

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: WARD 1
COMMITTEE DATE: November 6, 2012	
SUBJECT/REPORT NO: Application for a Change in Zoning for 2 and 4 Blanshard Street and 0 Poulette Street (Hamilton) (PED12196) (Ward 1)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Chris Bell (905) 546-2424 Ext. 1262
SIGNATURE:	

RECOMMENDATION:

That approval be given to **Amended Zoning Application ZAR-09-043, by Mike Valvasori (in Trust), Owner**, for changes in zoning from the “D” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District to the “E-2-‘H’/S-1660” (Multiple Dwellings - Holding) District, Modified, with a Special Exception (Block 2), the “RT-30-‘H’/S-1660” (Street Townhouse - Holding) District, Modified, with a Special Exception (Block 1), and the “G-3 - ‘H’/S-1660” (Public Parking Lots - Holding) District (Block 3), to permit 3 street townhouse units, a 4-storey, 36 unit apartment building, and a commercial parking lot, on lands municipally known as 2 and 4 Blanshard Street and 0 Poulette Street, located within Part of Lot 18, Concession 3, Former Township of Barton, now in the City of Hamilton, as shown on Appendix “A” to Report PED12196, on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED12196, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1660, and that the subject lands on Zoning District Maps W-13 and W-14 be notated as S-1660.
- (c) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and the Official Plan for the City of Hamilton.
- (d) That upon finalization of the implementing By-law, the Kirkendall North Neighbourhood Plan be amended to change the designation affecting the subject lands from “Commercial” and “Single and Double” to “Townhouses” (Block 1) and “Low Density Apartments” (Block 2).

EXECUTIVE SUMMARY

The purpose of this application is to amend the City of Hamilton Zoning By-law to permit a residential infill development, as shown on Appendix “D”, consisting of:

- (a) Three street townhouse units fronting onto Poulette Street, with rear yard parking accessed by Blanshard Street;
- (b) A 4-storey, 36 unit apartment serviced by 40 parking spaces in a below grade parking garage; and,
- (c) A commercial parking lot for up to 18 spaces.

The proposal has merit and can be supported since the changes in Zoning are consistent with the Provincial Policy Statement, and conform with the City of Hamilton and Hamilton-Wentworth Official Plans. The proposed development is considered to be a form that is compatible and complementary to existing development.

Alternatives for Consideration - See Page 25.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial: N/A.

Staffing: N/A.

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for an Amendment to the Zoning By-law.

HISTORICAL BACKGROUND (Chronology of events)

The subject lands were originally consolidated with the lands to the immediate north and used as the playground area for the former Allenby School. On July 10, 2002, City of Hamilton Council approved a rezoning application to allow the former school to be converted to 18 residential apartments. As part of the conversion of the former school to apartments, the lands subject to this application were separated from the Allenby project by way of Consent Application (File B-02:32), approved by the Committee of Adjustment on April 17, 2002.

More recently, the following chronology of events has taken place that lead up to the preparation of this Report:

- March 11, 2009: Formal Consultation to provide preliminary direction concerning the submission requirements for a complete application.
- October 27, 2009: Application for Zoning By-law Amendment submitted.
- December 11, 2009: Application for Zoning By-law Amendment deemed complete upon submission of required supporting plans and studies.
- December 11, 2009: Application circulated to relevant Agencies and Departments for preliminary review.
- December 23, 2009: Notice of Complete Application and Preliminary Circulation distributed to neighbouring residents within 120m of the subject lands.
- April 7, 2010: Owner's "Open House" to review plans with neighbourhood residents.
- February 14, 2012: Formal request received from owner's agent to revise the application to include additional lands.
- May 28, 2012: Owner's "Open House" to review revised plans with neighbourhood residents.
- August 17, 2012: Circulation of Notice of Public Meeting.

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Staff from the Parking and By-law Services Division have also been negotiating with the owners of the subject lands and the adjacent lands to the north, to ascertain if it was possible to operate the proposed parking lot as a public lot to provide additional parking for Locke Street patrons. However, as part of the revised application that proposed to include additional lands with the subject property, the owners agreed to a land swap with an adjacent owner. The agreement also included the adjacent owner acquiring the lands associated with the proposed parking lot, which is now proposed through this application to be operated as a private commercial parking lot. The associated severance application to implement the land transfers (File HM/B-11:23) was approved by the Committee of Adjustment on May 12, 2011 (see Appendix "G"), and the ownership change has taken place.

Details of Submitted Application:

Location: 2 and 4 Blanshard Street and 0 Poulette Street
(See Appendix "A")

Owner: Mike Valvasori (in Trust)

Applicant: IBI Group

Property Description: Total Lot Frontage: 23.8m (Poulette Street)

Lot Depth: Irregular

Total Lot Area: 3,444.50 sq. m

EXISTING LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant	"D" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District
<u>Surrounding Lands:</u>		
North	Former School Converted to Residential Condominium	"DE/S-1467" (Low Density Multiple Dwellings) District, Modified
South	Single Detached Residential	"D" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District

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East	Parking Lot, Ground Floor Commercial Uses with some Residential Units Above	“H” (Community Shopping and Commercial, Etc.) District
West	Single Detached Residential	“D” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District

POLICY IMPLICATIONS

Provincial Policy Statement:

Staff recognizes that the application is consistent with the policies that focus growth in Settlement Areas, Policy 1.1.3.1. The subject application is promoting redevelopment, intensification, and revitalization in an area that has sufficient existing infrastructure and, in effect, creating a supply of new housing for the established area.

Policy 1.7.1(e) outlines that long-term economic prosperity will be supported by Planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries, and aggregate activities) and sensitive land uses are appropriately designed, buffered, and separated from each other to prevent adverse effects from odour, **noise** and other contaminants, and minimize risk to public health and safety. In this case, staff notes that the subject lands are intended to be developed for residential purposes and are located within approximately 85m of the **Canadian Pacific Railway Corridor**.

The proximity of the proposed sensitive land use to a rail noise source triggers the requirement for a Noise Study. While staff is in a position to consider the proposed rezoning application, staff will require the submission of a Noise Study at the Site Plan Control stage of the proposed development.

In addition, Policy 2.6.3 states that development and site alteration may be permitted on adjacent lands to protect heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. Staff notes that the subject lands are located adjacent to 172-176 Locke Street South (Twentieth Century Club Building), which is designated under the Ontario Heritage Act, and is identified within **Hamilton’s Heritage Volume I**. However, the development is to the rear of the protected heritage property and is not expected to produce any adverse impacts on the heritage attributes of the designated portions of the building. Therefore, a Heritage Impact Assessment was not required, and the property is deemed to be compliant with cultural-related Provincial policy.

The proposal conforms to the policies of the Provincial Policy Statement.

Growth Plan for the Greater Golden Horseshoe (Places to Grow):

Section 1.2.2 of the Growth Plan for the Greater Golden Horseshoe 2006 indicates that some of the guiding principles of the Plan are to “build compact, vibrant, and complete communities”, and to “optimize the use of existing and new infrastructure to support growth in a compact, efficient form”. The application is consistent with these principles, as it proposes to build a more compact community by allowing a development which will maximize the development potential of the site and assist in building a complete community.

Region of Hamilton Wentworth Official Plan:

The subject property is designated as “**Urban Area**” within the Hamilton-Wentworth Regional Official Plan. Policy C-3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services will be concentrated in the Urban Areas. These areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.

However, Policy B-9.2 states that protection and preservation of regionally significant historical and cultural resources, including recognized archaeological sites, shall be considered in the review of proposals for development and redevelopment. Where possible, these attributes will be incorporated into the overall design in a manner which minimizes adverse impacts and encourages maintenance and protection. As noted above, the subject lands are located adjacent to 172-176 Locke Street South (Twentieth Century Club Building), which is designated under the Ontario Heritage Act and identified within **Hamilton’s Heritage Volume I**. Notwithstanding this nearby designation, the proposed development will not produce any adverse impacts on the heritage attributes of the designated portions of the building.

The proposal conforms to the policies of the Region of Hamilton Wentworth Official Plan.

New Urban Official Plan (Council Adopted):

The Urban Hamilton Official Plan was adopted by Council on July 9, 2009, and received Ministerial Approval from the Ministry of Municipal Affairs and Housing on March 16, 2011. However, it has been appealed to the Ontario Municipal Board.

The subject lands are designated “Neighbourhoods” in the new Urban Hamilton Official Plan. Sub-section 3.2.1 of the Urban Hamilton Official Plan notes that Areas designated “Neighbourhoods” shall function as complete communities, and include the full range of residential dwelling types and densities, as well as supporting uses intended to serve the local residents.

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When considering residential intensification, such as that proposed as part of this application, regard must be had for maintaining and enhancing the existing character of established Neighbourhoods. Residential development shall be compatible with the scale and character of the existing residential neighbourhood and include elements of quality urban and architectural design, as noted in Sub-section 3.2.7. Higher density dwelling forms, such as those proposed as part of this application, and supporting uses, are intended to be located on the periphery of neighbourhoods on or in close proximity to major or minor arterial roads.

The policies of Sub-section 3.3 of the Plan provide direction to ensure that new development includes Urban Design elements that:

- Enhance the sense of community pride and identification by creating and maintaining unique places;
- Provide and create quality spaces in all public and private development;
- Create pedestrian oriented places that are safe, accessible, connected, and easy to navigate for people of all abilities;
- Create communities that are transit-supportive and promote active transportation;
- Ensure that new development is compatible with and enhances the character of the existing environment and locale;
- Create places that are adaptable and flexible to accommodate future demographic and environmental changes;
- Promote development and spaces that respect natural processes and features and contribute to environmental sustainability;
- Promote intensification that makes appropriate and innovative use of buildings and sites, and is compatible in form and function to the character of existing communities and neighbourhoods; and,
- Encourage innovative community design and technologies.

The proponents have provided an Urban Design Brief, a Planning Justification Report, and a Concept Plan in support of their proposal that has satisfied staff that the proposed rezoning will assist in achieving the objectives of the Urban Design policies of the Urban Hamilton Official Plan.

The three proposed street townhouse units fronting onto Poulette Street are considered “Low Density Residential” according to the Urban Hamilton Official Plan, based on their unit type and density of 50 units per hectare. The policies of Sub-section 3.4 encourage low density development such as the proposed townhouses to be grade-orientated and located in the interior of neighbourhoods, having access to collector roads.

