

**CITY OF HAMILTON**

**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b> Chair and Members Planning Committee	<b>WARD(S) AFFECTED:</b> WARD 2
<b>COMMITTEE DATE:</b> April 5, 2011	
<b>SUBJECT/REPORT NO:</b> Application for Approval of an Amendment to Hamilton Zoning By-law No. 6593 for Lands Known as 121 St Joseph's Drive (Hamilton) (PED11046) (Ward 2)	
<b>SUBMITTED BY:</b> Tim McCabe General Manager Planning and Economic Development Department	<b>PREPARED BY:</b> Edward John (905) 546-2424, Ext. 5803
<b>SIGNATURE:</b>	

**RECOMMENDATION:**

That approval be given to **Zoning Application ZAR-10-027, 852984 Ontario Inc. (Sam DiSanto), and City of Hamilton, Owners**, for a change in zoning from the "E" (Multiple Dwellings, Lodges, Clubs, Etc.), District, and the Neighbourhood Park (P1) Zone to the "E"-H' (Multiple Dwellings, Lodges, Clubs, Etc. - Holding) District, Modified, with a Special Exception, to permit the development of an 11-storey, multiple residential building, with associated underground parking, on lands located at 121 St. Joseph's Drive (Hamilton), as shown on Appendix "A" to Report PED11046, on the following basis:

- (a) That the draft By-laws, attached as Appendices "B" and "C" to Report PED11046, which have 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 apply the Holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990 to the subject lands by introducing the Holding symbol 'H' as a suffix to the proposed Zoning District. The Holding provision will prohibit the development of the subject lands until such time as adequate services are available, to the satisfaction of the City of Hamilton's Senior Director of Growth Management.
- (c) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, and the Hamilton Official Plan.

**EXECUTIVE SUMMARY**

The purpose of the application is to amend City of Hamilton Zoning By-law No. 6593 and No. 05-200 to permit the development of an 11-storey, residential apartment building, with associated underground parking, on lands municipally known as 121 St. Joseph's Drive (see Appendix "A"). The building would consist of approximately 70 units on a 1,482m<sup>2</sup> parcel of land (including the City owned lands to be assembled to the rear). The site previously accommodated a 4-storey, multiple residential building that was demolished due to structural issues. The development of the site would also include the transfer of lands to the rear of the property that are currently under City Ownership.

A number of modifications would be required to accommodate the development as proposed; including, but not limited to, reduction to required front, side, and rear yards; increase in Gross Floor Area; reduction in the Minimum Landscaped Area; increase to the Maximum Building Height; reduction in Minimum Parking stall sizes; additional permitted encroachments; and reduction to the Minimum Number of Loading Spaces.

The proposal has merit and can be supported since the application is consistent with the Provincial Policy Statement, and conforms to the Growth Plan, Hamilton-Wentworth and City of Hamilton Official Plans. The proposed development is considered to be compatible with, and complementary to, the existing and planned development in the neighbourhood, and represents an efficient use of land and services within the urban boundary. An 'H' Holding provision has been applied to ensure the adequacy of servicing, specifically water capacity.

*Alternatives for Consideration - See Page 21.*

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

Financial - N/A.

Staffing - N/A.

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Legal - As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for approval of a change in Zoning.

**HISTORICAL BACKGROUND** (Chronology of events)

The applicant has applied for an amendment to re-zone the lands located at 121 St. Joseph's Drive from the "E" (Multiple Dwellings, Lodges, Clubs, Etc.) District and the Neighbourhood Park (P1) Zone to the "E" (Multiple Dwellings, Lodges, Clubs, Etc.) District, Modified, with a Special Exception, in order to permit the development of an 11-storey residential apartment building, with associated underground parking. The building would consist of approximately 70 units on a 1,482m<sup>2</sup> parcel of land (including the City owned lands to be assembled to the rear). The site previously accommodated a 4-storey multiple residential building that was demolished due to structural issues. The development of the site would also include the transfer of lands to the rear of the property that are currently under City Ownership.

Additional site-specific regulations are being sought to permit:

- A reduced Front Yard of 0.0m, whereas 7.6m is required;
- A reduced Rear Yard of 4.8m, whereas 10.6m is required;
- Reduced Side Yards of 1.0m, whereas 11.75m is required;
- An increase to the Maximum Gross Floor Area to 7,500m<sup>2</sup>, whereas a Maximum of 2,519.4m<sup>2</sup> is permitted;
- A Minimum Required Landscaped Area of 19%, whereas 25% is required;
- Maximum Building Height of 11-storeys or 34m, whereas 8-storeys or 26.0m is permitted;
- Encroachments for a fire escape and terrace;
- A Minimum Parking stall size of 2.6m x 5.5m, whereas 2.7m x 6.0m is required; and,
- To omit the requirement for Loading Spaces, whereas a Minimum of 1 loading space is required.

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**Chronology:**

January 28, 2010: Formal Consultation Application submitted.

February 3, 2010: Site Visit.

February 22, 2010: Formal Consultation Document provided to applicant listing all required studies.

June 23, 2010: Council approved sale of the Parkland Block - Conditional on a re-zoning application.

June 30, 2010: Formal Zoning Amendment Application received, deemed complete and circulated.

September 21, 2010: Public Open House organized by agent.

October 22, 2010: Site Visit by NEC representative to conduct view-shed analysis.

December 22, 2010: Revised elevations circulated for review.

**Details of Submitted Application**

**Owner/Applicant:** 852984 Ontario Inc. (Sam DiSanto)

**Agent:** WEBB Planning Consultants (c/o James Webb)

**Location:** 121 St Joseph's Drive, Hamilton

**Description:**

Frontage: 30.5 metres

Lot Area: 1,482m<sup>2</sup> (including lands to be transferred)

**EXISTING LAND USE AND ZONING:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands:</u></b>	Vacant	"E" (Multiple Dwellings, Lodges, Clubs, Etc.)
<b><u>Surrounding Lands:</u></b>		
<b>North</b>	Residential / Parkland	Neighbourhood Park (P1) Zone & "E-3" (High Density Multiple Dwellings) District
<b>South</b>	Major Institutional and Residential	Major Institutional (I3) Zone & "C" (Urban Protected Residential, Etc.) District
<b>West</b>	Residential	"E" (Multiple Dwellings, Lodges, Clubs, Etc.) District
<b>East</b>	Residential	"E" (Multiple Dwellings, Lodges, Clubs, Etc.) District

**POLICY IMPLICATIONS**

**Provincial Growth Plan for the Greater Golden Horseshoe**

The application has been reviewed with respect to the Provincial Growth Plan for the Greater Golden Horseshoe (Places to Grow). Staff considers the application to be consistent with the policies that manage growth and direct general residential intensification to the built-up areas, as per the Policies contained in 2.2.2 and 2.2.3.

In particular, staff notes that the lands are within the City of Hamilton's built boundary and are consistent with Policy 2.2.3.1, which states that by the year 2015, and for each year thereafter, a minimum of 40% of all residential development occurring annually within each upper and single-tier municipality will be within the built-up area.

The proposal maintains the intent to create vibrant neighbourhoods, which provide residential uses that are transit supportive. Accordingly, the proposal conforms to the Growth Plan.

### **Niagara Escarpment Plan**

The subject lands are located within the Niagara Escarpment Plan Area and are designated as “Urban Area”. It is noted that the lands are outside of the Niagara Escarpment Commission’s (NEC) Development Control Area, but are subject to *Part 1.7 Urban Area*. The application was subsequently circulated to NEC staff. Following a site visit and review of the proposed application and Urban Design Brief, NEC staff has confirmed that they have no outstanding objections to the development.

### **Provincial Policy Statement**

The applications have been reviewed with respect to the Provincial Policy Statement (PPS). The applications are consistent with Policy 1.1.3.1 of the PPS, which focuses growth in Settlement Areas, and Policy 1.6.5.4, which seeks to provide a range of alternative and sustainable transportation options. Given the proximity of the proposal to the downtown transit network, consisting of trains, buses, and bicycle path networks, the proposal is considered consistent with this Policy direction.

Also, 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 to minimize risk to public health and safety. Due to the proximity of the subject lands to traffic corridors and railway lands (within 200m from the Claremont Access and 400m from the Canadian Pacific Railway Corridor), the owner is required to conduct a Noise Assessment. Staff considers that the requirement for such a Noise Study can be satisfied at the Site Plan Control Stage of the development, as the design concept for the proposed development has not been finalized at this time, and staff is of the opinion that potential noise impacts can be mitigated through building design. Based on the foregoing, the proposal is consistent with the PPS.

### **Hamilton-Wentworth Official Plan**

The subject property is designated as “Urban Area” within the Hamilton-Wentworth Official Plan. Policy 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.

