TO: Chairs and Members  
Economic Development and Planning Committee  

WARD AFFECTED: WARD 2  

COMMITTEE DATE: October 5, 2010  

SUBJECT/REPORT NO:  
Application to Amend Hamilton Zoning By-law No. 6593 for the Property Located at 366 Bay Street North (Hamilton) (PED10172) (Ward 2)  

SUBMITTED BY:  
Tim McCabe  
General Manager  
Planning and Economic Development Department  

PREPARED BY:  
Timothy Lee  
(905) 546-2424, Ext. 1249  

SIGNATURE:  

RECOMMENDATION  

(a) That approval be given to **Zoning By-law Amendment Application ZAC-09-046, by Clark Cerello, Owner**, for a change in zoning from the “D” (Urban Protected Residential - One and Two Family Dwelling, etc.) District to the “DE/S-1634” (Low Density Multiple Dwelling, etc.) District, Modified, with a Special Exception, to permit a 3-storey, 6-unit multiple dwelling on lands located at 366 Bay Street North (Hamilton), as shown on Appendix “A” to Report PED10172, on the following basis:  

(i) That the draft By-law, attached as Appendix “B” to Report PED10172, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.  

(ii) That the amending By-law be added to District Map “W-2” of Zoning By-law No. 6593.
(iii) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, and the City Of Hamilton Official Plan.

(iv) That upon finalization of the implementing By-law, the North End West Neighbourhood Plan be amended by changing the designation of the subject lands from “Single and Double” Residential to “Medium Density Apartments”.

(b) That staff be directed to request the Ontario Municipal Board to amend the West Harbour Secondary Plan (“Setting Sail”) to add a site-specific policy area to permit a six-unit, multiple dwelling on lands located at 366 Bay Street North (Hamilton), as shown on Appendix “A” to Report PED10172.

**EXECUTIVE SUMMARY**

The purpose of the Zoning By-law Amendment application is to permit a third floor addition to the existing dwelling, which is located on the south side of the property, and a 3-storey addition on the north side of the property to facilitate the development of a 3-storey, 6-unit multiple-dwelling with eight parking spaces at the rear of the property (see Appendix “C”). The third storey addition above the existing single-detached dwelling has been set back from the property line to avoid encroaching on the neighbouring property. The application will also modify the zoning regulations with respect to the front yard, side yard, minimum lot width, minimum lot area, minimum landscaped area, and parking requirements. The applicant has advised that the building will be condominium tenure.

The proposal has been reviewed against the Provincial Policies, and the application is consistent with the Provincial Policy Statement and conforms to the Places to Grow Growth Plan. The application also conforms to the Hamilton Official Plan. The application does not conform to the North End West Neighbourhood Plan as it is currently designated “Single and Double” Residential. An amendment to re-designate the subject property to “Medium Density Apartments” has been brought forward. In addition, the application does not conform to the Setting Sail Secondary Plan for the West Harbour as it is currently designated as “Low Density Residential”.

In general, the proposal conforms to the surrounding area as it is consistent with the general streetscape and the mix of residential types in the neighbourhood, has sufficient parking, amenity space, and provides an affordable housing opportunity in the community.

*Alternatives for Consideration - See Page 20.*

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Values: Honesty, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: None.

Staffing: None.

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

HISTORICAL BACKGROUND

The subject property is located on the east side of Bay Street North and north of Simcoe Street West (see Appendix “A”). Lands to the north, south, and east are comprised of residential land uses. Bayfront Park is located to the west of the subject property.

The application was submitted on November 9, 2009, to permit a 3-storey, 6-unit multiple dwelling. The applicant submitted a Noise Study Report, Urban Design Brief, artist rendering of the proposed building, preliminary site plan, and floor plans as additional material to the application. The application was deemed to be complete on November 26, 2009, and was pre-circulated to the surrounding residents on December 14, 2009. As a result of the pre-circulation, staff received eight letters in early 2010 (see Appendix “F”), with seven objecting to the proposal and one in support of the proposal. The details of the letters are further discussed in the Analysis/Rationale section of this Report (see Page 19).

Discussions between staff, the applicant, the agent, and the Canadian National Railway were held in early 2010 to address noise issues with respect to activities from the Canadian National Railway Stuart Street Rail Yard, located approximately 190 metres from the subject property. The applicant submitted a Noise Study Report as part of the application, which was reviewed by staff and the Canadian National Railway. The Report was subsequently peer reviewed, and the applicant was able to address noise issues through the use of alternative exterior building materials and other design features (see Appendices “C” and “D”).