While the 4-storey height of the proposed apartment building falls within the functional policies ascribed to “Medium Density Residential” uses, according to the policies of the “Neighbourhood” designation, the unit-yield of the 36-unit apartment building would be subject to the “High Density Residential” policies due to the ultimate unit density of 135 units per hectare. This density is based on the proposed final lot lines, which propose a 0.27 hectare lot on which the apartment building is to be situated, whereas the current total lot area of the lands subject to this application is 0.34 hectares.

According to Sub-sections 3.6.4 and 3.6.5, which provides policies concerning the function of “High Density Residential” uses, such uses shall be located within safe and convenient walking distance of existing or planned community facilities/services, including public transit, schools, and active or passive recreational facilities. Further, proximity to the Downtown Urban Growth Centre, Sub-Regional Nodes or Community Nodes, and designated Employment Areas shall be considered desirable for high density residential uses.

The design-related policies for “High Density Residential” uses found in Sub-section 3.6.7 encourage apartment uses to:

- (a) Have direct access to a collector or major or minor arterial roads via a local road upon which abut only a small number of low density residential category dwellings;
- (b) Provide adequate landscaping, amenity features, on-site parking, and buffering, where required;
- (c) Be compatible with existing and future uses in the surrounding area in terms of heights, massing, and an arrangement of buildings and structures; and,
- (d) Provide adequate access to the property, designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.

Planning staff is satisfied that the proposed development fulfills the objectives of, and complies with, the Urban Hamilton Official Plan. The planning analysis of this proposal is discussed in greater detail in the Analysis/Rationale For Recommendation section of this Report.

City of Hamilton Official Plan:

The subject lands are predominately designated “Major Institutional” on Schedule “A” of the City of Hamilton’s Official Plan, while a portion of the lands on which the proposed parking lot is located, falls within an area designated both “Major Institutional” and “Commercial”. As a result, the following policies are applicable to the proposed development:

- “A.2.6.5 Notwithstanding the policies set out above, in areas designated MAJOR INSTITUTIONAL, Residential uses may be permitted provided they are compatible with the surrounding area and are in keeping with the Residential policies set out in Sub-sections A.2.1 and C.7 of this Plan.
- A.2.1.8 It is the intent of Council that a variety of housing styles, types, and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing, where practicable. In this regard, Council will be guided by the Housing Policies of Sub-section C.7 and the Neighbourhood Plan Policies of Sub-section D.2.
- A.2.1.13 Plans for redevelopment will, to the satisfaction of Council, ensure that the RESIDENTIAL character of the area will be maintained or enhanced, and that the redevelopment will not burden existing facilities and services.
- A.2.2.1 The primary uses permitted in the areas exceeding 0.4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention, and entertainment facilities.”

In addition to the primary permitted uses, the COMMERCIAL designation also considers residential and institutional uses subject to a number of criteria.

- “C.7.3 Council will encourage RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and futures residents. Accordingly, Council will:
- iii) Support RESIDENTIAL development such as infilling, redevelopment, and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy, and overview;

- v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy, and overview;”

Planning staff is satisfied that the proposed residential development is compliant with the intent of the MAJOR INSTITUTIONAL designation. The density of the proposed residential development has been scaled so that the three lower density street townhouses are fronting onto Poulette Street in a manner that is consistent with surrounding existing uses. Further, the proposed apartment building is located in a transitional area at the periphery of the neighbourhood that approaches mixed-use development along Locke Street. The portion of the lands proposed to be zoned for a commercial parking lot is located at the rear of existing mixed-use development and acts as a logical extension of the existing parking and loading areas to the north at the rear of the Locke Street properties.

Sub-section 8.3 of the Plan also encourages that the design of any development incorporate passive energy features to maximize the use of solar energy, eliminate or reduce shadow-cast onto adjacent properties, and utilize proper plant material. The proponent has provided a Sunshadow Study and Elevations Plans that demonstrate proper consideration has been given to this Sub-section. In addition, the implementing Zoning By-law and future Site Plan application will be used to ensure such features are included in the final built form.

Additional analysis concerning compliance with Official Plan policy is found in the Analysis/Rationale for Recommendation section of this Report.

Neighbourhood Plan:

The subject lands are partially designated both “Commercial” and “Single and Double Residential” in the approved Kirkendall North Neighbourhood Plan. The proposal represents an infill opportunity on an otherwise inefficiently under-used site that will be compatible with the various surrounding residential and commercial land uses. Therefore, approval of the application will require an amendment to the approved Kirkendall North Neighbourhood Plan to redesignate portions of the subject lands to “Low Density Apartments” and “Townhouses”.

RELEVANT CONSULTATION

Agencies/Departments Having no Concern or Objections

- Hamilton-Wentworth District School Board.
- Hamilton-Wentworth Separate School Board.
- Union Gas.
- Bell Canada.
- Canada Post.

Other Agency/Department Comments

Waste Management Section (Public Works Department) has advised that the subject lands are eligible for weekly collection of garbage, organics, recyclable material, and leaf and yard waste subject to compliance with the specifications indicated by the Operations and Waste Management Division and subject to compliance with the City's Solid Waste Management By-law 09-067. This will be reviewed in further detail at the Site Plan stage.

Traffic Engineering Section (Public Works Department) staff has advised that the proposed parking lot will not currently have adequate access. In addition, they have advised that Blanshard Street is a public, unassumed alley, and cannot guarantee that it will provide access to the proposed development under its current condition. As such, as a condition of approval, it will be necessary for the owners to acquire two-way access from Poulette.

Planning staff duly notes the limitations of the existing condition of Blanshard Street. It will be necessary to ensure that access is improved before development takes place on the subject lands. Given the amount of frontage available on Poulette Street, it is reasonable to expect that access improvements are achievable. In order to ensure that such improvements are duly considered, Planning staff is recommending placing a Holding provision on the zoning of the subject property to preclude development from occurring until arrangements have been made for improvements to the access. Since the access is currently "public, unassumed" along Blanshard Street, and the ultimate solution may include a combination of public and private access, the removal of the Holding provision for the residential components of this application will also include ensuring that arrangements have been made to clarify responsibilities for equitable access for all property owners that currently have access to Blanshard Street, as well as the construction, maintenance, and future repair and replacement of the access.

Forestry and Horticulture Section (Public Works Department) staff has advised that they do not object to the proposed rezoning. A Landscape Tree Planting Plan will be required at the subsequent Site Plan Review stage.

Hamilton Municipal Parking System staff advised that parking in the area is heavily regulated, and residents may have a difficult time finding parking off-site. As such, it will be necessary that all requisite parking be provided on the property. Consideration should be given to ensuring that the final parking lot layout to be determined at the Site Plan stage provides proper on-site circulation of vehicles.

Hamilton Conservation Authority (HCA) staff has advised that the lands do not contain any natural heritage or natural hazard lands, and are not located in an area affected by the HCA's permitting regulations. As such, the HCA has no objection to the proposed applications, but requests that stormwater management and erosion control measures be satisfactorily addressed at the Site Plan stage.

Canadian Pacific Railway staff advised that they have no objections to the proposed rezoning to allow residential development. There is sufficient physical separation to their depressed corridor located north of Hunter Street. However, noise from passing trains may be of concern, and a Noise Study should be carried out to determine such. Failing that, a suitable warning clause should be provided to future occupants advising them of the presence of the CPR right-of-way.

In this regard, a Noise Study will be required as part of the review of the future site plan application, and warning clauses may be placed on the property at that time, if necessary.

Public Consultation

In accordance with the changes to the Planning Act and the Public Participation Policy that was approved by Council, Notice of the Complete Application and Preliminary Circulation of the application was circulated to all property owners within 120m of the subject property on December 23, 2009. A total of 338 notices were circulated. As a result of this notice, and a subsequent "Open House", sponsored by the owner, staff received three letters (see Appendix "F"). Upon review of the various correspondence received from residents, it was identified that issues raised by neighbours fell into six general categories, which included:

- (a) Impact on infrastructure;
- (b) Removal of greenspace;
- (c) Increase in traffic, thereby creating exhaust issues;
- (d) Grading and drainage;
- (e) Access along Blanshard Street; and,
- (f) Impact on existing rights-of-way to the rear of the property at 170 Locke Street South.

The issues are addressed, in detail, later in this Report, as Item 10 in the Analysis/Rationale For Recommendation section.

A Public Notice Sign was posted on the subject lands on January 12, 2010, and Notice of the Public Meeting was given in accordance with the requirements of the Planning Act.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

1. The proposed changes in zoning have merit, and can be supported for the following reasons:
 - (i) They are consistent with the Provincial Policy Statement, as it represents an opportunity for growth in a Settlement Area;
 - (ii) They conform to the City of Hamilton and Hamilton-Wentworth Official Plans;
 - (iii) The proposed development is considered to be compatible with the existing and planned development in the immediate area; and,
 - (iv) The proposed development represents good planning by providing a compact urban form.

2. At the on-set of this application, the owners sought zoning approvals to allow the proposed residential components, as well as to allow the easternmost portion of the property to be rezoned to permit a commercial parking lot (see Appendix "C"). Concurrent with this rezoning application, the City was investigating the possibility of acquiring and/or operating the parcel proposed to be used as a commercial parking lot. A substantial amount of discussion took place with the City and the owners between the submission of the applications in late 2009 and late 2011, to investigate arrangements for the parking lot to be dedicated to the City to assist in meeting parking needs for the Locke Street corridor.

During that same time period, staff was reviewing the merits of the rezoning application. As a result of concerns raised by staff about the proximity of the proposed building to the westerly property line, the owner began to investigate alternatives that would address staff concerns. As a result of their investigation, the owner's negotiated with an abutting property owner to the east to acquire additional lands to allow for their easterly property line to be "squared-off". The revised property line created a lot shape that allowed the entire building envelope to be located further to east, thereby increasing the distance of the building from the westerly property line.

In exchange for acquiring the portion of lands allowing for the “squared-off” easterly property line, the owners agreed to allow the abutting land owner to acquire the lands proposed to be used as a parking lot. The revised lot line and building envelope resulted in the owners requesting a modification to their original rezoning application on February 14, 2012 (see Appendix “D”). The associated severance and land transfer have now occurred.