Policy 3.1.1 states that a compact higher density urban form, with mixed-use development along corridors, best meets the environmental, social, and economic principles of sustainable development. Mixed form of development within an Urban Area is preferable to widespread, low density residential development, and scattered

rural development. Accordingly, the proposal conforms to the Hamilton-Wentworth Official Plan.

### **Hamilton Official Plan**

The subject property is designated “Residential” on Schedule “A”, Land Use Plan in the former City of Hamilton Official Plan. The proposal seeks to permit a high density residential building and, as such, the following policies of the Hamilton Official Plan, among others, are applicable to the subject lands:

*“A.2.1.8 It is the intent of Council that a variety of housing styles and types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or re-development will contribute to the desired mix of housing, where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.”*

Staff considers that the proposed building, which would consist of one to two bedroom units, would provide residential development at a density and type that further contributes to the variety of housing options currently available to residents of the neighbourhood, and that the proposed form is both desirable and suitable.

*“C.7.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or re-development of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:*

- i) Provision and maintenance of adequate off-street parking.*
- ii) Alteration of traffic flows.*
- iii) Improvement and maintenance of street landscaping.*
- iv) Acquisition, removal, or improvement of buildings or uses incompatible with a zoning district.*
- v) Provision of advice and assistance in the improvement and maintenance of private dwellings.*
- vi) Investigation into, and application of, other methods of encouraging the maintenance and improvements of buildings in RESIDENTIAL areas.*

- vii) *The maintenance of adequate separation distances and the placement of buffering features between RESIDENTIAL and Industrial uses.*
- viii) *Other similar actions or matters as Council may deem appropriate.”*

As discussed within the Analysis/Rationale For Recommendation section of the Report, the proposed development would provide sufficient parking, and is both in keeping with the character of the area and of sufficient density to ensure the subject lands are efficiently utilized.

*“C.7.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity, and value.”*

It is considered that the proposed high density development has been sensitively designed and scaled in order to ensure that the transition between adjacent higher and lower density developments are integrated and amenity is preserved, while maintaining the intent to locate higher density development closer to transportation and transit corridors.

*“C.7.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future 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; (O.P.A. No. 128).*
- (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;.”*



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The proposal will increase the supply of housing in the neighbourhood in a manner that is compatible with existing surrounding residential uses. The proposal represents an appropriate example of infill development that will make efficient use of existing services, while ensuring that the existing character of the neighbourhood is maintained. Furthermore, it is considered that the design and scale of the proposed building enhances the existing streetscape, providing visual interest that successfully transitions and respects the variety of existing scales.

In support of the application, the proponent also provided a sun-shadow assessment, which demonstrated conformity with the Site Plan Guidelines and, as such, conforms with Policy C.8.3(ii), which states:

*“Policy C.8.3(ii) The elimination or reduction of shadow casting onto adjacent existing and approved buildings;”*

Staff notes that part of the application proposal required the purchase and re-zoning of a 450 sq. m parcel of land to the rear of the site, which is currently owned by the City of Hamilton and Zoned Neighbourhood Park (P1) Zone. The purchase and sale of these lands were considered and approved by City Council on June 23, 2010, and are contingent on the lands being re-zoned. It is not considered that the transfer and re-zoning of these lands would conflict with the intent of the Hamilton Official Plan.

### **New Urban Official Plan**

The proposal has also been evaluated against the policies of the Council adopted Urban Official Plan. The Minister’s decision regarding the approval of the new Urban Plan was issued on March 16, 2011, and is under an Appeal period until April 5, 2011. The site is located within the Neighbourhoods Designation and, as such, the following Policies have been considered:

*“Policy E.3.6.7 b) High profile multiple dwellings shall not be permitted immediately adjacent to low profile residential uses. A separation distance shall generally be required and may be in the form of a suitable intervening land use, such as a medium density residential use. Where such separations cannot be achieved, transitional features such as effective screening and/or design features shall be incorporated to mitigate adverse impact on adjacent low profile residential uses.”*

Given the site’s context, the proposed high density residential building would be located adjacent to both high density uses and medium density uses, ranging in height from 3-storeys up to, and including, 20-30 storey buildings (Arkledon Towers and the Olympia Apartments, respectively). Furthermore, staff is satisfied that sufficient design

elements have been proposed in order to effectively mitigate any potential adverse impacts on the adjacent lower density residential uses.

*“Policy 3.3.1.4 Create communities that are transit-supportive and promote active transportation.”*

The proposal to accommodate a high density residential building that is both in close proximity to arterial routes that are well serviced by public transit, and is within walking distance to commercial/institutional uses, encourages alternative transport options and, as such, is considered to meet the intent of the above policy.

Based upon the forgoing, Planning staff is of the opinion that the development of the lands for a high density residential building would be appropriate, and would conform to the new Urban Official Plan.

## **RELEVANT CONSULTATION**

### **Agencies/Departments Having No Comments/Objections**

- Budgets, Taxation and Policy Services, Corporate Services Department.
- Traffic Engineering and Operations Section, Public Works Department.
- Hydro One Networks, Inc.

### **Forestry and Horticulture Section, Public Works Department:**

A Landscape Planting Plan, prepared and signed by a Landscape Architect, will be required. This plan, along with the Tree Management Plan for the Park Trees signed by a Landscape Architect, must be submitted for review and comments by the Forestry and Horticulture Section. This will be secured through the site plan process.

### **Environment and Sustainable Infrastructure Division, Public Works Department:**

The ESI Division has suggested that steps should be taken to minimize the impact of the development, such as a green roof or living wall on the park side of the building. In addition, all outstanding tree removal fees should be paid. The potential for a green roof/living wall, as well as payment for all the tree removal fees, will be reviewed and secured through Site Plan Approval.

### **Hamilton Municipal Parking System:**

Tandem parking cannot be counted as 2 spaces in terms of meeting parking requirements. The applicant should ensure that all existing and future parking

requirements are met on-site, as this building will not be eligible for time limit exemption permits.

**Hamilton Conservation Authority (HCA):**

While the HCA has no objection to the approval of the proposed re-zoning of the lands to permit the re-development of the site, we have concerns and requirements with respect to lot grading and drainage, stormwater management, and sediment and erosion control. These issues can be addressed at the Site Plan Control Stage.

**Niagara Escarpment Commission (NEC):**

Subsequent to a site meeting on October 22, 2010, the NEC advised they have no outstanding objection to the revised development proposal. The neighbourhood walk established that:

- Most views towards the Escarpment were obstructed by multi-storey buildings across the terraced terrain of the lower Escarpment slopes;
- Where that did not occur, the allowable building height on this site, according to current zoning provisions, would obstruct the view of the Escarpment and, therefore, adding the extra storeys requested would make no difference;
- The requested height would not be out of character with the existing development of this area.

A review of contour mapping confirmed that the requested building height will be well below the elevation of the Escarpment brow and, therefore, will not obstruct the Escarpment skyline from long distance views.

Given these results, this revised proposal will not adversely affect the relevant Urban Area policies of the Niagara Escarpment Plan, and there is no need to undertake a visual impact assessment for the purposes of the NEC.

**ANALYSIS / RATIONALE FOR RECOMMENDATION**

(include Performance Measurement/Benchmarking Data, if applicable)

1. The proposal has merit and can be supported for the following reasons:
  - i) It is consistent with the Provincial Policy Statement and conforms to the Places to Grow Plan, the Hamilton-Wentworth Official Plan, and Hamilton Official Plan.

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- ii) It is compatible with the type and form of development in the surrounding neighbourhood.
  - iii) It is an appropriate development that will contribute to the range of residential options available to existing and future residents.
2. The subject lands are located in the Corktown Neighbourhood, south east of Downtown Hamilton. The property is on the north side of St. Joseph's Drive, east of John Street, comprised of approximately 1,482m<sup>2</sup> of land within the Urban Area. The site has approximately 30.5 metres of frontage and previously accommodated a 4-storey, multiple residential building that contained a total of 15 dwelling units. The building has since been demolished following the building being deemed to be structurally unsound.

The area surrounding the subject property is predominately residential consisting of a range of residential densities, including low, mid, and high-rise apartment buildings (most notably the 20-storey Arkledun Towers building on St. Joseph's Drive and the 30-storey Olympia Apartments located on Charlton Avenue). The subject lands are immediately adjacent to Woolverton Park, and are in close proximity to a number of other community facilities. The site is also very well serviced by public transit, as well as a comprehensive road and bicycle network.