Further discussions were held between staff, the applicant, and the agent in mid-August 2010, on the encroachment of the existing single-detached dwelling and the proposed additions to the existing building. The original plan had proposed the porch and the third storey addition to the existing single-detached dwelling to encroach onto the property to the south. Staff had advised that such encroachments could not be supported and that all new construction be built within the subject property. The applicant submitted revised drawings to staff on August 19, 2010, showing that all new construction will be located within the subject property, and the encroached portion of the building will remain as it exists today (see Appendix “C”). The owner of the subject

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property will be required to enter into an Encroachment Agreement with the property located at 46 Simcoe Street West for the portion of the existing single-detached dwelling that encroaches onto the neighbouring property.

Details of Submitted Application

Location: 366 Bay Street North (Hamilton)

Owner: Clark Cerello

Applicant: A. J. Clark and Associates

Property Description: Frontage: 18.3m
Lot Depth: 35.0m
Area: 618.9 sq m.

EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th>Subject Lands:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tr>
<td>Single-Detached Dwelling</td>
<td>“D” (Urban Protected Residential - One and Two Family Dwelling, etc.) District</td>
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Surrounding Lands:

| West | Bayfront Park; Semi-Detached Dwellings | “A” (Conservation Open Space and Recreation) District; “D” (Urban Protected Residential - One and Two Family Dwelling, etc.) District |
| North | Single-Detached Dwellings | “D” (Urban Protected Residential - One and Two Family Dwelling, etc.) District |
| East | Single-Detached Dwellings | “D” (Urban Protected Residential - One and Two Family Dwelling, etc.) District |
| South | Street Townhouses | “D” (Urban Protected Residential - One and Two Family Dwelling, 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). The application is consistent with the policies that direct new growth to the built-up areas, as per the policies contained in Sections 2.2.2 and 2.2.3 of the Places to Grow Plan. The subject lands are located within the “built-area” of the Growth Plan. The proposal maintains the intent to develop and create compact and complete communities by providing a balance of housing types in the community, and encourages intensification within the built-up area. Therefore, the application is consistent with the Places to Grow Growth Plan for the Greater Golden Horseshoe.

Provincial Policy Statement

The proposal is consistent with Policy 1.1.1 of the Provincial Policy Statement, which contributes to the development of healthy, liveable, and safe communities. The proposal maintains the intent of promoting efficient development and land use patterns, and providing an appropriate range and mix of residential uses.

The subject property is located approximately 190 metres from the Canadian National Railway Corridor. Policy 1.7.1(e) outlines that long-term economic prosperity will be supported provided that major facilities such as transportation corridors and sensitive land uses are appropriately designed, buffered, and separated from each other to prevent adverse affects from nuisances such as noise. A “Road and Rail Noise Impact Study” was submitted as part of the complete planning application, and both City staff and the Canadian National Railway are satisfied that noise related issues have been addressed through alternative building design and use of materials (see Appendices “C” and “D”). The recommendations of the Noise Study will be implemented at the Site Plan Stage. Based on the foregoing, the application is consistent with the Provincial Policy Statement.

Hamilton-Wentworth Regional Official Plan

The subject property is designated “Urban Area” in the Hamilton-Wentworth Official Plan. Policy 3.1 outlines that a wide range of uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. The proposed change in zoning conforms to the policies of the Hamilton-Wentworth Official Plan.
City of Hamilton Official Plan

The subject lands are designated “Residential” on Schedule ‘A’, Land Use Concept, in the City of Hamilton Official Plan, where the proposed use is permitted in the designation in accordance with Policy A.2.1.1. As the applicant proposes to provide for additional parking in the rear yard of the property, the proposal must be reviewed in accordance with Policy A.2.1.6.i):

“Where compatible uses are permitted, to preserve the amenities of and support RESIDENTIAL USES in the area, new development will, subject to the Zoning-By-law:

i) Be required to be provided with adequate yards, off-street parking and loading, landscaping, screening, buffering, or other such measures as determined by Council.”

The application is located in a community that has a mix of housing densities and types such as single-detached, semi-detached, and street townhouse units. In addition, the proposed development has provided off-street parking in the rear yard, while providing screening and buffering of the parking lot through the carport. In accordance with Policy 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 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.”