3. As noted earlier in this Report, the MAJOR INSTITUTIONAL designation permits residential uses that are considered to be compatible with the surrounding area and in keeping with the Residential policies of the Official Plan. As such, the City of Hamilton Official Plan generally acknowledges that residential uses, such as those proposed, may be considered on the subject lands and provide policies to ensure that said development is compatible with the existing neighbourhood.

While “compatible” does not require new infill development to be the same as existing development, consideration must be given to ensure the built form and density is sympathetic to the surrounding community.

In terms of built form and land use of the surrounding community, the subject lands are located at the periphery of the existing residential neighbourhood where densities, building mass, and land uses transition from low density residential to the south and west, towards medium density residential (i.e. Allenby Lofts) to the north, as well as mixed-uses, including retail/service commercial uses with residential units, to the east along the Locke Street corridor. Therefore, staff is of the opinion that medium density development is generally appropriate for the subject lands as a transition to the larger buildings located to the north and east.

4. Considerable effort has been undertaken to assess what the approved built form of the proposal should be in order to ensure it is compatible with surrounding uses. There have been numerous meetings between staff and the proponents to determine a building footprint that takes into consideration development constraints that include servicing easements and safe vehicular access. Once the constraints were identified, it was evident to Planning staff that the original footprint resulted in what staff determined to be a deficient yard between the proposed building and existing residential use to the west (see Appendix “C”).

The proponents responded to staff’s initial concerns by negotiating to acquire additional lands from a land owner to the east. The additional lands proposed to be acquired created a regular shaped lot that would allow the entire building mass to be located further to the east, thereby creating a substantially larger (7.4m) yard for the proposed apartment in the area adjacent to existing residential uses to the west (see Appendix “D”).

5. While this application is intended to simply rezone the lands, it was evident to both Planning staff and the proponent that the “infill” nature of this development meant that it would be necessary to give more consideration to the “built form” of the proposed buildings at this early stage in order to ensure that the proposal was compatible, and that zoning regulations were adopted that would ensure all the elements that assisted in achieving compatibility were captured by regulations.

In support of this approach, the proponents have provided an Urban Design Brief, together with perspective drawings of the proposed development and a detailed concept plan. This material is in excess of what is typically required to assess a rezoning application; however, it has been beneficial in this case to assist in allowing staff a meaningful opportunity to assess the proposal. Upon review of the perspective plans, Planning staff notes that the particular elements of the proposal that address matters of compatibility include the following:

General Elements:

- (a) With the grades of the property dropping from north to south, internal parking will be accessed at-grade from the south side of the proposed building, without creating an additional storey to the overall height of the building, thereby ensuring the height of the building remains at 4-storeys.
- (b) Development of the portion of the property fronting onto Poulette Street will consist of 3 street townhomes that will have setbacks and a driveway-free front yard, consistent with abutting properties to the north. These dwellings will be the predominant feature of the site from public vantage points along Poulette Street.

Proposed Apartment Building:

- (a) As noted earlier, the closest portion of the west facing elevation of the apartment building is set back 7.4m from the property line (see Appendix “D”). However, additional design elements have been created that result in a substantial portion of the mass of the building being even a greater distance by having:
 - i) The first 2-storeys include a recessed ground-floor walk-out and balconies that are 2.5m deep that occupy 65% of the west facing elevation;
 - ii) A terraced third floor, where over 23m or 65% of the elevation are set back an additional 2.5m.
 - iii) A fourth floor that is set back a minimum of 9.3m.

- iv) Given the stepping back of the building mass, landscaping along the property line will more efficiently mitigate against overview from the upper two floors of the apartment building

- (b) The south facing elevation is set back from the rear of existing residences on Melbourne Street in excess of 20m, as the intervening lands are occupied by Blanshard Street and the parking lot servicing the building. In addition, the area south of the building will be designed with pedestrian features and landscaping that will provide pedestrian connectivity between the internal neighbourhood and the Locke Street commercial area.

- (c) The north facing elevation, which is adjacent to the Allenby Lofts, will be predominantly set back 5.0m from the northerly lot line, with the exception of a vertical column of balconies, approximately 6.0m wide, that will be set back 3.0m from the property line. The north facing elevation will also contain 6.0m deep patios at the corners of the building.

- (d) While the east facing elevation has a setback of 3.96m, which is the most reduced setback proposed from adjoining property, Planning staff is satisfied that the elevation and setback in this area is less likely to have negative impacts from a compatibility perspective, as the lands to the east consist of a parking lot and loading areas for the commercial businesses fronting on to Locke Street.

6. Sunshadow Analysis:

The proponents have undertaken a Sunshadow Analysis to assess the impact of the building's height on the outdoor amenity areas of surrounding lands. Upon review, Planning staff notes that the primary area used for outdoor amenity in the surrounding lands is limited to the residential lots fronting onto Poulette Street. The remaining surrounding lands are occupied by parking areas or loading areas for the existing multiple dwelling to the north and commercial uses to the east.

Planning staff is satisfied that there is limited encroachment of shadows into the rear yard amenity areas of properties adjoining to the west beyond those that are currently present due to existing landscaping and foliage on-site. Further, the times where the longest shadows are cast in a westerly direction are limited to early mornings during winter months, which is a time when outdoor amenity is typically not used due to cold weather. No shadows are cast in a westerly direction during the late morning and afternoons in summer.

7. Proposed Commercial Parking Lot:

A portion of the lands on which the proposed parking lot is to be located fall within both the “Commercial” and “Major Institutional” designations of the City of Hamilton Official Plan. Sub-section D.8.2 of the City of Hamilton Official Plan acknowledges that the boundaries between classes of land uses are not intended to form the exact limits of any land use or policy. Minor adjustments may be made in respect of such boundaries by way of Zoning By-law Amendment without the necessity of an Official Plan Amendment, so long as the Zoning By-law conforms with the general intent and purpose of the Plan. In this case, the Locke Street commercial corridor is identified as a general swath of land that does not reflect the varying depths of lots fronting onto Locke Street South. Planning staff notes that the portion of the subject lands proposed to be rezoned to permit a commercial parking lot is located to the immediate rear yard of the commercial properties at 168 - 176 Locke Street South, which currently use their rear yards for limited parking and loading. In addition, the portion of the subject lands proposed to be used for parking is consistent with the depths of the deeper rear yards of the lots to the immediate north at 154 - 164 Locke Street South, which, although not zoned accordingly, have been historically used for parking for their respective commercial uses occupying the buildings fronting onto Locke Street (i.e. Starbucks). The proposed parking lot will logically function as a continuation of the existing commercially zoned property fronting onto Locke Street South. Therefore, Planning staff is satisfied that the proposed rezoning, to allow for a consolidated parking lot at the rear of commercial uses along the Locke Street corridor, is appropriate.

8. Traffic and Access:

The subject lands are currently flanked to the south by Blanshard Street, a 3.6m wide, public unassumed alley that runs from Locke Street South to Poulette Street. While it is not signed as such, the narrow width of Blanshard Street means that it can only practically function for traffic travelling in one direction at a time. Therefore, the widening and improvement of Blanshard Street is integral to the residential development.

Staff is satisfied that adequate space exists to create a laneway, with a minimum width of 7.5m, that can provide ingress and egress to access the proposed 36-unit apartment building and a commercial parking lot. At this stage, in which the City is simply considering a rezoning to determine the appropriate land use, discussions have taken place between City staff and the proponent wherein all parties acknowledge that:

- (a) The future access will be an improvement over the standards of the current lane; and,

- (b) Any future improvements must include an agreement between the City and owner(s) about the future construction, ownership, and maintenance of the access.

In this regard, Planning staff is satisfied that by affixing a “Holding” provision to the implementing Zoning By-law Amendment, and requiring future Site Plan approval, development will not occur until, amongst other requirements, such arrangements have been agreed to by the City and owners.

For the proposed commercial parking lot, an ‘H’ Holding provision has been affixed to ensure that an adequate means of ingress and egress has been arranged before the proposed use occurs, either by way of the improvement of Blanshard Street by agreements with other Locke Street properties, or a combination thereof.

9. **Zoning By-law Amendment:**

As noted above, the implementing Zoning By-law Amendment is not only intended to provide regulations to allow the proposed use, but also to include certain elements to ensure the proposal is compatible with surrounding land uses and contributes to quality urban design.

Therefore, the proposed Zoning By-law Amendment will:

- Change the zoning of Block 1 from the “C” (Urban Protected Residential, Etc.) District to the “RT-30 - ‘H’/S-1660” (Street Townhouse - Holding) District, Modified, to allow 3 street townhouse units to front onto Poulette Street;
- Change the zoning of Block 2 from the “D” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District to the “E-2 - ‘H’/S-1660” (Multiple Dwellings - Holding) District, to allow the development of a 4-storey, 36-unit apartment building, with special provisions, to ensure development is consistent with the plans submitted as part of this rezoning application; and,
- Change the zoning of Block 3 from the “D” (Urban Protected Residential - One and Two Family Dwelling) District Zone to the “G-3 - ‘H’/S-1660” (Public Parking Lots - Holding) District Zone, to allow for a parking lot to be used in association with the Locke Street South commercial corridor.

SUBJECT: Application for a Change in Zoning for 2 and 4 Blanshard Street and 0 Poulette Street (Hamilton) (PED12196) (Ward 1) - Page 19 of 26

The particular land use and built form objectives of the zoning regulations for each new zoning category are outlined below:

Block 1 “RT-30-‘H’/S-1660” (Street Townhouse - Holding) District, Modified, and Special Provisions:

The provisions of this zone will allow 3 street townhouses to be constructed on lots with a depth of 30.2m. The proposed site-specific special conditions and the rationale for each provision are contained below:

- Maximum building height of 3-storeys;
- Minimum front yard depth of 2.5m;
- Minimum rear yard depth of 11.5m to the dwelling and 6.5m to a deck above the first storey;
- Minimum northerly side yard of 1.7m and minimum southerly side yard of 0.5m; and,
- Minimum lot width of 5.25m per dwelling unit.