The two parcels, which form the balance of the subject lands, are currently zoned Neighbourhood Park (P1) Zone in By-law 05-200, and "E" (Multiple Dwellings, Lodges, Clubs, Etc.) District in Hamilton Zoning By-law 6593. The "E" (Multiple Dwellings, Lodges, Clubs, Etc.) District, in which the majority of the proposal is located, permits a limited number of commercial and higher order residential uses. Both parcels are designated "Residential" in the Hamilton Official Plan. The current proposal, therefore, generally conforms with the existing zoning and Official Plan designations, however, a re-zoning application is required in order to re-zone the 450 sq. m parcel of parkland being acquired by the developer to the rear of the site, as well as to permit the 11-storey height of the building. A number of additional modifications would also be required, and are addressed in more detail in the Density and Streetscape Character analysis (see Page 15).

With regard to the proposed use, staff considers that the form and intensity of residential development proposed is acceptable, and would be both compatible with the surrounding area and conform to the Official Plan policies regarding residential developments. With regard to the amending Zoning By-law, modifications to the "E" District have been requested to accommodate the proposed building with respect to height, setbacks, landscaping, encroachments, Gross Floor Area, and parking/loading arrangements. These modifications are discussed, in detail, in the following sections of the Report.

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3. Staff notes that there are existing combined sewers within the City Parklands adjacent to the north property line. A Site Servicing Report was submitted by S. Llewellyn & Associates Limited (May 6, 2010). Staff has reviewed this Report, and has advised the applicant that a Stormwater Management Brief and Slope Stability Study will be required and reviewed in more detail at the time of development through Site Plan Control. With respect to existing road widths, staff has confirmed that no road allowance widenings are required at this time.

A Water Distribution Analysis has been submitted to the City in support of the proposed densities. The Report and amendments to the original submission suggest that following upgrades to existing services, capacity exists in order to support the proposed densities. The City's Public Works Department has requested additional amendments to the Analysis in order to ensure sufficient capacity can be provided. In the absence of an approved analysis, staff is, therefore, recommending an 'H' Holding provision be attached to the subject lands in order to ensure the provision of adequate services (see Appendix "B").

Staff notes that the proximity of the proposed sensitive (residential) land use to road noise sources triggers the requirement for a Noise Study. Staff considers that the requirement for such a Noise Study can be satisfied at the Site Plan Control Stage of the development, as the design concept for the proposed development has not been finalized at this time, and staff is of the opinion that potential noise impacts can be mitigated through building design and construction techniques.

4. In accordance with the new provisions of the Planning Act, and the Council Approved Public Participation Policy, a Preliminary Circulation was sent to 1,205 property owners within 120 metres of the subject lands, and a Public Notice sign was placed on the property. In response to the preliminary notice of circulation, 3 letters were received from local residents, and one letter was received from the Board of Hillview Terrace Apartments Limited, located at 107 St. Joseph's Drive (see Appendix "E"). In addition, an "Open House" was conducted by the proponent on September 21, 2010.

The letters received raised concerns with regard to the insufficient number of parking spaces, traffic congestion, existing parking issues, height of the building, density, loss of Parkland, pedestrian safety, and construction impacts. An analysis of these issues is provided below. In addition, one of the letters suggested the need for a connection between the proposed building and the Park to the rear.

5. Traffic/Safety and Parking Issues:

With respect to traffic, concerns have been raised by local residents regarding the potential for increased volumes along the major and local streets in the vicinity of the proposed development and associated safety implications. Concerns were also raised over the loss of parking within the area, as a result of the number of units proposed and density of the proposal.

In addressing the issue of capacity, staff considers that the existing capacity on John Street, James Street, and surrounding local roads is sufficient enough to adequately accommodate the potential increase in traffic movements in a safe and orderly manner.

With regard to the impact upon parking, the proposal would provide 3 levels of underground parking, providing a total of 56 spaces for the proposed 70 units. The standard regulation for apartment buildings under Section 18A of By-law No. 6593 requires parking be provided at a ratio of 1.25 spaces per unit. This figure, however, is reduced to 0.8 spaces per unit for those lands located within proximity to Downtown Hamilton. The site in question, consequently, falls within this identified geographical area. This would result in a requirement for 56 parking spaces and, as such, the parking provided on site would satisfy the existing zoning performance standard. The size of the proposed stalls has, however, been requested to be amended from 2.7m x 6.0m to 2.6m x 5.5m. These proposed reductions are consistent with the revised parking stall sizes contained within City of Hamilton Zoning By-law 05-200 and, as such, are considered appropriate.

It should also be noted that the subject lands are located within close proximity to the Hamilton GO Station and the McNab Bus Terminal, which provide comprehensive transit coverage of Hamilton Downtown and the GTA, as well as being situated within walking distance to a number of services including St. Joseph's Hospital, Woolverton Park, and the commercial uses located within Downtown Hamilton.

Consequently, the applicant's decision to increase residential densities within an area adjacent to Downtown Hamilton that is well serviced by transit options encourages the use of alternate travel modes by residents of this development, and conforms with the Provincial Government's and City's focus towards decreasing the reliance on the private automobile.

In particular, P.P.S. Policy 1.6.5.4 states:

*“Policy 1.6.5.4 A land use pattern, density, and mix of uses should be promoted that minimize the length and number of vehicle trips and support the development of viable choices and plans for public transit and other alternative transportation modes, including commuter rail and bus.”*

The subject lands proximity to transit routes, cycling trails, community facilities, institutional and parkland uses, in addition to the density of development proposed, indicates that it would appear to be ideally suited to take advantage of existing and proposed transit and infrastructure options. Indeed, this Provincial direction is more clearly stated in the Growth Plan, and specifically Policy 2.2.2 d), which states:

*“Policy 2.2.2 d) reducing dependence on the automobile through the development of mixed-use, transit-supportive, pedestrian-friendly urban environments.”*

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.

The existing local Policy Framework provided in the Hamilton Official Plan similarly encourages developments that provide densities which are transit supportive.

*“Policy 7.3 xii) Encourage development at densities conducive to the efficient operation of the Public Transit and which utilizes designs or construction techniques that are energy efficient;”*

Regard has also been given to the policy framework contained within the new Urban Hamilton Official Plan. Given the proposed densities and availability of transit, including bike lanes, within the immediate vicinity, staff considers the proposal to satisfy the Urban Design Goals detailed in Policy 3.3.1.4:

*“Policy 3.3.1.4 Create communities that are transit-supportive and promote active transportation.”*

Finally, the request to omit the requirement of a loading facility can be supported, given that no concerns were raised by the City's Traffic Section. Furthermore, it is also noted that St. Joseph's Drive is not a through street, and that the street already functions as both the access and service lane for the existing higher density buildings located along the street.

6. Density and Streetscape Character:

The site is located in a typical urban setting, surrounded by a mix of land uses, including residential, commercial, and institutional. The predominant use of land within the immediate vicinity is residential, consisting of existing low, medium, and high density residential uses (including apartment buildings 3-20 storeys), as well as commercial/institutional uses, located predominately adjacent to the arterial routes.

In terms of policy framework at the Provincial level, both the Provincial Policy Statement (PPS) and the Places to Grow (Growth Plan, 2006) Legislation, which supplements the basic intent of the PPS, provide general directions towards guiding new development. With regard to the PPS, Policy 1.1.3.1 states the intent to focus growth in Settlement Areas. Similarly, the Growth Plan in Section 2.2.2.1 - Managing Growth details that population growth will be accommodated by directing it to built-up areas through intensification. The increase in density and Gross Floor Area, as proposed in this application is, therefore, considered to be consistent with this legislation.

The subject property and the adjoining lands are also within the Niagara Escarpment Plan Area and designated "Urban Area". As such, development proposals must conform to the Niagara Escarpment Plan and, in particular, *Part 1.7 Urban Area*. Under the Development Objectives for those proposals located within the Urban Area, the Plan states:

*Policy 1.7.1. All development should be of an urban design compatible with the visual and natural environment of the Escarpment. Where appropriate, provision for adequate setbacks and screening should be required to minimize the visual impact of urban development on the Escarpment landscape.*

It is noted that the proposed development is a permitted use within the existing Hamilton Zoning By-law and is consistent within the Residential Designation of the Hamilton Official Plan. Furthermore, it is recognized that the context of the site is one already characterized by medium to high density residential development. Consequently, following review of the proposal by the Niagara Escarpment Commission, staff issued formal comments which concluded that they had no outstanding objection to the proposal, on the basis that the



requested height would not be out of character with the existing development within the area.

However, in terms of assessing the built form, character, and particular merits of implementing such an increase in height and density, staff must also consider the intent and policies of the Hamilton Official Plan, in general, and the individual site characteristics and site context, in particular. In this regard, staff notes that the Corktown Neighbourhood is an older, more established part of Hamilton, with St. Joseph's Drive, in particular, accommodating a mix of housing types ranging from 2-4 storey, single-detached houses, to 3-7 storey apartment buildings. A nursing home and the 20-storey Arkledun apartment building are also located at the terminus of the street.