A review of the proposal with respect to evaluating the merits of a multi-family development must be in accordance with Policy A.2.1.14:

“In evaluating the merits of any proposal for multi-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:

i) The height, bulk, and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,

ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses.”

The draft preliminary site plan and elevations show that the proposed development will be 3-storeys in height with massing that is visually pleasing by providing an access driveway in the middle of the building. In addition, the required parking spaces would be located in the rear yard of the property. Screening and landscaping, including the
installation of a green roof, will increase privacy and lower impacts on adjacent lower-density uses.

The Official Plan contains policies that promote the provision of an ample and varied supply of dwelling types such as multi-family dwellings, while minimizing conflicts between different forms of housing. The proposal to permit the development of a multi-family dwelling is permitted in accordance with the following policies:

“C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment 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; and,

iv) Acquisition, removal, or improvement of buildings or uses incompatible with a zoning district.

C.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.

C.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:

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;

vi) Support new RESIDENTIAL development that provides tenure options and a range of prices/rents for new dwellings that will be “affordable” to Hamilton residents; and,

ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents.”
The application conforms to Policies C.7.2 and C.7.3 as the proposed development complements lower density residential uses in the community, and recognizes the character of the area by having regard to lot frontage and area, coverage, mass, and overview. In addition, the proposed development provides for an alternative form of housing.

Finally, the Official Plan contains policies that address noise issues in order to minimize noise and vibration sources from transportation corridors such as the Stuart Street Rail Yard. The proposed development is permitted in accordance with the following policies:

“C.9.4 The appropriate railway company and the Ministry of the Environment and Energy will determine the necessity of a Noise and/or Vibration Study for new residential and institutional development that is proposed adjacent to the railway right-of-ways (including rail lines and rail yards). Any Noise and/or Vibration Study that is undertaken will be to the satisfaction of the City and the Ministry of the Environment and Energy, in consultation with the appropriate railway. The City will require appropriate measures to mitigate any identified adverse effects from noise.

C.9.8 Council will endeavour to minimize impacts on outdoor recreational space of new residential and institutional development from noise in excess of 55 dBA generated by adjacent inter-regional highways or railway line.”

The applicant submitted a “Road and Rail Noise Impact Study” in December, 2009, in order to address noise mitigation features that will be incorporated into the building designs. These included the location of all bedrooms in the development and the minimizing of fenestration on the third floor. The study was approved by the Canadian National Railway and City staff. Based on the mitigation features as outlined in the Study, the application conforms to Policies C.9.4 and C.9.8.

Based on the foregoing, the proposal conforms to the Official Plan.

**Setting Sail: Secondary Plan for West Harbour (Appealed to OMB)**

The Secondary Plan for West Harbour was adopted by Council on March 23, 2005; however, it has been appealed to the Ontario Municipal Board (OMB). Until such time as the appeal has been dealt with by the OMB, the Secondary Plan is not in force and effect. However, the Secondary Plan is incorporated into the new Urban Official Plan and is found in Volume 2: Secondary Plans of the Urban Official Plan.

The subject lands are designated “Low Density Residential” on Schedule M-2: General Land Use of the Secondary Plan for West Harbour (Setting Sail). Section A.6.3.3.1.12 of the Secondary Plan permits single-detached, semi-detached, and street townhouse
dwellings where the scale, type, and character of new development shall generally reflect existing low density development in the neighbourhood.

In addition, Policies A.6.3.4.5.2 and A.6.3.4.5.3 require that a Noise and Vibration Study be submitted and reviewed. The applicant submitted a “Road and Rail Noise Impact Study” as part of the complete application, and discussions between Canadian National Railway, staff, and the applicant have addressed noise issues, whereby any mitigation alternatives will be addressed through Site Plan Control.

The application does not conform to the land use designation of the Setting Sail: Secondary Plan for West Harbour. As the Secondary Plan has been appealed to the OMB, the applicant is currently unable to amend the Secondary Plan as it is not in force and effect. Due to the length of the current appeal, and the fact that the issues before the OMB are still outstanding, staff is of the opinion that if Council approves the application it would be appropriate to request the OMB to amend the Setting Sail Secondary Plan by adding a site-specific policy area to permit a six-unit, multiple dwelling on the subject property.