Rationale: The existing lots to the immediate north of the subject lands contain long standing dwellings that are located close to the front property line, and occupy a substantial portion of the frontage. The proposed regulations are intended to allow for similar setbacks and side yards for the proposed townhouse units in order that the resulting built form closely respects the size and design of the existing units.

Due to the shallow front yards and narrow side yards, adjacent residential uses do not have driveways in the front yards. The existing zoning regulations will similarly create pedestrian-only front yards for the proposed street townhouses. As parking is to be provided in the rear yards of the proposed lots in an area accessible from Blanshard Street, alternative regulations have been included to ensure that adequate space remains free and clear for vehicular parking.

Block 2 - “E-2-‘H’/S-1660” (Multiple Dwellings - Holding) District, Modified, and Special Provisions:

The proposed “E-2” Zone will allow a multiple residential development, with up to 36 units in the form of a 4-storey apartment building. The site-specific special provisions are intended to provide more contemporary regulations than those found in the By-law, and more particularly, include the following:

- A minimum lot frontage of 5.1m.

Rationale: The standard regulations of the “E-2” Zone require a minimum lot frontage of 15m. The reduction in lot frontage is supportable, as the frontage is only intended to provide an access road to the proposed apartment building located on the interior of the lot where the dimensions are conducive to situating an appropriate footprint. Notwithstanding the reduced lot frontage regulation, it should be noted that the proposed 2,666 sq. m lot far exceeds the minimum lot size requirement of 540 sq. m.

- A maximum building height of 4-storeys, or 15m;
- A maximum of 36 residential units;
- A northerly minimum side yard setback of 5.0m, with provisions to allow:
 - (i) A maximum of 22% of the façade containing balconies or covered porches to encroach to a maximum of 3m; and,
 - (ii) A minimum of 18% of the façade to contain balconies or covered porches that are a minimum of 6.0m deep.
- An easterly minimum side yard setback of 3.9m;
- A southerly minimum side yard setback of 11.0m; and,
- A westerly minimum side yard setback of 7.4m, with provisions to require a minimum of 65% of the façade to contain balconies or covered porches that are recessed a minimum of 2.6m deep.

Rationale: As noted earlier in this Report, Planning staff and the proponent have invested a substantial amount of time in assessing a specific form of development in order to ensure that the proposal is appropriate for the subject lands and compatible with surrounding land uses in terms of setbacks, sunshadow, overview, and opportunities to provide appropriate landscaping at the subsequent Site Plan Review stage. The site-specific regulations contained above are intended to capture regulations to ensure that the proposed building evaluated by Planning (see Appendices “D” and “E”) is built. For example, rather than simply providing side yard setback requirements that could result in a blank, flat wall located at this minimum distance, the regulations include provisions to ensure that walls facing the north and west are substantially comprised of balconies and covered porches. In turn, these regulations assist in creating a less imposing built form that will recede from the minimum standards by appearing to be setback a greater distance and stepped back on the fourth storey.

- Parking provisions requiring 1 parking space per dwelling unit and 4 visitor parking spaces.

Rationale: The current provisions of the City of Hamilton Zoning By-law require 1.25 parking spaces per dwelling unit; whereas the applicant is proposing parking at a rate of 1 space per unit, and 4 additional visitor spaces. Staff notes that parking at a provision of 1 space per unit is consistent with the parking requirements, as contained in City of Hamilton Zoning By-law 05-200, for similar uses within downtown areas. Consequently, notwithstanding that this property is outside of the downtown area, staff considers many of the attributes, which favour reductions to required parking for downtown areas, are equally attributed to this location.

Indeed, as previously mentioned, the proposed development would introduce a residential building at a density which is not only transit supportable, but is in an urban setting in close proximity to a mix of uses, and which directly and indirectly encourages the use of alternative transit modes; factors which all serve to ensure the development conforms with the intent and direction of the Provincial Growth Plan.

- A landscaped area of 495 sq. m.

Rationale: The current provisions of the Zoning By-law would require 25%, or approximately 716 sq. m, of the lot area to be zoned for the proposed apartment development to be landscaped area.

The proposed reduction in landscaping can be supported, as it is considered the individual characteristics of the site, and that surrounding it, can accommodate such a reduction without significant impacts upon the character or amenity of the area. Notwithstanding the reduction in the standard landscaping requirements, staff notes that substantial landscaping can still be provided in the 7.4 metre-wide westerly side yard, an area where interface with existing residential land use is most critical. Landscaping can be provided in this area to ensure that abutting residential land uses are adequately buffered by natural vegetation. Staff will conduct further review of these details, and secure their implementation, at the Site Plan stage.

Block 3 - "G-3 - 'H'/S-1660" (Public Parking Lots - Holding) District:

The lands proposed to be zoned to permit a public parking lot will be subject to the standard provisions of the zone. While there will be no modification to any regulations of the Zone, the Special Provision "S-1660" reference has been included for administrative purposes to direct future readers to the By-law that contains the conditions associated with the 'H' Holding provisions referred to below.

Holding Provisions:

While the ownership of Blanshard Street is not directly a zoning issue, it is important to ensure that development does not proceed until an agreement is reached between the City and owner for vehicular access improvements to Blanshard Street and the adjoining lane. The Zoning By-law Amendment affords the City with an opportunity to affix a Holding provision to the implementing Zoning By-law to ensure that the following items are addressed, prior to the removal of the Holding provision:

- (a) Access improvements to Blanshard Street and/or a private lane from its current condition to a 7.5m paved surface to ensure adequate vehicular ingress and egress from Blanshard Street to the proposed residential developments.
- (b) Confirmation of adequate access to the commercial parking lot.
- (c) The owner enters into an agreement with the City with respect to the construction of an access lane that will, in part, include Blanshard Street. Such agreement will include provisions addressing issues of ownership, access to Blanshard Street by third parties, as well as future maintenance, repair, and replacement, all to the satisfaction of the City of Hamilton Legal Services Department and the Director of Engineering Services, Public Works Department.

Aside from provisions related to the improvement of Blanshard Street, the Holding provision will also require that the following additional items be fulfilled, prior to its removal:

- (d) To finalize the acquisition of additional lands from the abutting property owner to create the apartment lot shown on Appendix "D".
 - (e) The construction of the proposed parking lot.
10. Staff received 2 letters and e-mails from neighbouring residents in response to the pre-circulation of the original application on December 23, 2009. In addition, a third item of correspondence was received as a result of the "Open House", hosted by the owners (see Appendix "F" for all correspondence). Upon review of the various correspondence received from residents, it was identified that issues fell into six general categories, which included:
- (a) Impact on infrastructure;
 - (b) Removal of greenspace;

- (c) Increase in traffic, thereby creating exhaust pollution issues;
- (d) Grading and drainage;
- (e) Access along Blanshard Street; and,
- (f) Impact on existing rights-of-way to the rear of the property at 170 Locke Street South.

Further discussion on this issue is found below:

(a) Impact on Existing Infrastructure:

Staff notes that there is existing sanitary sewer infrastructure that transverses the subject lands. The owners are aware of the location of this infrastructure, and have demonstrated that it is reasonable to locate a footprint in an area that is clear of the sewer. In addition, Growth Management staff has confirmed the required dimensions of an easement that will be required to ensure adequate access to the sewer for the purpose of future maintenance, if necessary, and the owners have demonstrated that all buildings may reasonably be located outside of the easement. Once the particulars of the proposed development area are considered in greater detail, as part of a future site plan application, it may be necessary for the owners to assess the structural stability of the sewer and identify precautions that will be necessary during construction.

(b) Removal of Greenspace:

The subject lands are privately owned and currently designated MAJOR INSTITUTIONAL, a designation that provides policy to allow future development. In addition, the lands are currently zoned in a category that would allow residential development as-of-right.

Generally, the Official Plan's land use designations are intended to fulfil various objectives, including providing a variety of housing options for population growth over the lifespan of the plan and the preservation of open space. It is staff's opinion that the subject lands have not been set aside as an area to be preserved as greenspace.

(c) Increase in Traffic Thereby Creating Exhaust Issues:

Planning staff acknowledges that the proposed development will generate additional vehicular trips along the area of Blanshard Street. However, the neighbourhood in the area surrounding the subject lands is one of the best examples of a walkable “complete neighbourhood” within the City of Hamilton, where there are opportunities for residents to access commercial, institutional, and recreational uses without the use of a car. It is considered that the application, as proposed, will successfully accommodate the demand for vehicular activity, while balancing the intent to encourage pedestrian supportive activities.

(d) Grading and Drainage:

A neighbouring resident has expressed concerns that the proposed development may have a negative impact on stormwater flows in his backyard. In response, Planning staff notes that, given its age, this neighbourhood was constructed before the consideration of neighbourhood-wide planning to address such matters as drainage and stormwater management. By today’s standards, all contemporary development of this nature is subject to Site Plan Control, which includes the need for the owner to provide grading and drainage plans demonstrating that there will be no negative impact on surrounding lands.

(e) Access along Blanshard Street:

A resident expressed concerns about the width of Blanshard Street, and questioned its ability to provide access for the proposed uses. While the existing Blanshard Street is only 3.6m wide, additional land is available to create an access that will function sufficiently to accommodate two-way traffic. A Holding provision will be affixed to the zoning to ensure that arrangements concerning the construction, ownership, and future maintenance of the lane have been resolved, prior to development. However, the site conditions are such that access via Blanshard Street is reasonably achievable.

(f) Impact on Existing Rights-of-Way to Rear of 170 Locke Street South:

The owners of 170 Locke Street South have brought to the attention of Planning staff that they have a right-of-way in their favour over the portion of the subject lands adjacent to their property to allow vehicular access to their rear yard. This portion of lands falls within the area proposed to be rezoned to allow a parking lot.

In response, staff notes that the change in land use sought by the rezoning application will not diminish the rights enjoyed by the owners of 170 Locke Street South. The owner will be obligated to ensure that right-of-way access is still available when considering the future design of the parking lot. This will be further reviewed and assessed at the Site Plan stage.

11. This Zoning By-law Amendment application provides land use regulations establishing the fundamental use of the property for multiple residential purposes. It also acts as a first step in ensuring quality urban design elements are included in the ultimate building and site by including regulations dealing with building height, setbacks, total unit yield, parking, and open space requirements.