Staff, in this regard, considers that given the varied context, scale, and character of the area, in general, and St. Joseph's Drive, in particular, the opportunity exists to contemplate a higher density residential form upon the subject lands. More specifically, one that would be consistent with the scale of other existing apartment buildings adjacent and in proximity to the site, while preserving the character of the lower density residential forms.

Based on the existing mix of uses, the lotting fabric, and existing gradation of residential densities, staff, therefore, considers the location of an 11-storey apartment building at this location to be appropriate and consistent with Policy 7.2 of the current Hamilton Official Plan, which states:

*"Policy C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in gradation so that higher density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity, and value."*

Policy A.2.1.8 of this Plan also states that 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 that development shall contribute to the desired mix of housing, where practical. In this regard, staff also considers that the proposal would further contribute to the variety in the type and density of development provided for within the City. Policy C.7.3 of the current Official Plan furthers this intent, detailing that regard must also be given to building height, setbacks, mass, and privacy of the existing residential area.

### Front, Rear, and Side Yard Setbacks

The request to have a minimum front yard setback of 0.0m is consistent with the adjacent apartment buildings to the east and west, and would not conflict with the pattern of development and varied building line of the remainder of St. Joseph's Drive. Similarly, it is considered that the reduced side yards would not detrimentally affect the character of the street or significantly impact greater views of the escarpment from areas outside of the site, as these are already limited as a result of the site's context.

It is also noted that the rear yard setback is calculated to the rear wall of the podium portion of the building (which would accommodate the underground parking), and that a further 10m setback would be maintained from the rear lot-line (following transfer of the Park property) to the 11-storey residential portion of the building. This additional setback would serve to limit the visual scale, bulk, and massing of the proposal.

While amenity space would be largely limited to balconies, this is not unexpected for high density residential units in a downtown setting. Furthermore, this situation is offset due to the sites proximity to the Woolverton Neighbourhood Park. Finally, it should also be noted that the podium portion of the building will be evaluated in order to assess any potential option for a living wall or green roof. This evaluation will be conducted at the Site Plan stage.

### Height

The applicant submitted an Urban Design Brief in support of the building, and in particular, the proposed increase in height from the 8-storey (24 metre) maximum permitted within the existing Zoning By-law, to the 11-storey (34 metre) building proposed. With regard to height, and following review of the submitted brief, staff is of the opinion that although the proposal would be 11-storeys in height, the mass of the building would be mitigated through its design (see Appendix "D"). The main building mass would be located close to the street and in line with the easterly apartment building. As the building extends into the rear of the site, it would reduce in width from either side lot line, effectively creating a T-shaped building, with the widest part of the building located on St. Joseph's Drive. The parking garage would be located below grade and would form the podium of the building, which due to the grade changes from the front to rear of the site, would be visible mainly from the rear (Woolverton Park).

It is also considered that the proposed “cut-out” portions at each corner of the building would visually reduce the scale and bulk of the building, and would also provide the opportunity for balconies, generating amenity space for each unit. The context of the site should also be noted with a 4-storey apartment building immediately to the west and a 6-storey apartment building immediately to the east. The proposed building would be approximately 33.2m in height, and that by comparison, the building to the west is 27m in height, and the building to the east is 13.6m in height. In addition, it is also noted that the existing zoning would permit an as-of-right height of 8-storeys or 24 metres to be accommodated on the subject lands. Consequently, it is considered that sufficient opportunity exists to contemplate a higher density form at this location, one that would maintain the existing rhythm of building height changes that characterize the street.

#### Gross Floor Area and Landscaping

The applicant is also requesting modifications to the maximum permitted Gross Floor Area (GFA), currently prescribed in the “E” (Multiple Dwellings, Lodges, Clubs, Etc.) District to permit a maximum of 7,500m<sup>2</sup>, whereas 2,519.4m<sup>2</sup> is currently permitted under the existing By-law. As previously discussed, the site would accommodate a proposed 11-storey building, with a proposed 0.0m setback from the front and a 1.0m setback from the side yards. Staff is, however, in support of this modification, as it is considered that the location and context of this particular site is conducive to accommodating intensification, as legislated in both the Provincial and Local Policy framework. The proposal represents a sensitive design concept that efficiently maximizes the development potential of the site, while similarly demonstrating sufficient mitigation of any potential adverse impacts.

Furthermore, it is considered that the location of the Park, and the connectivity proposed to be provided to the Park from the building, would not only afford greater amenity to the future occupiers of the building, but also mitigate the potential impacts of the density and massing of the building. Consequently, on this basis, staff is also in support of the proposed reduction in required landscaping from 25% to 19%.

Finally, in terms of urban design, the concept plan (see Appendix “D”) and Design Brief provided by the applicant indicates that the materials used and detailed design will respect, and be sympathetic to, the surrounding area. The proposed reduction in landscaping, in particular, 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. Staff will conduct further review of these details, and secure their implementation, at the Site Plan stage.

7. Amenity/Sun-Shadow Analysis:

Given the scale and massing of the proposal, the applicant submitted a Sun-Shadow Assessment in support of the 11-storey residential building. The proposed development would be situated on the north side of St. Joseph's Drive and to the east of John Street and, as such, would cast shadows to the west and north during the early part of the day, and to the north and east towards the afternoon and evening. The Sun-Shadow Report concluded that while there would be some shadowing of the adjacent apartment buildings to the east and west, this would not be unacceptable. Given the aspect of the building, the proximity of the adjacent apartment buildings, and the location of the Park, remaining sun shadow issues were not considered significant and are considered to be in conformity with Policy C.8.3(ii).

The proximity of the building from the existing apartment buildings to the east and west has, however, raised concern over the outlook and amenity of those existing residents. As discussed previously, the character of the area is typified by higher density buildings that exist in close proximity, benefiting from only narrow yards. As a consequence, most impacts resulting from the proximity of buildings onto side windows and balconies/amenity areas has already been established. It is not considered that the proposed building would, therefore, exert unacceptable impacts with regard to privacy/amenity for existing residents.

Encroachments

The amending By-law will also permit the encroachment of a fire escape and terrace within the reduced side yard setback. Both the fire escape and terrace will, consequently, be within 8cm of the side lot line. It is not considered that these encroachments would visually detract from the character of the street or have any unacceptable impact upon amenity.

Construction Impacts

Concerns from local residents have also been raised with respect to pedestrian safety and the impacts upon foundations of adjacent properties during the construction phase of the proposal. A Construction Management Plan will be required at the development stage, which will detail the safety requirements and potential road closures that will be required in order to construct the development. This will be reviewed and secured at the Site Plan stage.

**SUBJECT: Application for Approval of an Amendment to Hamilton Zoning By-law No. 6593 for Lands Known as 121 St Joseph's Drive (Hamilton) (PED11046) (Ward 2) - Page 21 of 21**

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Loss of Parkland

It is noted that the proposal is contingent on the purchase and sale of a parcel of Parkland to the rear of the site, which is currently under City ownership. The merits of the sale of these lands were considered and approved by City Council on June 23, 2010.

**ALTERNATIVES FOR CONSIDERATION:**

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

If the application is denied, the applicant has the option of using the property for the uses permitted in the "E" (Multiple Dwellings, Lodges, Clubs, Etc.) District, which provides for a range of residential and limited commercial uses.

**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

**Social Development**

- ◆ Everyone has a home they can afford that is well maintained and safe.