**New Urban Hamilton Official Plan (Council Adopted)**

The New Urban Hamilton Official Plan was adopted by Council on July 9, 2009. The Plan has been forwarded to the Province for approval, but is not yet in effect. The subject lands are designated “Neighbourhoods” on Schedule E - Urban Structure, and Schedule E-1 - Urban Land Use Designations. The following policies apply to the “Neighbourhood” land use designation:

- **E.3.1.3** Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs.

- **E.3.1.4** Promote and support residential intensification of appropriate scale and in appropriate locations throughout the neighbourhoods.

- **E.3.2.1** Areas designated Neighbourhoods shall function as complete communities, including the full range of residential dwelling types and densities, as well as supporting uses intended to serve the local residents.

- **E.3.2.4** The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 - Residential Intensification and other applicable policies of this Plan.”
The proposal conforms to the above policies as by providing an alternative housing form, and promoting residential intensification that is of an appropriate scale and location within the community. Residential intensification shall be distributed throughout the entire City, with 40% of all residential intensification occurring on lands in the “Neighbourhoods” designation, in accordance with Policy 2.4.1.3 of the Plan. In addition, the application is to be in accordance with the following policies with respect to residential intensification:

“B.2.4.1.4 Residential intensification developments shall be evaluated based on the following criteria:

a) The relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;

b) The development’s contribution to maintaining and achieving a range of dwelling types and tenures;

c) The compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques; and,

d) The ability of the development to comply with all applicable policies.”

In addition to the above, Policy B.2.4.2.2 outlines matters which the application would be evaluated against, such as compatibility with adjacent land uses including noise, lighting, traffic, and other nuisance effects, the consideration of transitions in height and density to adjacent residential buildings, the ability to respect and maintain or enhance the streetscape patterns, and the ability to complement the existing functions of the neighbourhood.

The subject property is also within the West Harbour (Setting Sail) Secondary Plan of the Urban Official Plan where the proposed application does not conform to Policy 6.5.3.14 with respect to the Low Density Residential 3 designation. The designation permits single-detached, semi-detached, and street townhouse dwellings, but does not permit the proposed multiple dwelling.

The proposed development would achieve the residential intensification policies as the proposed multi-family dwelling maintains the range of dwelling types and tenures in the community, and is compatible with adjacent low density residential uses with respect to use, scale, form, and character. The application conforms to the “Neighbourhoods” Designation and the Residential Intensification policies of the New Urban Hamilton
Official Plan. However, the application does not conform to the policies of the West Harbour (Setting Sail) Secondary Plan. As previously noted, if Council approves the application it would be appropriate to request the OMB to amend the Setting Sail Secondary Plan by adding a site-specific policy area to permit a six-unit, multiple dwelling on the subject property.

**RELEVANT CONSULTATION**

The following Departments and Agencies had no comments or objections:

- Environmental Planning Section, Public Works Department.
- Traffic Engineering Section, Public Works Department.
- Taxation Division, Corporate Services Department.
- Bell Canada.

**Community Services Department (Recreation Division)** - Recreation staff has advised that Cash-in-Lieu of Parkland Dedication should be payable by the developer based on increased density related to the application.

**Hamilton Municipal Parking System (Parking and By-law Services Division)** - Parking staff has advised that the applicant should ensure that all existing and future parking requirements are met on-site, as there is very limited opportunity for overflow parking in the immediate vicinity of this property.

**Public Works Department (Strategic Planning Section)** - Strategic Planning staff has advised that the application may have an impact on existing stormwater management systems, and the storm drainage infrastructure is required to be checked for the anticipated change in flow. Recommendations of the City of Hamilton Stormwater Master Plan for source and conveyance control should be incorporated into the servicing plans.

**Public Works Department (Urban Forestry)** - Urban Forestry staff has indicated that there are no Municipal Tree Assets located on the road allowance of the proposed development. The preliminary Site Plan (see Appendix “C”) shows generous planting and landscaping on the subject property, and intended plant material must be identified and plotted. Tree species selection should take into consideration cultural requirements, cultivars, salt and heat tolerance, mature tree size, and potential pest concerns.