As is the case for the development of all multi-residential buildings, an application for Site Plan approval will also be required. Other urban-design related details and features of the redevelopment that are necessary to ensure compatibility with the surrounding community will be included as part of the site plan approval application. The site plan review process will also be used to ensure that such things as landscaping, access, and parking locations are included in the final detailed development plans.

The owner will be required to sign an undertaking and post securities to ensure that the property is developed in accordance with the site plan. In addition, monies for Cash-in-Lieu of Parkland Dedication, etc., will be collected at the Building Permit stage.

ALTERNATIVES FOR CONSIDERATION:

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

The subject lands are zoned “D” (Urban Protected Residential) District in the City of Hamilton Zoning By-law. Should the proposed change in zoning be denied, the subject lands could be developed for 1 single-detached dwelling unit or a two-family dwelling unit.

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

Financial Sustainability

- ◆ Effective and sustainable Growth Management.
- ◆ Delivery of municipal services and management capital assets/liabilities in a sustainable, innovative, and cost-effective manner.
- ◆ Generate assessment growth/non-tax revenues.

Environmental Stewardship

- ◆ Natural resources are protected and enhanced.
- ◆ Aspiring to the highest environmental standards.

Healthy Community

- ◆ Plan and manage the built environment.

APPENDICES / SCHEDULES

- Appendix "A": Location Map
- Appendix "B": Proposed Amendment to Zoning By-law 06593
- Appendix "C": Original Lot Size and Concept Plan
- Appendix "D": Proposed Lot Size and Concept Plan
- Appendix "E": Proposed Perspective Plans and Elevations
- Appendix "F": Neighbourhood Letters
- Appendix "G": Committee of Adjustment Decision for HM/B-11:23

:CB
Attachs. (7)



● Site of the Application



Ward 1 Key Map

N.T.S.

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAR-09-043

Date:
Sept 21, 2012

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
CB/AL

Subject Property

- Block 1** - Change in Zoning from the "D" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District to the "RT-30-'H/S-1660" (Street Townhouse - Holding) District, modified
- Block 2** - Change in Zoning from the "D" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District to the "E-2-'H/S-1660" (Multiple Dwellings - Holding) District, modified
- Block 3** - Change in Zoning from the "D" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District to the "G-3-'H/S-1660" (Public Parking Lots - Holding) District

Authority: Item
Planning Committee
Report: 12- [REDACTED] (PED12196)
CM: [REDACTED]

Bill No. [REDACTED]

CITY OF HAMILTON

BY-LAW NO. [REDACTED]

**To Amend Zoning By-law No. 6593 (Hamilton)
Respecting Lands Located at 2 and 4 Blanshard Street and
0 Poulette Street**

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the "The Corporation of the City of Hamilton" and is the successor to the former Regional Municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which By-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Item [REDACTED] of Report 12-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2012, recommended that Zoning By-law No. 6593 (Hamilton) be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Official Plan of the City of Hamilton;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Sheet Nos. W13 and W14 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), are amended by changing the zoning as follows:
 - (a) That Block 1 be rezoned from the "D" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District to the "RT-30 - 'H'/S-1660" (Street Townhouse - Holding) District, Modified;
 - (b) That Block 2 be rezoned from the "D" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District, respectively, to the "E-2 - 'H'/S-1660" (Multiple Dwellings - Holding) District, Modified; and,
 - (c) That Block 3 be rezoned from the "D" (Urban Protected Residential - One and Two Family Dwelling) District Zone to the "G-3 - 'H'/S-1660" (Public Parking Lots - Holding) District;

on the lands the extent and boundaries of which are shown on the plan hereto annexed as Schedule "A".

2. That the "RT-30" (Street Townhouse) District regulations, as contained in Section 10F of Zoning By-law No. 6593, applicable to Block 1, be modified to include the following special requirements:
 - (a) That notwithstanding Sub-section 10F(3), no building or structure shall exceed 3-storeys, or 12m in height;
 - (b) That notwithstanding Sub-section 10F(4)(a), a front yard having a depth of not less than 2.5m shall be provided and maintained;
 - (c) That notwithstanding Sub-section 10F(4)(b), a rear yard having a depth of not less than 11.5m to the dwelling and 6.5m to a rear elevated amenity area deck shall be provided and maintained;
 - (d) That notwithstanding Sub-section 10F(4)(c), the following shall apply:
 - (i) For a northerly side yard of a wall that is not a party wall, along each side lot line, a depth of not less than 1.7m shall be provided and maintained; and,
 - (ii) For a southerly side yard of a wall that is not a party wall, along each side lot line, a depth of not less than 0.5m shall be provided and maintained.
 - (e) That Sub-sections 10F(4)(d) and 10F(5) shall not apply;

- (f) That notwithstanding Section 10F(6(ii)), every lot or tract of land shall have a width of not less than 5.25m; and,
 - (g) That notwithstanding Section 18A(7), all parking spaces shall be a minimum of 2.6m x 5.5m.
3. That the "E-2" (Multiple Dwellings) District regulations, as contained in Section 11B of Zoning By-law No. 6593, applicable to Block 2, be modified to include the following special requirements:
- (a) That notwithstanding Sub-section 11B(2)(ii), no building or structure shall exceed 4-storeys, or 19.7m in height;
 - (b) That notwithstanding Sub-section 11B(3)(ii), no building or structure shall have a westerly side yard setback of less than 7.4m;
 - (c) That notwithstanding Section 3 b) of this By-law, a minimum of 65% of the west facing elevation shall consist of covered patios and/or balconies having minimum depths of 2.5m;
 - (d) That notwithstanding Sub-section 11B(3)(ii), no building or structure shall have a northerly side yard setback of less than 5.0m;
 - (e) That notwithstanding Section 3 d) of this By-law:
 - (i) A maximum of 22% of the north facing elevation shall consist of covered patios and/or balconies that shall be permitted to encroach within the minimum side yard to a maximum of 1.6m; and,
 - (ii) A minimum of 18% of the north facing elevation shall consist of covered patios and/or balconies having minimum depths of 6.0m.
 - (f) That notwithstanding Sub-section 11B(3)(iii), no building or structures shall have a rear yard setback of less than 3.9m;
 - (g) That notwithstanding Section 11B(4), every lot or tract of land shall have a minimum width of 5.3m;
 - (h) That Section 11B(5) shall not apply;
 - (i) That notwithstanding Section 11B(6), a landscaping area of not less than 495 sq. m shall be provided and maintained;
 - (j) That the maximum number of dwelling units shall be 36;

- (k) That notwithstanding Section 18A(1)(a), a minimum of 1 parking space shall be provided per dwelling unit;
 - (l) That notwithstanding Section 18A(1)(b), a minimum of 4 visitor parking spaces shall be provided;
 - (m) That notwithstanding Section 18A(7), all parking spaces shall be a minimum of 2.6m x 5.5m; and,
 - (n) That notwithstanding Sub-Section 2(2) J.(viii), for the purposes of calculating building height, "Grade" shall be defined as the average finished ground level calculated at a distance of 4.5m from the west elevation of the building.
4. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "RT-30" (Street Townhouse) District provisions, the "E-2" (Multiple Dwellings) District provisions, and the "G-3" (Public Parking Lots) District provisions, subject to the special requirements referred to in Sections 2 and 3 of this By-law.
 5. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1660.
 6. That the 'H' symbol, applicable to the lands zoned "RT-30 - 'H'/S-1660" (Street Townhouse - Holding), may be removed by further amendment to this By-law at such a time as:
 - (a) Access improvements to Blanshard Street and/or a private lane from its current condition to a 7.5m paved surface have been undertaken to ensure adequate vehicular ingress and egress from Blanshard Street to the rear of the lands subject to this Holding provision, to the satisfaction of the Director of Engineering Services, Public Works Department; and,
 - (b) The owner enters into an agreement with the City with respect to the construction of an access lane that will, in part, include Blanshard Street. Such agreement will include provisions addressing issues of ownership, access to Blanshard Street by third parties, as well as future maintenance, repair, and replacement, all to the satisfaction of the City of Hamilton Legal Services Department, and the Director of Engineering Services, Public Works Department.
 7. That the 'H' symbol, applicable to the lands zoned "E-2 - 'H'/S-1660" (Multiple Dwellings - Holding), may be removed by further amendment to this By-law at such a time as:

- (a) Access improvements to Blanshard Street and/or a private lane from its current condition to a 7.5m paved surface have been undertaken to ensure adequate vehicular ingress and egress from Blanshard Street to the proposed residential development subject to this Holding provision, to the satisfaction of the Director of Engineering Services, Public Works Department;
 - (b) The owner enters into an agreement with the City with respect to the construction of an access lane that will, in part, include Blanshard Street. Such agreement will include provisions addressing issues of ownership, access to Blanshard Street by third parties, as well as future maintenance, repair, and replacement, all to the satisfaction of the City of Hamilton Legal Services Department, and the Director of Engineering Services, Public Works Department; and,
 - (c) The acquisition of additional lands from the abutting property owner, and merging of the said lands, on title, to create a lot that will support the proposed building envelope and westerly yard, to the satisfaction of the Manager of Development Planning.
8. That the 'H' symbol, applicable to the lands zoned "G-3 - 'H'/S-1660" (Public Parking Lot - Holding) District, may be removed by further amendment to this By-law at such a time as:
- (a) Access improvements have been undertaken to ensure adequate vehicular ingress and egress to the proposed commercial parking lot, to the satisfaction of the Director of Engineering Services, Public Works Department.
9. That Sheet Nos. W-13 and W-14 of the District Maps are amended by marking the lands referred as Blocks 1, 2, and 3 in Section 1 of this By-law as S-1660.
10. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this [REDACTED] day of [REDACTED], 2012.

R. Bratina
Mayor

R. Caterini
Clerk



This is Schedule "A" to By-Law No. 12-

Passed the day of, 2012

Clerk

Mayor

Schedule "A"

Map Forming Part of
By-Law No. 12-_____

to Amend By-law No.6593

Subject Property



Block 1 - Change in Zoning from the "D" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District to the "RT-30-'H/S-1660" (Street Townhouse - Holding) District, modified



Block 2 - Change in Zoning from the "D" (Urban Protected Residential - One and two Family Dwellings, Etc.) District to the "E-2-'H/S-1660" (Multiple Dwellings - Holding) District, modified



Block 3 - Change in Zoning from the "D" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District to the "G-3-'H/S-1660" (Public Parking Lots - Holding) District

Scale:
N.T.S.