**Healthy Community**

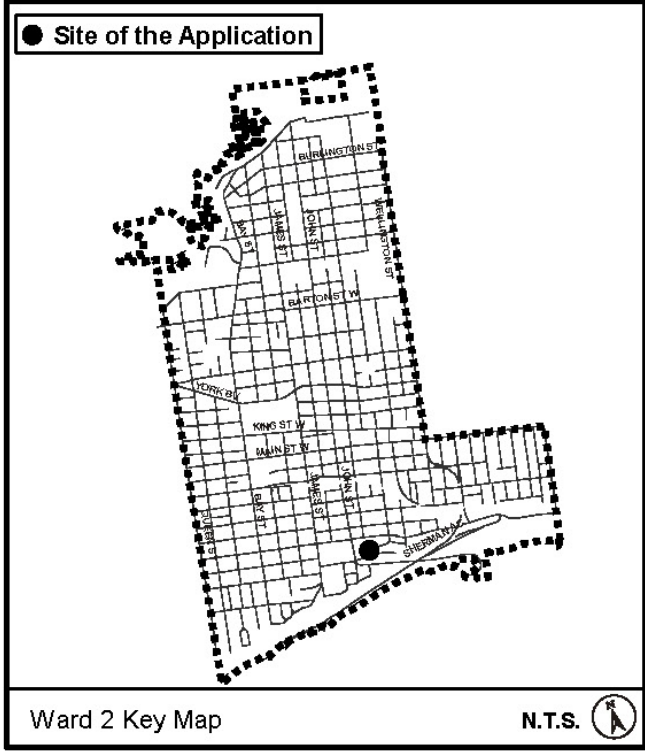
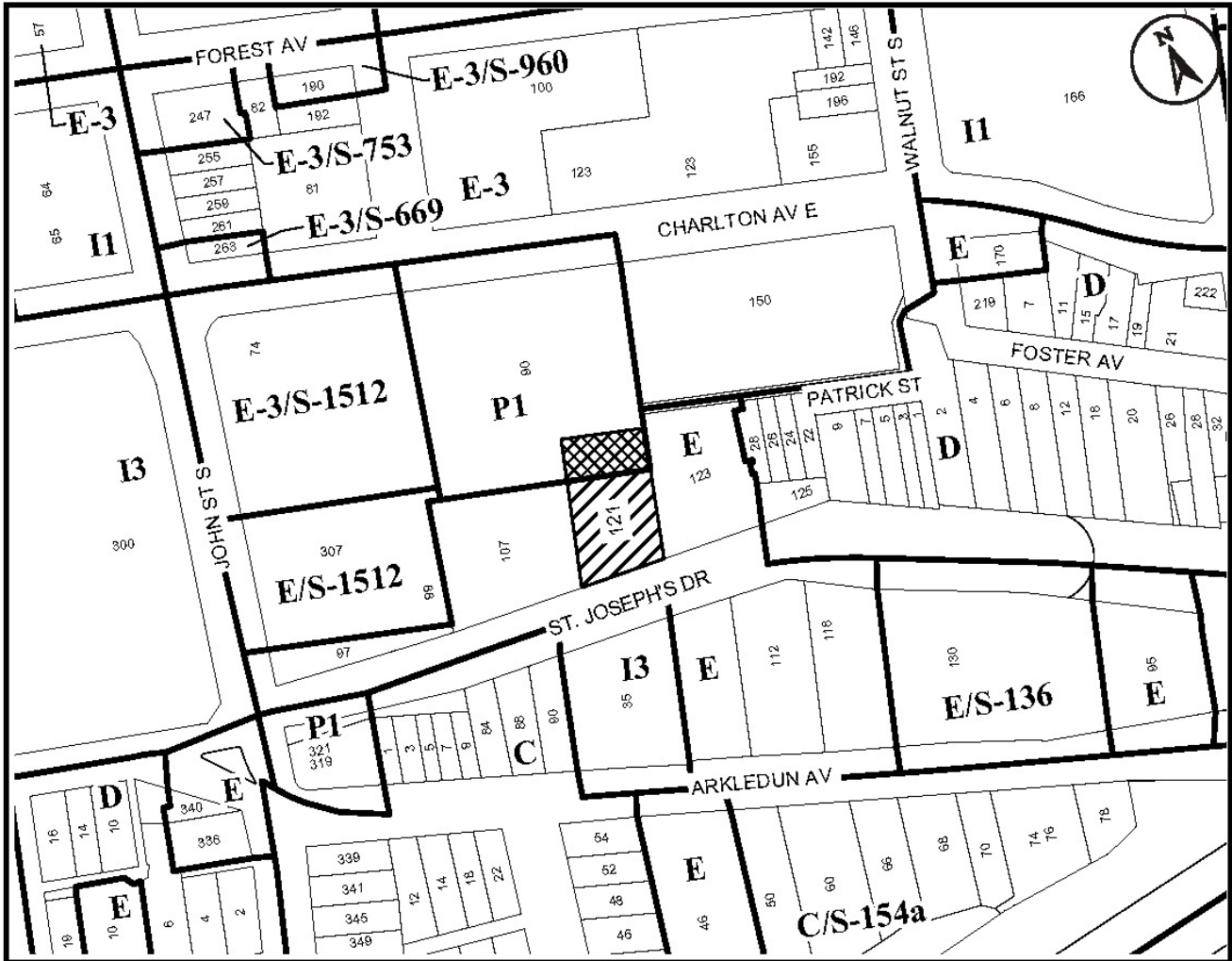
- ◆ An engaged Citizenry.

**APPENDICES / SCHEDULES**


- Appendix "A": Location Plan
- Appendix "B": Draft Zoning By-law Amendment (By-law 6593)
- Appendix "C": Draft Zoning By-law Amendment (By-law 05-200)
- Appendix "D": Concept Plan
- Appendix "E": Public Comments

:EJ

Attachs. (5)





## Location Map


  
**Hamilton**

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

<b>File Name/Number:</b> ZAR-10-027	<b>Date:</b> February 17, 2011
<b>Appendix "A"</b>	<b>Scale:</b> N.T.S.
<b>Planner/Technician:</b> EJ/NB	

**Subject Property**  
121 St. Joseph's Drive, Hamilton

-  Lands to be rezoned from the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified
-  Lands to be zoned "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified

N.T.S. 

**Authority:** Item [REDACTED],  
Planning Committee  
Report: 11-[REDACTED] (PED11046)  
CM: [REDACTED]

**Bill No.** [REDACTED]

**CITY OF HAMILTON**

**BY-LAW NO. [REDACTED]**

**To Amend Zoning By-law No. 6593  
Respecting Lands Located at 121 St. Joseph's Drive  
(Hamilton)**

**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 25<sup>th</sup> day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7<sup>th</sup> 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 11-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2011, 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 No. E6 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended by changing the following:
  - (a) That Block 1 be re-zoned from the "E" (Multiple Dwellings, Lodges, Clubs, Etc.) District to the "E"-H' (Multiple Dwellings, Lodges, Clubs, Etc. - Holding) District, Modified; and,
  - (b) That Block 2 be zoned the "E"-H' (Multiple Dwellings, Lodges, Clubs, Etc. - Holding) District, Modified;

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

2. That the "E" (Multiple Dwellings, Lodges, Clubs, Etc.) District regulations, as contained in Section 11 of Zoning By-law No. 6593, applicable to Blocks "1" and "2", as detailed in Section 1 of this By-law, be modified to include the following special requirements:
  - (a) That notwithstanding Section 11 (2)(ii) of Zoning By-law No. 6593, a maximum height of 11-storeys or 34m shall be permitted.
  - (b) That notwithstanding Section 11 (3) of Zoning By-law No. 6593, the following yards shall be required:
    - 1) A Front Yard, having a depth of not less than 0.0 metres, shall be provided and maintained for all buildings and structures.
    - 2) A westerly Side Yard, having a depth of not less than 1.0 metre, shall be provided and maintained for all buildings and structures.
    - 3) An easterly Side Yard, having a depth of not less than 1.0 metre, shall be provided and maintained for all buildings and structures.
    - 4) A Rear Yard, having a depth of not less than 4.8 metres, shall be provided and maintained for all buildings and structures.
  - (c) That notwithstanding Section 11 (5) of Zoning By-law No. 6593, no buildings or structures shall have a total Gross Floor Area of more than 7,500m<sup>2</sup>.
  - (d) That notwithstanding Section 11(6) of Zoning By-law No. 6593, there shall be provided and maintained at least 19% of the area of the lot as landscaped area.
  - (e) That notwithstanding Section 18A Table 3[2.] of Zoning By-law No. 6593, no loading spaces shall be required.



- (f) That notwithstanding Section 18A.(7) of Zoning By-law No. 6593, every required parking space, other than a parallel parking space, shall have dimensions not less than 2.6m wide and 5.5m long.
  - (g) That notwithstanding Section 18 (3)(vi) of Zoning By-law No. 6593, an open fire escape and terrace will be permitted to encroach into a required side yard a maximum of 1.0m.
3. That the 'H' symbol applicable to lands referred to in Section 1 of this By-law shall be removed conditional upon:
- a) The provision of adequate services, to the satisfaction of the City of Hamilton's Senior Director of Growth Management.

The 'H' symbol shall be removed by amendment to this By-law, and the development of the lands referred to in Section 1 of this By-law may, at such time, proceed in accordance with the "E" District, Modified provisions, subject to the special requirements referred to in Section 2 of this By-law.

- 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 "E" (Multiple Dwellings, Lodges, Clubs, Etc.) District provisions, subject to the special requirements referred to in Section 2.
- 5. That By-law No. 6593 (Hamilton) is amended by adding this by-law to Section 19B as Schedule S-1640.
- 6. That Sheet No. E6 of the District Maps is amended by marking the lands referred to in Section 1 of this by-law as S-1640.
- 7. 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.