Staff is pleased that the applicant is exploring the possibility of incorporating approximately 200 square metres of Green Roof, which can assist in Stormwater Management and air quality improvements of the site. A Landscape Plan will be required at the Site Plan Application Stage.
Canadian National Railway - HGC Engineering submitted a Design Review Letter to the applicant in April, 2010, to provide further design recommendations on additional noise mitigation features to be incorporated into the overall design of the building (see Appendix “C”). CN Railway concurs with the recommendations provided by HGC Engineering, with further recommendations that the exterior walls be composed of brick up to the soffits, rather than siding, where it is currently proposed (see Appendix “C”). These recommendations will be addressed at the Site Plan Control Stage. In addition, legal agreements between CN Railway and the applicant have been reached to address any future noise issues and complaints from future residents on the subject property.

Public Consultation

In accordance with Council’s Public Participation Policy, the application was precirculated as part of the Notice of Complete Application to 251 residents within 120 metres of the subject lands on December 14, 2009. As a result of the pre-circulation, seven letters were received expressing concerns on the application, and one letter was received expressing support for the application (see Appendix “F”). The main issues include parking, disruption of character from the single-detached dwellings in the community, privacy, and sunlight. An analysis of these issues is provided in the Analysis/Rationale for Recommendation section below. However, there was one letter of support indicating that the proposal provides housing opportunities and prevents Greenfield development.

Notice of the Public Meeting will be given in accordance with the requirements of the Planning Act through circulation to property owners within 120 metres of the subject lands. In addition, a Public Notice Sign was posted on the property on December 11, 2009.

**ANALYSIS / RATIONALE FOR RECOMMENDATION**

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 Growth Plan;

   (ii) It conforms to the Hamilton-Wentworth Regional Official Plan and the City of Hamilton Official Plan; and,

   (iii) The proposed development is compatible with existing and planned development in the surrounding area, and it provides for an alternative form of housing.
2. The proposed development conforms to the City of Hamilton Official Plan with respect to the residential use, its compatibility with the surrounding community, and the provision of affordable housing. In addition, the proposal is in a community with a range of housing types where the scale and character conforms with the community and has incorporated features that will make the use more compatible with adjacent low density residential uses such as the construction of carports with green roofs and fencing.

3. The proposed development is not a permitted use in the “Low Density Residential” designation of the Setting Sail Secondary Plan. The current designation permits single-detached, semi-detached, and street townhouses. The proposed development would be considered a multiple dwelling. However, the Secondary Plan is currently under appeal. Accordingly, if the application is approved, it would be appropriate to request the OMB to amend the Setting Sail Secondary Plan by adding a site-specific policy area to permit a six-unit multiple dwelling on the subject property.

4. The subject property currently consists of an existing single-detached dwelling located on the south side of the property, with a driveway on the northern half of the property that extends to the rear yard. Properties on the north, south, east, and northwest of the subject property consist of single-detached, semi-detached, and street townhouse dwellings of varying lot frontages. Properties to the south and southeast have narrower lot frontages varying from 5 to 6 metres. The application is to permit a 3-storey, multi-family dwelling with six units. Eight parking spaces will be provided on site. The parking requirement in the Hamilton Zoning By-law for multiple dwellings is 1.25 spaces per unit, and the proposed development would require eight spaces. The proposed change in zoning will complement the existing residential uses as there are a variety of residential types within the community.

5. The subject property is designated “Single and Double” Residential within the North End West Neighbourhood Plan, where low density residential uses such as single-detached and duplexes are permitted. As the applicant proposes a six-unit multiple dwelling on the subject property, an amendment to the North End West Neighbourhood Plan is required to redesignate the lands to “Medium Density Apartments”.

Staff is in support of the proposed amendment to the Neighbourhood Plan as the subject property is located on the edge of the existing community, is located adjacent to Bayfront Park and near the intersection of Bay Street North and Simcoe Street West. The location of the subject property would result in fewer impacts to the community compared to having the proposed development in the middle of the community with respect to density and massing.
Secondly, the proposed development is an example of innovative housing where the proposed development will be built to resemble a house rather than a multi-storey multiple dwelling. The building has been designed so it has less massing, and the design of the building resembles similar housing forms within the community. In addition, the driveway is proposed in the middle of the building to break up the massing of the building, while providing access to the rear yard parking. The balcony and porch maintains the general streetscape and is consistent with other existing dwellings with porches in the front of the dwelling.

Thirdly, the proposed development is located in a community with a wide range of housing types and lot frontages. The surrounding community consists of single-detached, semi-detached, and street townhouse dwellings. In addition, there is a condominium townhouse complex located along MacNab Street North. Lot frontages range from 4.4 metres for a street townhouse dwelling on Simcoe Street West, to 9.4 metres for a single-detached dwelling on Bay Street North. As the community has a range of housing types and lot frontages, the proposed development is consistent with the surrounding community as the lot is sufficiently large enough to contain a multiple dwelling and off-street parking on the same property.