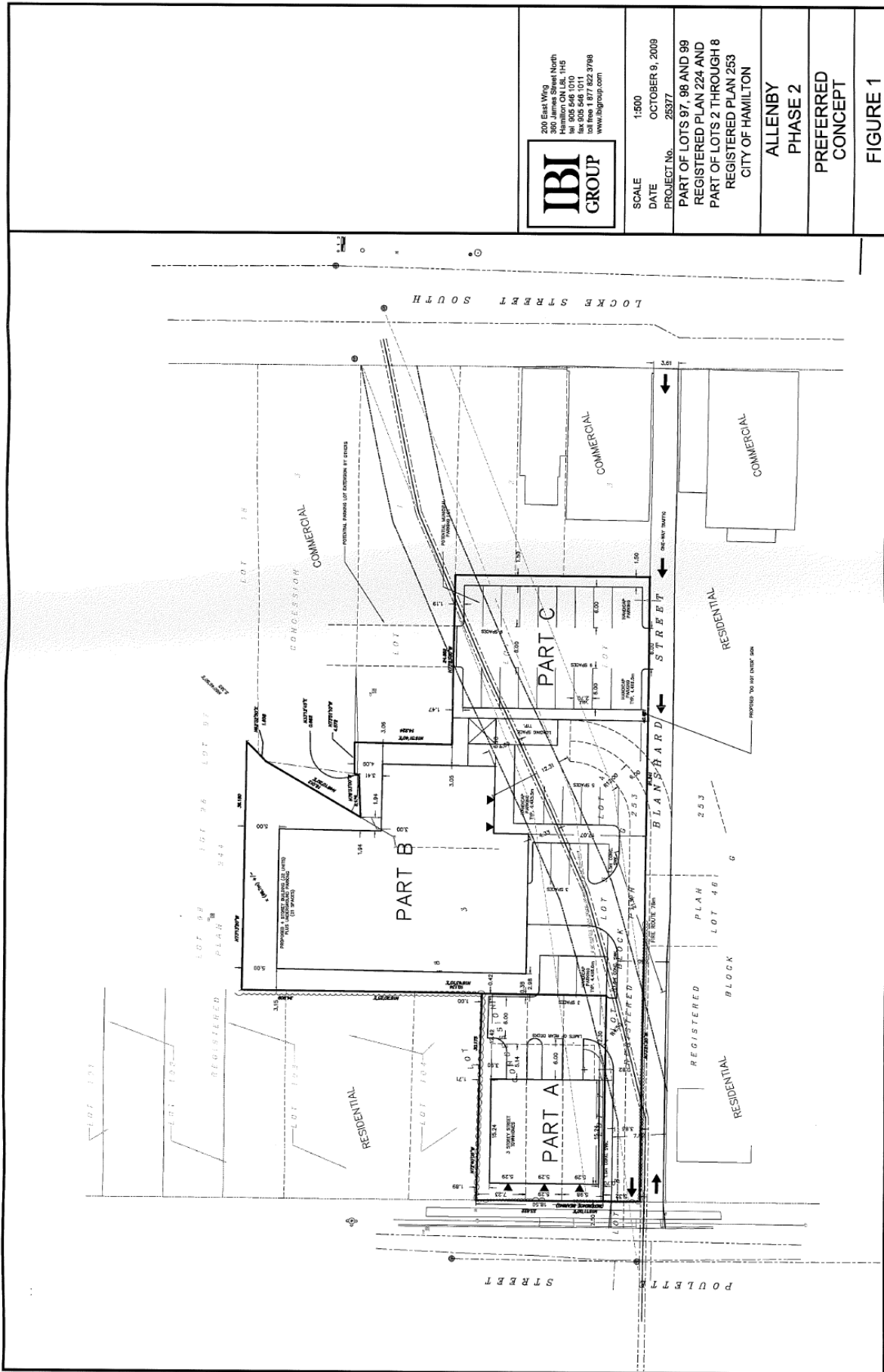
File Name/Number:
ZAR-09-043

Date:
Sept. 21, 2012

Planner/Technician:
CB/AL

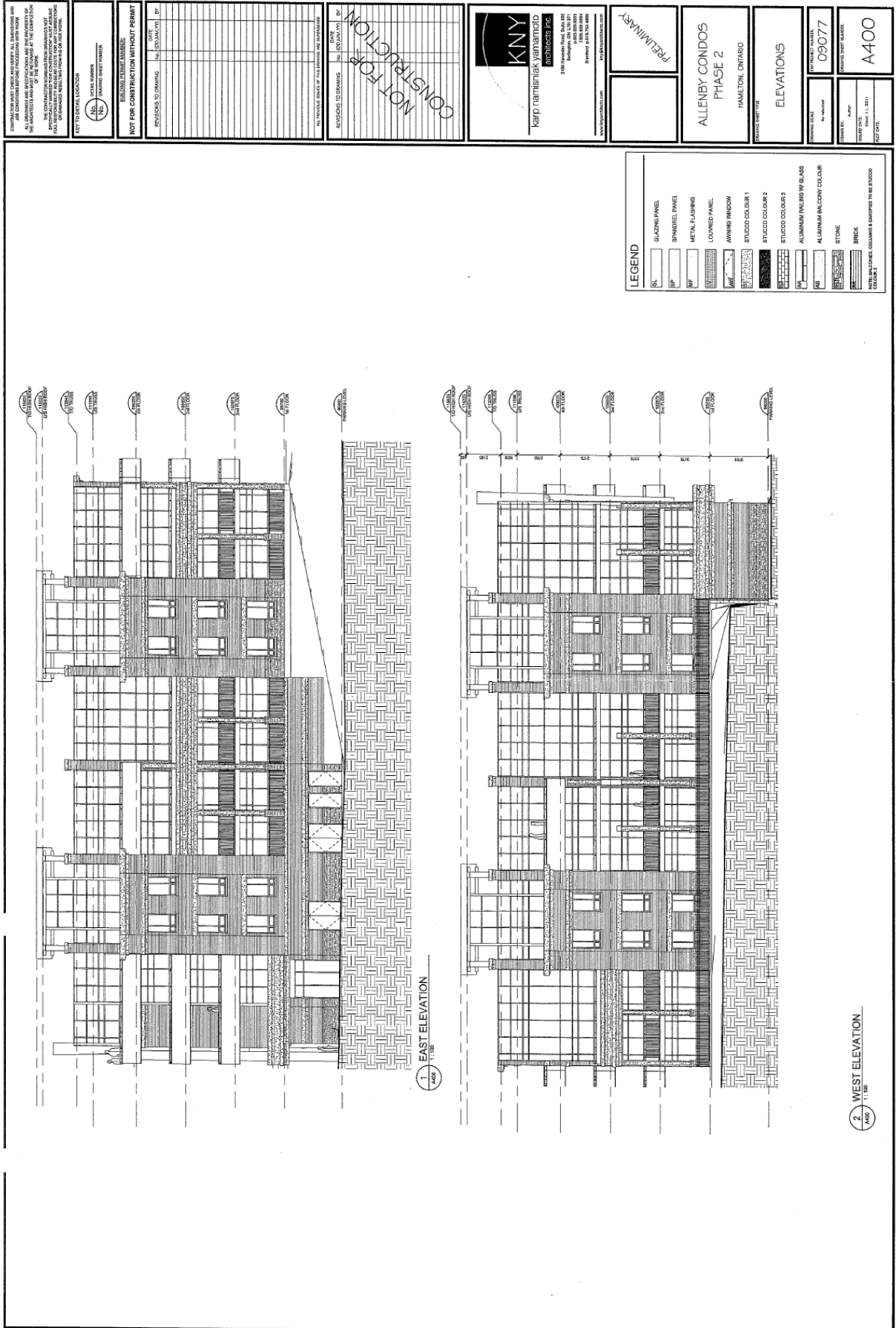


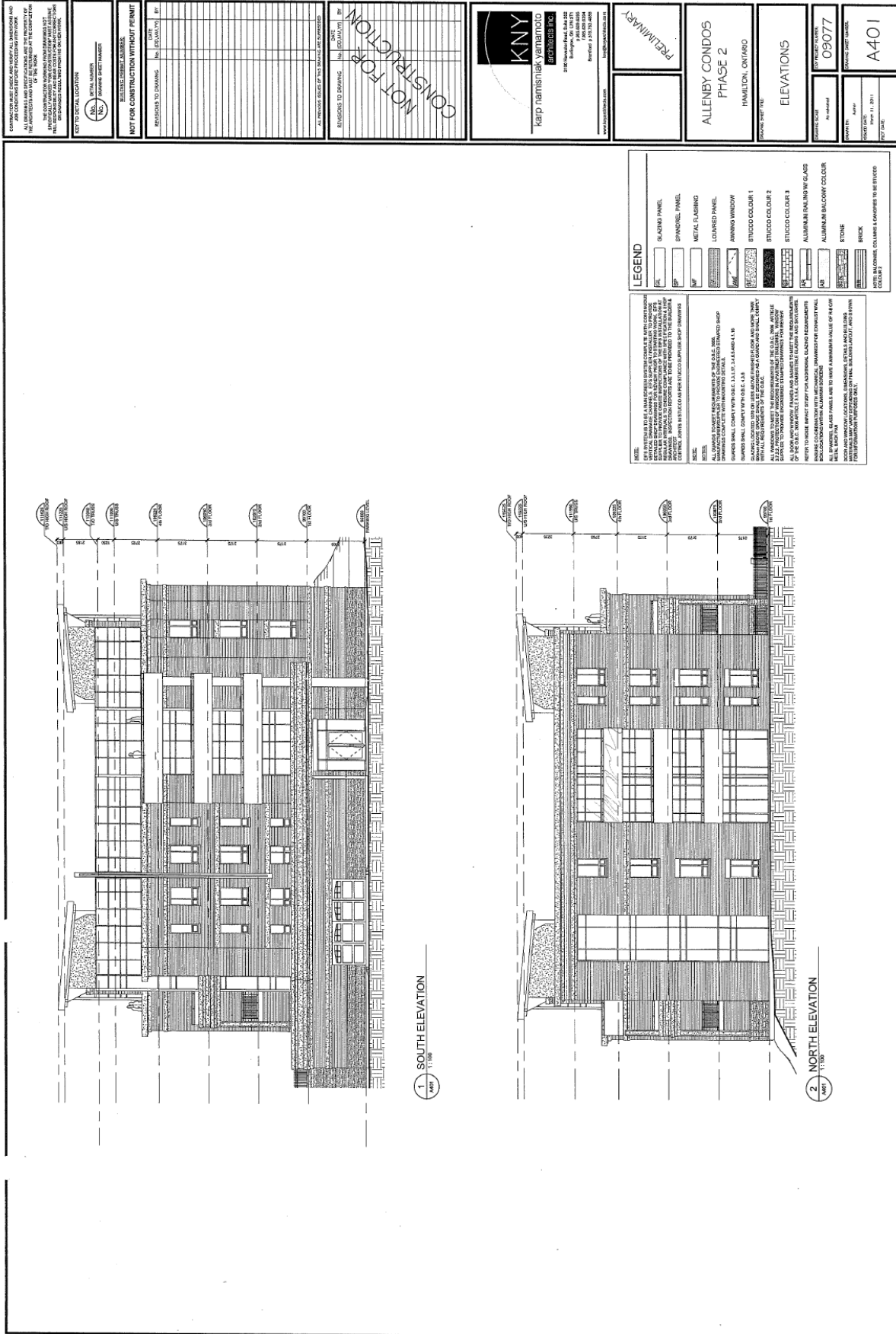
Hamilton



200 East Wing
380 James Street North
Hamilton ON L8L 1H5
Tel: 905.546.1011
Tel Fax: 1 877.822.3788
www.ibigroup.com

SCALE	1:500
DATE	OCTOBER 9, 2009
PROJECT No.	28377
PART OF LOTS 97, 98 AND 99 REGISTERED PLAN 224 AND PART OF LOTS 2 THROUGH 8 REGISTERED PLAN 253 CITY OF HAMILTON	
ALLENBY PHASE 2	
PREFERRED CONCEPT	
FIGURE 1	





CONTRACTOR SHALL CHECK WITH ALL APPLICABLE JURISDICTIONS AND AGENCIES TO DETERMINE THE APPLICABLE PERMITS AND REGULATIONS AND THE APPLICABLE CODES AND STANDARDS AT THE COMMENCEMENT OF THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATIONS AND THE APPLICABLE CODES AND STANDARDS AT THE COMMENCEMENT OF THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATIONS AND THE APPLICABLE CODES AND STANDARDS AT THE COMMENCEMENT OF THE PROJECT.

NOT FOR CONSTRUCTION WITHOUT PERMIT
 REVISIONS TO DRAWING NO. (DATE) BY: (NAME)
 REVISIONS TO DRAWING NO. (DATE) BY: (NAME)
 REVISIONS TO DRAWING NO. (DATE) BY: (NAME)

KEEP HANSHIEK HARBOR SIDE
 PROJECTS INC.
 2500 SHEPPARD AV. E. UNIT 201
 SCARBOROUGH, ON M1B 2Y1
 TEL: 416 291 8888
 FAX: 416 291 8889
 EMAIL: INFO@HANSHIEK.COM
 WWW.HANSHIEK.COM

PRELIMINARY
 ALLENBY CONDOS
 PHASE 2
 HAMILTON, ONTARIO

ELEVATIONS
 PROJECT NO. 09077
 DRAWING TITLE: A401

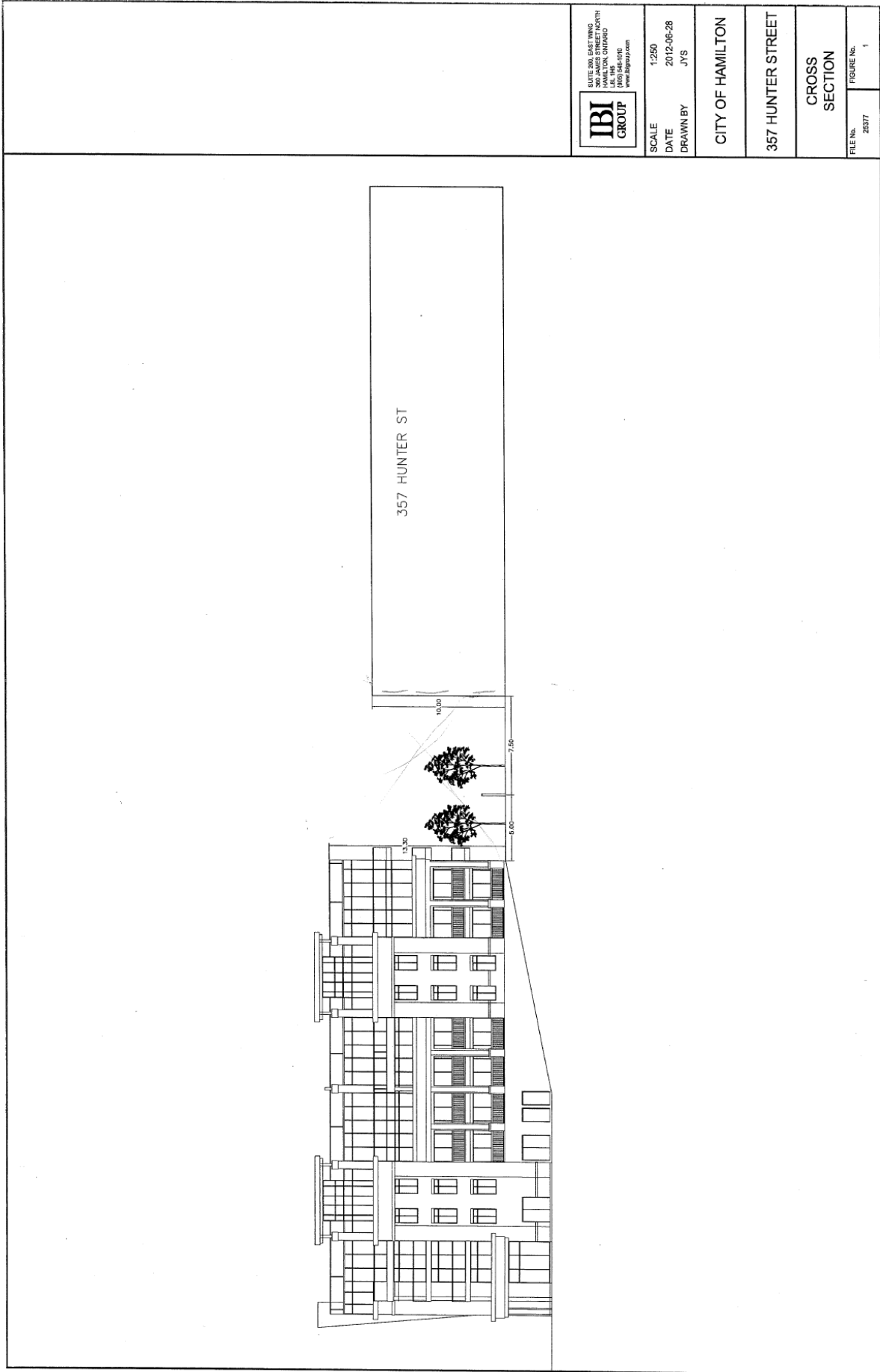
LEGEND


GL	GLAZING PANEL
SP	SPINNEL PANEL
MF	METAL CLADDING
CP	CORNER PANEL
AW	AWNING WINDOW
ST1	STONE COLOUR 1
ST2	STONE COLOUR 2
ST3	STONE COLOUR 3
AL	ALUMINUM BALCONY COLOR
BR	BRICK

NOTES:
 1. SEE ELEVATIONS FOR MATERIAL SCHEDULES.