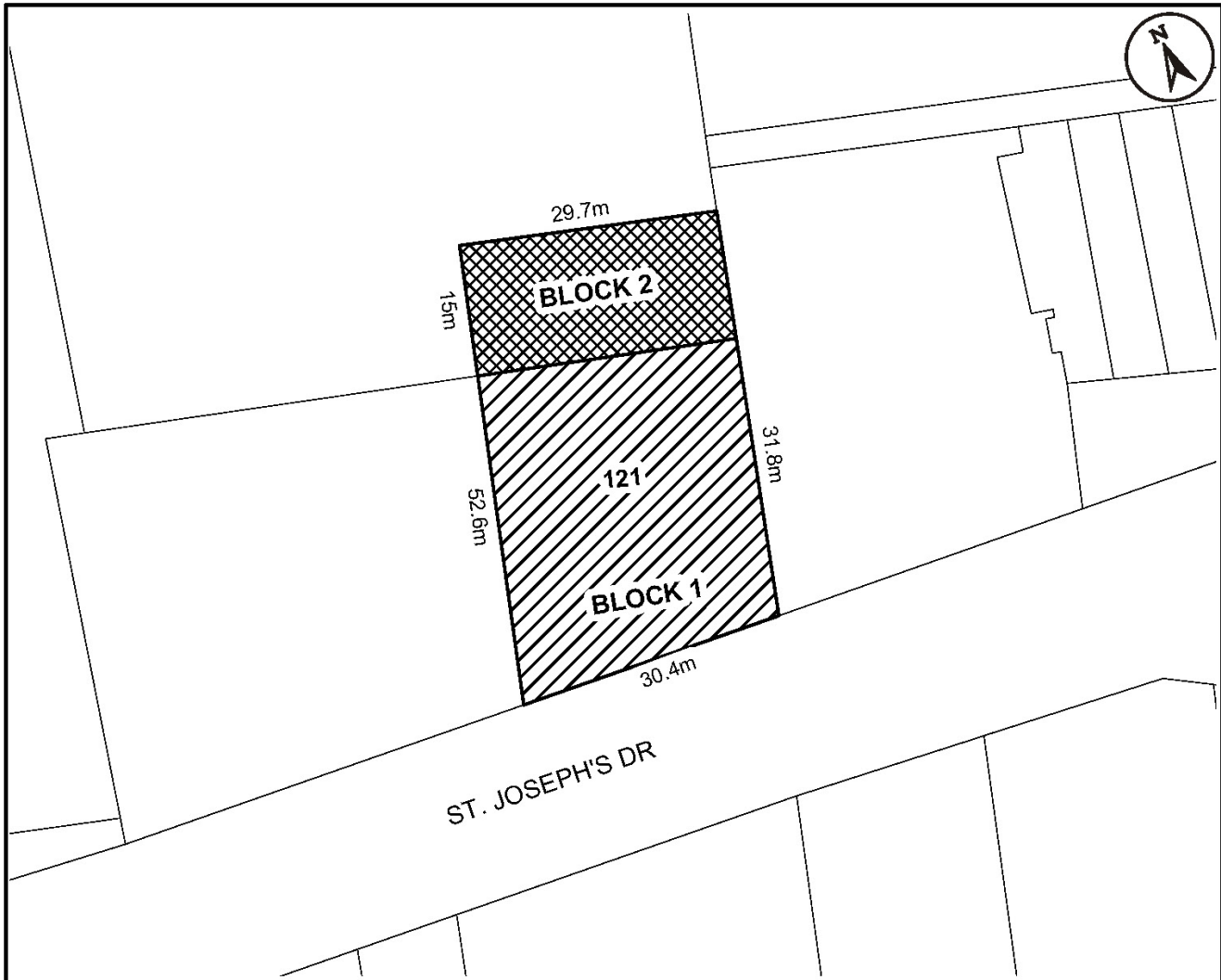
**PASSED and ENACTED** this [REDACTED] day of [REDACTED], 2011.

---

R. Bratina  
Mayor

---

Rose Caterini  
Clerk



This is Schedule "A" to By-Law No. 11-  
 Passed the ..... day of ....., 2011

-----  
 Clerk  
 -----  
 Mayor

## Schedule "A"

Map Forming Part of  
 By-Law No. 11-\_\_\_\_\_  
 to Amend By-law No.6593

### Subject Property

121 St. Joseph's Drive, Hamilton



**Block 1** - Lands to be rezoned from the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to the "E-H" (Multiple Dwellings, Lodges, Clubs, etc. - Holding) District Modified



**Block 2** - Lands to be zoned the "E - H" (Multiple Dwellings, Lodges, Clubs, etc. - Holding) District Modified

Scale:  
 N.T.S.

File Name/Number:  
 ZAR-10-027

Date:  
 March 3, 2011

Planner/Technician:  
 EJ/AL



Hamilton

**Authority:** Item [REDACTED],  
Planning Committee  
Report: 11-[REDACTED] (PED11046)  
CM: [REDACTED]

**Bill No.** [REDACTED]

**CITY OF HAMILTON**

**BY-LAW NO. [REDACTED]**

**To Amend Zoning By-law 05-200,  
Respecting Lands Located at 121 St. Josephs Drive (Hamilton)**

**WHEREAS** the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999, S.O. 1999, Chap. 14;

**AND WHEREAS** the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law 05-200;

**AND WHEREAS** it is desirable to enact a new Zoning By-law to comprehensively deal with zoning throughout the City;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item [REDACTED] of Report 11-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2011, recommended that Zoning By-law No. 05-200, 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 Map 994 of Schedule "A" to Zoning By-law 05-200 is amended by removing the Neighbourhood Park (P1) Zone boundaries for the applicable lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A";
2. 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.

3. That this By-law No. [REDACTED] shall come into force and be deemed to come into force in accordance with Subsection 34(21) of the Planning Act, either upon the date of passage of this by-law, or as otherwise provided by the said subsection.

**PASSED and ENACTED** this [REDACTED] day of [REDACTED], 2011.

---

R. Bratina  
Mayor

---

R. Caterini  
Clerk

ZAR-10-027



This is Schedule "A" to By-Law No. 11-  
 Passed the ..... day of ....., 2011


-----  
 Clerk  
 -----  
 Mayor


**Schedule "A"**

Map Forming Part of  
 By-Law No. 11-\_\_\_\_\_

to Amend By-law No. 05-200  
 Map 994

**Subject Property**  
 121 St. Joseph's Drive, Hamilton

 Lands to be removed from By-law 05-200

 Refer to By-law 6593

<b>Scale:</b> N.T.S.	<b>File Name/Number:</b> ZAR-10-027
<b>Date:</b> March 3, 2011	<b>Planner/Technician:</b> EJ/NB



**PROPOSED**  
**121 ST. JOSEPH'S DRIVE**  
**THE MOLINARO GROUP**  
 HAMILTON ONTARIO

SCALE: 1:200  
 DATE: JAN 11 10

**LINTACK ARCHITECTS**  
 INCORPORATED  
 244 JAMES STREET SOUTH, HAMILTON, ONTARIO, L8P 3B3  
 T: 905.522.4149 • F: 905.522.2269 • E: info@lntack.com  
 www.lntack.com

**PERSPECTIVES**  
 JOB No. 09.138  
 DWG. No. A0.1

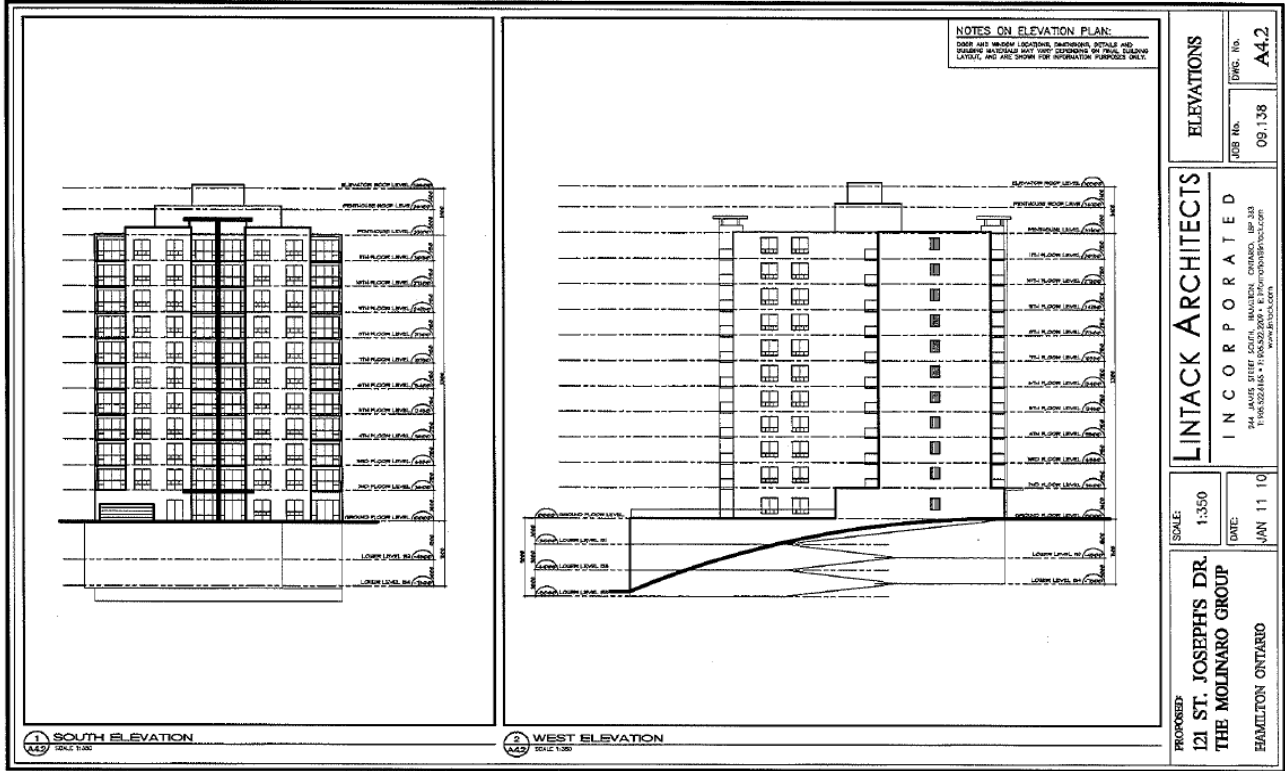
**PROPOSED**  
**121 ST. JOSEPH'S DRIVE**  
**THE MOLINARO GROUP**  
 HAMILTON ONTARIO