6. The existing single-detached dwelling partially encroaches onto a neighbouring property located at 46 Simcoe Street West. New construction of the proposed development will not encroach further onto the adjacent property and all new construction will only be within the subject property. The owner of the subject property would be required to enter into an Encroachment Agreement to legally recognize the encroachment of the portion of the single-detached dwelling on the adjacent property on Simcoe Street West. The requirement for an Encroachment Agreement would be a condition of a future Site Plan and/or Condominium application for the proposed development.

7. The applicant has requested a number of site-specific modifications to the “DE” (Low Density Multiple Dwellings) District regulations, as follows:

(a) Minimum Front Yard

The minimum front yard requirement for the “DE” (Low Density Multiple Dwelling) District is 6.0 metres. The applicant has requested a reduction in the minimum front yard depth to 2.08 metres to recognize the existing front yard depth. The reduction in the minimum front yard maintains the current streetscape along Bay Street North, as adjacent homes are also close to the property line. As such, the proposed development would complement the existing conditions in the community.
(b) **Minimum Front Yard and Side Yard for Unenclosed Porch**

Roofed-over or screened but otherwise unenclosed porches may project into the required front yard not more than 3.0 metres, but shall be at least 0.1 metres from the front lot line. The proposed building will use the existing porch, where it is 0.0 metres from the front lot line and a 0.12 metre side lot line. The previous design called for the porch to be partially encroaching on the neighbouring property to the south. The revised drawing shows that the porch is now 0.12 metres from the subject property (see Appendix “C”). The requested reduction can be supported as it maintains the existing as-built conditions within the community.

(c) **Minimum Side Yard**

The minimum side yard requirement for the “DE” (Low Density Multiple Dwelling) District is 3.0 metres. The request for a reduction of the southerly side yard to 0.0 metres is to recognize the existing dwelling, where a portion of the building is projecting into the abutting property located at 46 Simcoe Street West. A Private Encroachment Agreement with the abutting landowner would be required to address the current encroachment of the existing portion of the dwelling on the neighbouring property.

The applicant is also requesting a reduction in the northerly side yard to 1.2 metres, which will continue to provide an adequate buffer from the abutting property to the north. Therefore, the reduction in setback will maintain the general streetscape where setbacks are reduced and houses are closer together.

(d) **Minimum Lot Width and Area**

A minimum lot width of 24 metres is required for multiple dwellings consisting of not more than six units. The reduction to 18 metres has been requested to recognize the existing dimensions of the subject property. The reduction in the lot width will still allow for the proposed multiple dwelling to have sufficient setbacks.

The applicant has also requested a reduction in the minimum lot area from 960 square metres (i.e. 160m² square metres per unit) for multiple dwelling units with not more than six units to 618.9 square metres in order to recognize the existing size of the subject property. The subject property can accommodate the proposed six units as the individual units are of smaller size.
In summary, the reduction in minimum lot width and area can be supported as the subject property is adequate sized to permit a multiple dwelling and sufficient parking in the rear yard.

(e) Minimum Required Landscaped Area

The Landscaped Area that is provided in the proposed development is 141.68 square metres, or 22.8% of the total area of the subject property. As a result, this does not conform to the minimum required landscape area of 25%. The applicant has also proposed a green roof atop the two carports in the rear yard, where the total landscaped area is 109.62 square metres, or 17.7% of the total area of the subject property. The green roof will not be useable space, but would be visually and aesthetically pleasing for residents who look into the rear yard. The combined Landscaped Area at grade and the green roof is 251.3 square metres (40.6%).

In this regard, it would be appropriate to require a minimum of 40% landscaped area of which not more than 17% can be provided above grade.

(f) Access Width for Two-Way Access

Access to the parking area will be via a 3.3m wide driveway. The Zoning By-law requires a minimum driveway width of 5.5m for a two-way driveway. As such, a site-specific zoning provision is required to permit a reduction in the width of the required two-way access driveway from 5.5m to 3.3m. The proposed driveway and parking area has been reviewed by Traffic staff and they have no objection to the proposed reduction. As such, the proposed modification can be supported.