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 3. FINISHES TO BE USED SHALL BE AS SHOWN IN THE LEGEND.
 4. MATERIALS TO BE USED SHALL BE AS SHOWN IN THE LEGEND.
 5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 6. FINISHES TO BE USED SHALL BE AS SHOWN IN THE LEGEND.
 7. MATERIALS TO BE USED SHALL BE AS SHOWN IN THE LEGEND.
 8. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 9. FINISHES TO BE USED SHALL BE AS SHOWN IN THE LEGEND.
 10. MATERIALS TO BE USED SHALL BE AS SHOWN IN THE LEGEND.

1 SOUTH ELEVATION
 1/160

2 NORTH ELEVATION
 1/160



 STATE 200 EAST WING 360 JAMES STREET NORTH HAMILTON, ONTARIO L8L 1H4 (905) 546-0100 www.ibigroup.com	SCALE	1/250
	DATE	2012-06-28
	DRAWN BY	JYS
CITY OF HAMILTON		
357 HUNTER STREET		
CROSS SECTION		
FILE No.	25377	FIGURE No.
		1

FILED:\Users\juli.young-sponga\Desktop\ibcby Cross Section.dwg LAYOUT:1:1x17L
LAST SAVED BY:Justin.young-sponga, Tuesday, July 17, 2012 1:01:07 PM PLOTTED BY:Justin Young-Sponga, Tuesday, July 17, 2012 1:43:46 PM

RECEIVED JAN - 8 2010

**35-357 Hunter Street West
Hamilton, Ontario
L8P 1S6**

December 29 2009

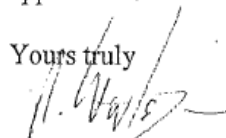
City Clerk
City of Hamilton
Planning and Economic Development Dept.
77 James Street North
Suite 220
Hamilton, ON
L8R 2K3

Dear Sir/Ms./Madam

Re: Zoning By-law Amendment Application (File ZAR-09-043)

Please accept this as notice of my intention to oppose the above mentioned application, to the OMB if necessary. Please keep me advised of all public meetings, and decisions regarding this application.

Yours truly


Peter Watson

January 24, 2010

Scott Hoover
2-20 Melbourne St.
Hamilton, ON
L8P 2A3
905 906 9848

Re: File No: **ZAR-09-043**

To Whom It May Concern:

I am 100% opposed to changing 2 and 4 Blanshard Street and Poulet Street from a zone D to a modified E-2 zone.