SCALE: 1:250  
 DATE: JAN 11 10

**LINTACK ARCHITECTS**  
 INCORPORATED  
 244 JAMES STREET SOUTH, HAMILTON, ONTARIO, L8P 3B3  
 T: 905.522.4149 • F: 905.522.2269 • E: info@lntack.com  
 www.lntack.com

**SITE PLAN**  
 JOB No. 09.138  
 DWG. No. A1.1

SITE STATISTICS	
<b>LEGAL DESCRIPTION</b>	
PLAN OF SALESY # 4085	
MISCELLANEOUS LOT SYSTEM AND PART OF A 30/100 ACRE PARCEL	
SOUTH SIDE OF CHARLEVOIX AVE.	
REGISTERED PLAN 1431 (O.K. HAMILTON SALESY)	
<b>CITY OF HAMILTON</b>	
P.L. 17118-2000(1)	
S.D. M-14308-015 - 018A	
<b>PROPOSED ZONING: R-1 (RESIDENTIAL MEDIUM DENSITY)</b>	
<b>PROPOSED ZONING: R-1 (RESIDENTIAL MEDIUM DENSITY)</b>	<b>AREA (SQ. M.) AREA (SQ. FT.)</b>
AREA OF ORIGINAL SITE:	1,075 11,141
AREA OF ACQUIRED SITE:	930 10,015
<b>TOTAL SITE AREA:</b>	<b>1,983 21,156</b>
<b>GROSS FLOOR AREA:</b>	<b>7,827 84,304</b>
<b>FLOORSPACE OF FLOOR COVERED:</b>	<b>417 4,488</b>
<b>FLOORSPACE OF 11 STOREY COVERED:</b>	<b>718 7,707</b>
<b>TOTAL FLOORSPACE:</b>	<b>1,135 (815) 12,195</b>
<b>FLOOR RATIO:</b>	<b>5.82</b>
<b>AREAS OF AREA:</b>	<b>231 SQ. M. (1,725)</b>
<b>PAVED SURFACE AREA:</b>	<b>26 SQ. M. (210)</b>
<b>BUILDING HEIGHT:</b>	<b>30.2 METERS (11 STOREYS)</b>
<b>UNDER GROUND PARKING:</b>	<b>3 STOREYS</b>
<b>UNDER GROUND PARKING AREA:</b>	<b>3,493 SQ. M.</b>
<b>N. LANDING SPACES (PROPOSED):</b>	<b>0</b>
<b>LOT FRONTAGE:</b>	<b>30.3 METERS</b>
<b>RESIDENTIAL SUITES</b>	
SUITE # GROUND FLOOR	1
1 BED	1
2 BED'S	1
<b>TOTAL</b>	<b>3</b>
SUITE # TYPICAL FLOOR (9 FLOORS)	0
1 BED	27
2 BED'S	36
<b>TOTAL</b>	<b>63</b>
SUITE # 11TH FLOOR	4
2 BED'S	4
<b>TOTAL RESIDENTIAL SUITES</b>	<b>70</b>
<b>DENSITY OF DEVELOPMENT</b>	
<b>30 UNITS / 0.1522 Ha (GROSS AREA) 533 units/ha</b>	
<b>RESERVED RESIDENTIAL PARKING (0.8 PER SUITE = 56)</b>	
<b>SUB-SURFACE PARKING SPACES PROVIDED</b>	<b>34</b>
<b>ON-SURFACE PARKING SPACES</b>	<b>22</b>
<b>TOTAL</b>	<b>56</b>
<b>COMPOUND OF 11 STOREY BUILDING</b>	
<b>TWO NETWORKS</b>	
1st Floor (1st FLOOR)	281 sqm
2nd Floor (2nd FLOOR)	108 sqm
3rd Floor (3rd FLOOR)	107 sqm
4th Floor (4th FLOOR)	108 sqm

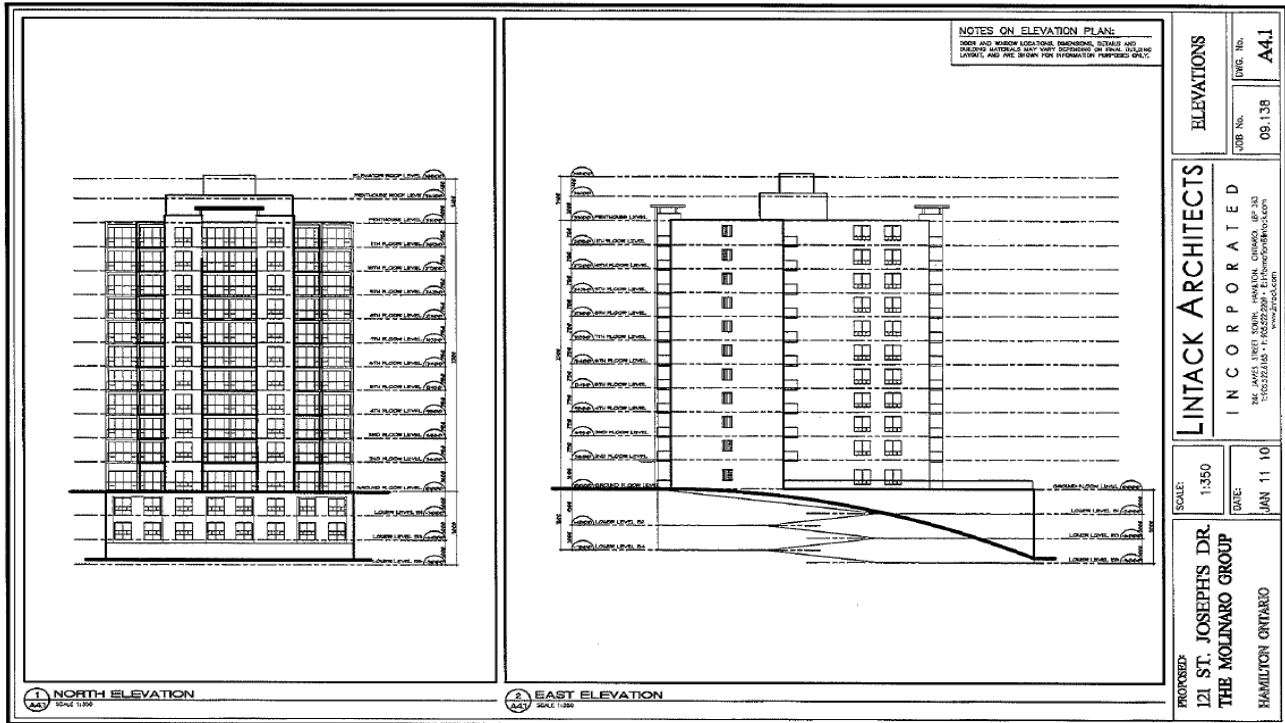


**PROPOSED:**  
 121 ST. JOSEPHS DR.  
 THE MOLINARO GROUP  
 HAMILTON ONTARIO

**SCALE:** 1:350  
**DATE:** JAN 11 10

**LINTACK ARCHITECTS**  
**INCORPORATED**  
 244 JAMES STREET SOUTH, HAMILTON, ONTARIO, L8P 3J3  
 TEL: 905.522.2299 • FAX: 905.522.2297  
 www.lintack.com

**ELEVATIONS**  
 JOB No. 09.138  
 DWG. No. A4.2



**PROPOSED:**  
 121 ST. JOSEPHS DR.  
 THE MOLINARO GROUP  
 HAMILTON ONTARIO

**SCALE:** 1:350  
**DATE:** JAN 11 10

**LINTACK ARCHITECTS**  
**INCORPORATED**  
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 TEL: 905.522.2299 • FAX: 905.522.2297  
 www.lintack.com

**ELEVATIONS**  
 JOB No. 09.138  
 DWG. No. A4.1

July 30, 2010

Mr. Edward John  
City of Hamilton  
Planning and Economic Development Department  
Planning Division – Development Planning – West Section  
71 Main Street West, 5<sup>th</sup> Floor.  
Hamilton ON L8P 4Y5

Dear Mr. John,

**Re: File No: ZAR-10-027, 121 St. Joseph's Drive, Hamilton ON**

I wish to submit my opposition to the proposed planning changes for the above property for the following reasons:

1. Construction vehicle danger

During this proposed project, construction vehicles will block a major part of the street and sidewalk, leaving pedestrians, bicyclers, and people in wheelchairs no choice but to use the middle of the street for travel.

