated in order to provide a total road width of 26.213m along Charlton Avenue West as required through Formal Consultation.

There is a great opportunity for an appealing full streetscape along Charlton which will connect into the residential area to the north and west. Providing a widening of 3.00m would limit the developable area and proposed to eliminate **5.0%** of the lot depth. Adjacent to the property to the south are high density residential uses with a pleasing landscaping area. To the south of the property is Woolverton Park and further down are additional high density apartment buildings all with pleasing landscaping features which contribute to the overall existing streetscaping realm. Providing a road widening of 6.01m would disrupt the existing streetscape and negatively impeded the proposed design. Providing such a large widening would negatively affect the design of the site, leave a limited area for an adequate streetscaping and affect the overall public realm of the existing streetscape along Charlton Avenue East. If this requirement was waived an adequate streetscaping area can be provided without compromising the design of the site or the existing streetscape.

#### **Road Widening Impacts on the Existing Built Form**

##### John Street South

The Right of Way Impact Assessment Guidelines also identify that a road widening may not be appropriate if it would result in significant adverse impacts on the surrounding existing form.

Adjacent to the property to the west is the St. Joseph's Healthcare Center. This facility is established and close to the property line. The land is only useful to the municipality if it is dedicated on both sides of John Street and it is likely that an 8.19m dedication would not be provided on the opposite side of the road. Along with many of the surrounding existing buildings, many are close to or directly on the property line and unlikely to provide widenings. If a widening was provided for this property, it would create inconsistencies with the surrounding built form.

##### Charlton Avenue East

As noted above for the John Street South widening as well, the land is only useful to the municipality if it is dedicated on both sides of Charlton Avenue East. It is likely that a 6.01m dedication would not be provided on the opposite side of the road as the existing buildings are already established and the

dedication would significantly impede their built form. It is however reasonable to consider that these existing buildings could potentially be demolished in the future to make way for new development, however, these lots are significantly smaller than the proposed subject lands and a 3.00m widening would drastically affect the size of the lots and would be considered unreasonable. Given this, the proposed subject lands would be the only property provided such a large dedication and would therefore be inconsistent with the surrounding built form. Providing such a large widening would negatively affect the design of the site as well, leaving a limited area for an adequate streetscaping and in turn negatively affect the surrounding existing form as the development would not conform with its surroundings. If this requirement was waived an adequate streetscaping area can be provided and be consistent with the surrounding existing built form.

Eliminating the road widenings for both John Street South and Charlton Avenue East will allow for a better overall design of the subject lands that is compatible with the surrounding existing form and provide an adequate streetscaping area. The property has been designed to abide by modern planning principals while promoting intensification, being consistent with planning policy and the overall goals of the Urban Hamilton Official Plan. Provided that the required road widening is extensively large, it can be considered reasonable to eliminate this requirement given it would assist in maintaining the overall neighbourhood streetscape.

### **Daylight Triangles**

#### **John Street South and Charlton Avenue West**

The City of Hamilton has also requested a daylight triangle of 12.19m x 12.19m at the corner of John Street South and Charlton Avenue West, see enclosed Right of Way Impact Plan. A daylight triangle of this size would remove a significant amount of developable area from the proposed site and is unnecessary for its purpose. The purpose of this dedication is specifically to allow for an area of land to which no building or any structures can be erected. The intersection currently provides adequate site lines for vehicles approaching this intersection. The proposed building at the ground level is a reasonable distance from the property line and will not negatively affect site lines from the intersection. Vehicles approaching this intersection that would directly be affected by this proposed daylight triangle would be vehicles turning right from John to Charlton. The dedication would remove a significant area from the property and disrupt the balance of the development where sufficient site lines already exist.

#### **John Street South and St. Joshes Drive**

The City of Hamilton has also requested a daylight triangle of 12.19m x 12.19m at the corner of John Street South and St. Joseph's Drive, see enclosed Right of Way Impact Plan. A daylight triangle of this size is significantly large for an intersection of this size. No site lines for vehicles approaching this intersection will be negatively affected by the removal of this daylight triangle.

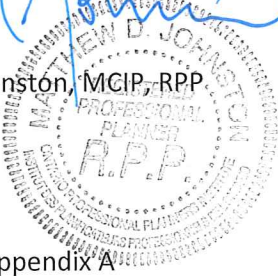
For the reasons discussed above, it is our opinion that the right of way widenings required at John Street South and Charlton Avenue West as well as the daylight triangles required at the corners of John Street South / Charlton Avenue Wests and John Street South / St. Joseph's Drive are not appropriate for the subject proposal – the widening and triangle dedications would result in **16%** reduction in the existing lot area. As such, we respectfully request right of way and day light triangles be waived for this development.

We trust the enclosed is in order; however, please feel free to contact us with any questions.