I live at 20 Melbourne St. The proposed zoning changes and proposed construction would be directly behind my property. I am very concerned and angry about the plans proposed in **File No: ZAR-09-043**, on Blanshard St. and Poulet St. I will try to outline my complaints, I have never refuted a proposal like this, so please forgive any irregularities.

1. Municipal laws affected;

I would like to know what Municipal laws would have to be amended. The height restrictions in building? Residential restrictions? The area used to be a river, so how would the riverbed affect construction. And so forth.

2. The impact on our neighbourhood's Infrastructure;

I'm not an Engineer, but this proposed aggressive construction would have a vast impact on our infrastructure. Mostly, the sewage system and drainage system (our antiquated system). The water supply system, which we have reminders of, recalling the water burst at Locke between Hunter and Bold in Dec. 2009, and at Locke and Herkimer in 2003. What other impacts would it have on our Infrastructure?

3. The Environmental Effects;

In a time when the city seems to be embracing the environment, why would they destroy a beautiful green space in the heart of Locke St.? With a little care and planning this could be a space where humans and nature could co-exist.

This proposed construction would tear down this green space, the big beautiful trees, and natural vegetation would be gone, the animals that dwell here would be killed or displaced, probably migrating to our attics and walls.

There would be more pollution. There would be an increase in vehicles creating more exhaust fumes and noise pollution.

4. Other problems;

My backyard is the lowest part on the south side of Blanchard St., when we get a heavy rainfall, my backyard becomes a pond. The only lower area is on the north side of Blanchard St., there is a natural gully there, when it rains there is an accumulation of water. With this proposed construction, there would be a land fill on the north side of Blanchard. If this happens, what becomes of my backyard? Who is responsible?

There is no space to increase the one-way street, i.e Blanchard St. There isn't any room at the entrance to increase the street because of the buildings on both sides.

In conclusion, I am very much against the zoning application **File No: ZAR-09-043** on lands located on 2 and 4 Blanshard Street and Poulet Street, Hamilton.

In my opinion the City of Hamilton would profit more with a different use of this land. It would make a great park!

Sincerely,

Scott Hoover.

RECEIVED
MAY 30 2012

Laurie Lee Buston
14 South St.
Hamilton, ON L8P 2V9
905.383.5102

May 23, 2012

IBI Group
200 East Wing – 360 James St. N.
Hamilton, ON L8L 1H5

Attention: Sergio Manchia, MCIP, RPP
Associate

Dear Mr. Manchia:

Re: Allenby Phase Two

I am the owner of 170 Locke St. S., Hamilton. My property backs on to the proposed development of Allenby Phase Two. I wish to express my concerns to you and any other involved parties with regard to any plans to encroach on the right of way that exists to allow access to the rear of my property. This right of way is set out in my deed to the property and I want to ensure that your client's proposed plans will take this into consideration. I am open to hearing suggestions, but am not willing to give up access to my property through this right of way. Please advise your clients.

I understand from other neighbours on Locke that there is an information meeting to be held on Monday May 28th that I plan to attend. Unlike my neighbours, I did not receive notification of this meeting. Please be kind enough to include me in future notifications.

Sincerely,



Laurie Lee Buston

cc: Councillor Brian McHattie, Ward 1, City of Hamilton
Messrs. Stephen Robichaud and Chris Bell, City of Hamilton



Committee of Adjustment
Hamilton City Hall
71 Main Street West, 5th floor
Hamilton, ON L8P 4Y5
Telephone (905) 546-2424, ext. 4221
Fax (905) 546-4202

COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENTLAND SEVERANCE

APPLICATION NO. HM/B-11:23
SUBMISSION NO. B-23/11

IN THE MATTER OF The Planning Act, R.S.O. 1990, Chapter P13, Section 53(1);

AND IN THE MATTER OF the Premises known as Municipal numbers 2 and 4 Blanshard Street and 0 Poulette Street, in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent IBI Group (Sergio Manchia) on behalf of the owner 1333664 Ontario Inc. (c/o Mike Valvasori), for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of a parcel of land having an area of 596m± (6,415.5 sq. ft.±) containing an existing residential dwelling and detached garage to be added to the property known municipally as 176 Locke Street South for public or commercial parking lot purposes, and to retain a parcel of land having a frontage on Poulette Street of 23.8m± (78.1'±) and an area of 2792.0m± (30,053.8 sq. ft.±) containing an existing residential dwelling and vacant lands for a future multiple residential purposes.

THE DECISION OF THE COMMITTEE IS:

That the said application, as set out in paragraph three above, **IS APPROVED** for the following reasons:


1. The proposal does not conflict with the intent of the Hamilton-Wentworth and City of Hamilton Official Plans.
2. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
3. The Committee considers the proposal to be in keeping with development in the area.

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following conditions.

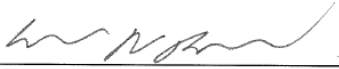
1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar.
2. The lands to be conveyed shall be registered in the same name and title as the lands to which they are to be added.
3. The owner shall demolish all buildings to the satisfaction of the Planning and Economic Development Department (Building Services Division).
4. The owner shall abandon the water and sanitary services to the existing dwelling, to the satisfaction of the Planning and Economic Development Department, Development Engineering (West) Division.
5. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

DATED AT HAMILTON this 12th day of May, 2011.

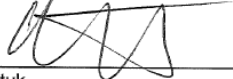

M. Dudzic, Chairman


D. Smith

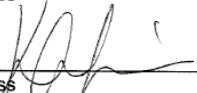
HMB-11:23
Decision
Page 2



W. Pearce



D. Serwatak



K. Audzys



V. Abraham



L. Gaddy



I. Dunlop

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS May 19th, 2011.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (May 19th, 2012) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

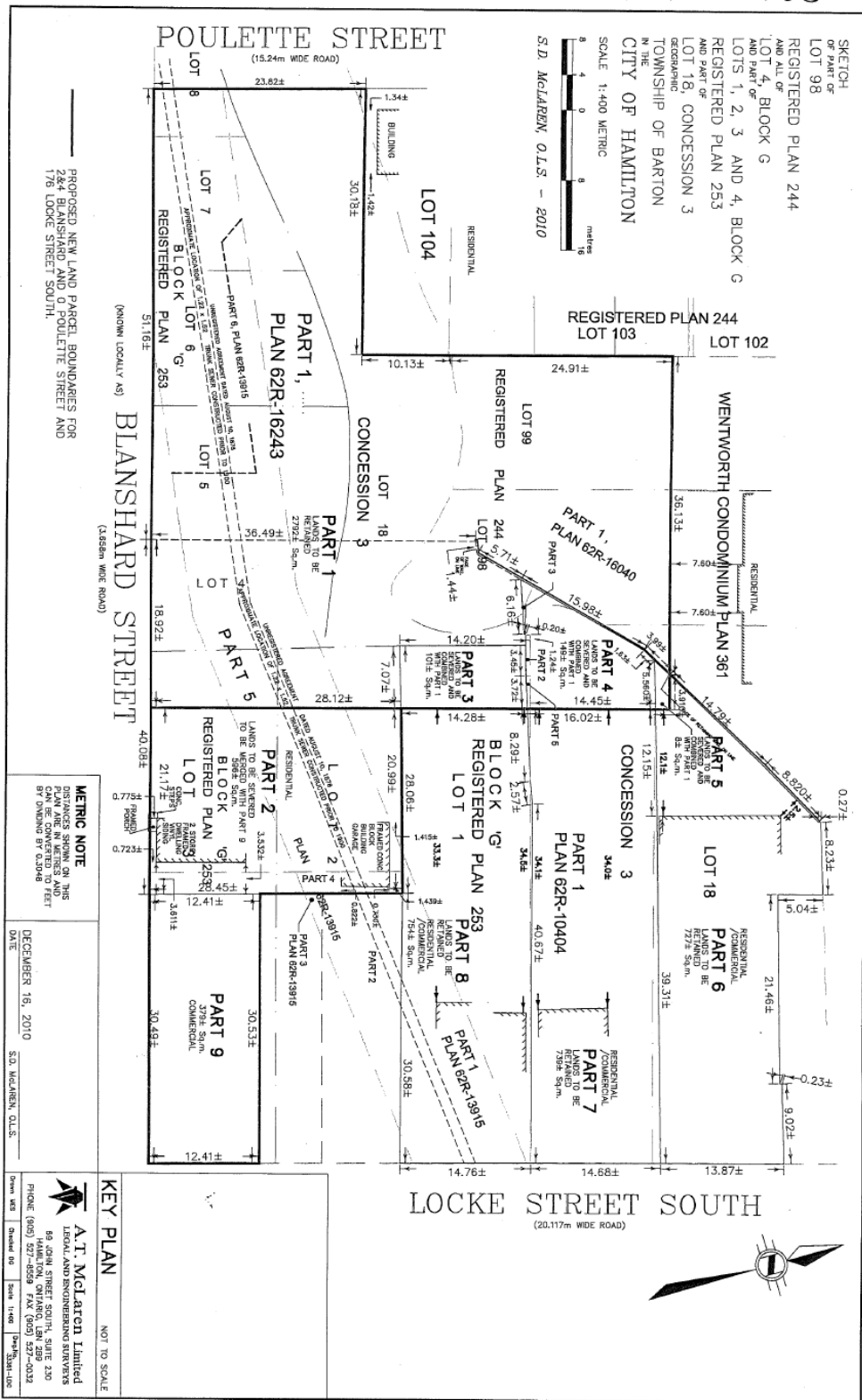
NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS June 8th, 2011.

THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

NOTE:

1. 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 at this time, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Tourism and Culture (MTC) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MTC and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392).

SKETCH (2)
HM/B-11-23



PROPOSED NEW LAND PARCEL BOUNDARIES FOR
2&4 BLANSHARD AND D POULETTE STREET AND
176 LOCKE STREET SOUTH.

METRIC NOTE
DISTANCES SHOWN ON THIS
MAP CAN BE CONVERTED TO FEET
BY DIVIDING BY 0.3048

DATE: DECEMBER 18, 2010
S.D. McILRENN, O.L.S.

KEY PLAN NOT TO SCALE
A.T. McLatchin Limited
LEGAL AND ENGINEERING SURVEYS
89 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L8N 2B9
PHONE (905) 527-8259 FAX (905) 527-0232