2. Danger to non-drivers from the increased number of vehicles

Already pedestrians, bicyclers and people in wheelchairs are at high risk from vehicular traffic on this section of St. Joseph's Drive. Non-drivers currently have to walk on the road due to lack of proper sidewalks and a steep grade.

It is predictable that the danger to non-drivers will increase substantially when the proposed project adds more vehicle parking on the street, plus vehicles entering and exiting the new building.

The DARTS transportation bus often has to wait a considerable time when garbage or delivery trucks are also on this street. I have often had to wait for trucks or cars travelling both ways to get out of the way before continuing my walk on this street, and I always have to be on high alert so I don't get hit by a vehicle.

3. Inadequate number of resident and visitor parking spaces

It is foreseeable that street parking will be the only option for many of the occupants and their visitors. Street parking is already insufficient for the current residents of this section of St. Joseph's Drive, and their related deliveries and visitors. Staff and visitors of the neighbouring St. Joseph's Hospital often park on this street.

Studies show there are many variables to determining the ratio of parking spaces to the number of dwellings<sup>1</sup>. However, the personal experience of my family and me over 30 years on this street has



Appendix "E" to Report PED11046 (Page 2 of 7)

me convinced the above vehicle dangers are real and do already happen daily. Adding an 11-storey building with 3 levels to accommodate 58 more vehicles frightens me.

My alternative suggestions:

a/ Give higher priority to what is needed to keep this a healthy neighbourhood, and to the needs and opinions of non-drivers. This may well mean doing nothing with this piece of land.

I would not want to live anywhere else but downtown where entertainment, shopping, work places and parks are easily accessible by walking or public transit – creating a REAL neighbourhood. It is no longer appropriate to focus solely on automobile demands.

The proposed zoning proposal for 121 St. Joseph's Drive appears to have taken into account only the needs of the developer.

What is essential for neighbourhoods to be good and healthy has been researched by many people and organizations - from Jane Jacobs<sup>4</sup>, to the Ontario Professional Planners Institute<sup>2</sup>, to Hamilton's own Bob Bratina<sup>6</sup> – and their message is the same:

*"A good neighbourhood set in a healthy community is one that engenders pride, a sense of place and, above all, physical and visual engagement."* <sup>4</sup>Jane Jacobs

*"Create an environment in which public transit, walking and bicycling become the predominant mode of transportation for people to get to school, work, recreational facilities, and convenience shopping".* <sup>2</sup>OPPI

b/ Be brave. Be far-thinking. Plan, develop, support and market a new, smaller building at 121 St. Joseph's Drive as an environmental gem. The excitement about this innovative building would enable the developer to pre-sell/rent.

In closing, a quote from Jane Jacobs for us all to consider:

*"It may be that we have become so feckless as a people that we no longer care how things do work, but only what kind of quick, easy outer impression they give. If so, there is little hope for our cities or probably for much else in our society. But I do not think this is so."*

Sincerely,

*Pat Ridge*

Mrs. Pat Ridge  
130 St. Joseph's Drive, Apt. 1207  
Hamilton ON, L8N 2E8

~~XXXXXXXXXXXX~~

By email to [edward.john@hamilton.ca](mailto:edward.john@hamilton.ca)  
cc Ward 2 Councillor Bob Bratina, [bbratina@hamilton.ca](mailto:bbratina@hamilton.ca)

Appendix "E" to Report PED11046 (Page 3 of 7)

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*"9,505 of our residents drive or ride to work in a car, truck, or van. 6,700 of us walk, cycle, ride motorcycles, take cabs, use public transit or "other method" to get to work. The 40 per cent of residents not driving cars to work must be the highest for any Ward in the City."*

**John, Edward**

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**From:** len wilson [REDACTED]  
**Sent:** Saturday, October 30, 2010 11:10 AM  
**To:** John, Edward  
**Subject:** Fw: Woolverton Park

Len Wilson 107 St. Joseph Dr. Apt # 104 Ph 905-525-6551

Woolverton Park

Woolverton Park ,(one block east of John on Charlton) was named in honor of

Francas Woolverton a kindergarten teacher who worked tirelessly to educate the public about the importance of outdoor recreation and its benefits to the health and well being of our children. The playgrounds association that she helped form in 1909 is considered

The forerunner, of the city's department of recreation. She was a council member who helped in the formation of Gage Park in 1918. Her efforts earned her the name Mother of Hamilton's Playgrounds. Moneys from her Husband ( Dr,Algernon woolverton's) estate

was given to the city of Hamilton for the purchase of parks and playgrounds equipment.

Today, part of Woolverton Park has been deemed surplus by the City of Hamilton and

Plans are in the works to sell it to a private developer A 70 unit apartment building is to replace a 15 unit one. .Many zoning bylaws will be broken by trying to put such a large building on a small lot The builders are using the excuse of Residential intensification.

I think this is horribly wrong and the people of Hamilton should be up in arms to see that this disrespect for our hard working founders' does not take place.

A proud Hamiltonian

Len Wilson

RECEIVED JUL 28 2010

To Whom it may concern,

Notice of Complete Applications  
and Preliminary Circulation to  
amend the Zoning By-Law for lands located at 121 St.  
Joseph's Dr.

Zoning By-Law Amendment (ZAR-10-027)

- St. Joseph's Dr. is a quiet mostly senior residential area only one block long. The only exit is John St. at the foot of the mountain. To exit you can only turn left which means; if you want to go up the mountain you have to make a complete circle around St. Joseph's Hospital. During rush hours this is hard because of the heavy traffic and the six traffic lights you encounter in just going around one block. Coming home presents another problem because you can't turn left from John St. to get onto St. Joseph's Dr. To build a eleven storey apt building with seventy units will only add to the already congested problem. This seventy unit apt. building will have only fifty-eight parking spots. Where will the other residents and their visitors park? There is limited two hour parking on the street and the metermaides are already making lots of money for the city by ticketing the cars regularly.

As for the apt. itself it must have an exit to Charlton Ave. because children with or without their parents will cut through neighbouring backyards to get to the park and other attractions below the hill. They will not walk the three blocks





# Hillview Terrace Apartments Limited



107 St. Joseph's Drive, Unit 106  
Hamilton, Ontario  
L8N 2G1

July 26, 2010

Edward John,  
City of Hamilton  
Planning and Economic Development Department  
Planning Division - Development Planning-West Section  
71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5

File No: ZAR-10-027

Dear Edward John,

We have several concerns about the proposed building development for 121 St. Joseph's Drive. These concerns, as listed, are the ones that readily come to mind at this time. There may be more concerns that we may wish to raise at a future date.

1. The height is not consistent with the adjacent buildings.
2. The number of parking spaces is inadequate for the number of proposed apartment units.
3. Parking congestion is already a problem on the street. The addition of a high density building on this dead-end street will make this situation worse.
4. Illegal street parking is very common. This results in unsafe street conditions due to blind spots being created for drivers when they are entering or exiting the street from drive-ways.
5. The footprint of the building is too large for the lot size. We have concerns about how construction of this magnitude and depth may destabilize adjacent buildings.
6. Vandalism and trespassing was a problem when the previous rental building at 121 St. Joseph's Drive was occupied. We would prefer the building be used for condominium ownership rather than rental apartments. It is our belief that this would contribute to maintaining a more stable neighborhood.

Sincerely yours,

Andrew Brandsma  
President

Joyce Patton  
Vice President

Eva Bethel  
Treasurer

Elizabeth Fisher  
Secretary

The Board of Hillview Terrace Apartments Limited