Regards,  
**UrbanSolutions**



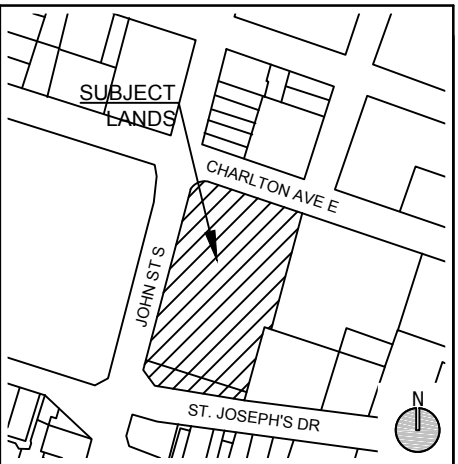
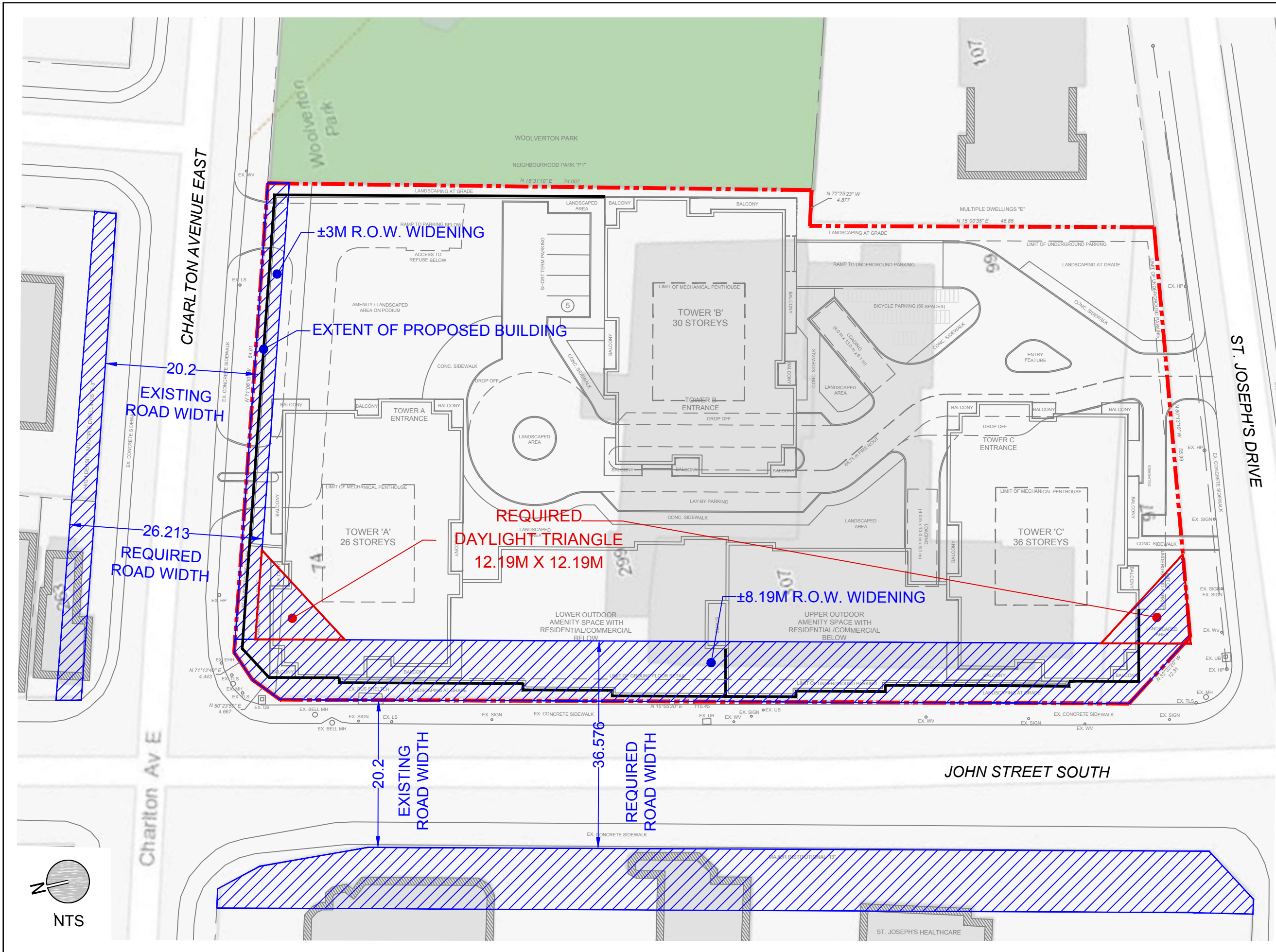
Matt Johnston, MCIP, RPP  
*Principal*



Encl. – Appendix A



Carmela Agro, C.P.T.  
*Planning Technician*



KEY MAP - N.T.S.

LEGAL DESCRIPTION:  
 PLAN OF SURVEY OF:  
**THE SAM RYCKMAN LOT**  
 MISC. LOT, 71/100 ACRE  
 E/S JOHN ST (COTTAGE LOT)  
 PART OF MISC. LOT 30 3/100 ACRE  
 PART OF MISC. LOT 1 18/100 ACRE  
 N & S OF JOLLEY CUT/ARKLEUDUN AVE.  
**R.J. HAMILTON SURVEY**  
 REGISTERED PLAN 1431  
 NOW IN THE CITY OF HAMILTON

LEGEND:  
 SUBJECT LANDS  
 REQUIRED DEDICATION  
 PROPOSED DAYLIGHT TRIANGLE

**NOT FOR CONSTRUCTION**  
 ISSUED FOR REVIEW & COMMENTS ONLY

NOTES:  
 ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DESIGN BY: M. LU	CHECKED BY: M. JOHNSTON
DRAWN BY: M. LU	DATE: 21/12/2017

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PROJECT:  
**METRO CONDOMINIUMS**  
 299-307 JOHN STREET SOUTH & 97 ST. JOSEPH'S DRIVE  
 CITY OF HAMILTON

CLIENT:  
**SPALLACI & SONS LIMITED**

TITLE:  
**Appendix A to  
 Right of Way Assessment**

U/S FILE NUMBER: 171-16	SHEET NUMBER: 1
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