(g) Loading Spaces

No loading spaces are being proposed as there will not be a constant demand for the loading and unloading of materials on the subject property. The Hamilton Zoning By-law requires that one loading space be provided for multiple dwellings with 5 to 30 units, and staff has no concerns with proposing no loading spaces on the subject property.

(h) Parking Area Adjoining Residential Use and Planting Strip

The applicant proposes an eight-vehicle parking lot with associated driveway and manoeuvring space in the rear yard (see Appendix “C”). The proposal conforms to the minimum parking space requirements of...
1.25 parking spaces per unit, or 8 parking spaces in total. However, due to the parking requirements and the irregular shape of the rear yard, there is insufficient space to provide the minimum required 3 metre planting strip. The planting strip will be reduced to 1.11 metres from the northerly lot line, 0.46 metres from the easterly lot line, and 1.13 metres from the southerly lot line. A visual barrier will continue to be required to be constructed on the property line, and on-site landscaping, buffering, and vehicular manoeuvring will be further reviewed at the Site Plan Stage.

(i) Required Parking Space Dimension

A reduction in the size of the required parking space dimensions from 2.7m x 6.0m to 2.6m x 5.5m would be consistent with the new Hamilton Zoning By-law 05-200 parking standards. Appendix “C” shows the preliminary Site Plan drawing from the applicant with the standard parking dimensions. In this regard, the proposed reduction would provide the opportunity to add additional landscaping between the property line and the parking lot in the rear yard.

8. The applicant has proposed the construction of two carports in the rear yard to provide for an open-air shelter for the vehicles. A green-roof will be incorporated into the design of the carports which would be more visually pleasing for adjacent residents than overlooking a parking lot. The green roof will also provide a general reduction of greenhouse emissions. All of the plant material that will be used in the green roof will be indigenous to the local area, and will be low maintenance. The maintenance of the roof will be through the condominium fees. The proposed green roof will be incorporated as part of the proposed development through the Site Plan Control application.

9. The applicant originally submitted a preliminary site plan and floor plans that showed the proposed southerly porch and the third storey addition to the existing 2-storey, single-detached dwelling encroaching onto the neighbouring property to the south. Discussions were held between staff, the applicant, and the agent in mid-August 2010, with respect to encroachment issues. Subsequently, the applicant submitted revised drawings to staff on August 19, 2010, showing all new construction to be located within the subject property and the encroached portion of the building to remain untouched (see Appendix “C”).

10. There are no road widening requirements from the subject property adjacent to Bay Street North. In addition, there is an existing 150mm watermain and a 300mm diameter combined sewer overflow on Bay Street North, adjacent to the subject property.
11. A “Road and Rail Noise Impact Study” was submitted by the applicant as part of the complete planning application in December 2009. The need for the Study was triggered as the subject property is approximately 190 metres from the Stuart Street Rail Yard. The submission of the Study is a requirement of the Provincial Policy Statement, the Hamilton Official Plan, and the (currently appealed) Setting Sail Secondary Plan for West Harbour.

The Study was reviewed by staff and the Canadian National Railway Company. Discussions between the applicant and Canadian National Railway (Spring 2010) addressed noise issues through additional noise mitigation features that have been incorporated into the building designs (see Appendices “C” and “D”). Some of these features include:

- All bedrooms in the development are located in the rear side of the building, facing away from the rail yard; and,

- The size of the front facing windows has been minimized by deleting the arched windows above the front facing doors on the third floor. The arched shape is to remain as a decorative feature.

The Canadian National Railway Company approved the “Road and Rail Noise Impact Study”. As such, any noise mitigation features will be required to be incorporated into the building design at the Site Plan Application Stage.

Consent has been given between the Canadian National Railway and the applicant with respect to various legal agreements to address any future noise complaints against CN Rail from future residents.

12. An Urban Design Brief was submitted as part of the complete planning application (see Appendix “E”). The Urban Design Brief identifies that new development will respect the existing streetscape of the community by proposing a building that is of comparable built form, building height, building location, and front porches that match the conditions of adjacent properties. In addition, all off-street parking is provided in the rear yard and includes visitor parking as well, providing sufficient parking for the residents and will also buffer parking to the rear yard. Finally, there will be a green roof on the carport to provide a pleasing visibility for neighbours that will look into the rear yard of the subject property.

The design of the building is complementary to the adjacent buildings. The building aesthetic is based on historic residential built form from the neighbourhood, such as the use of the carriageway in the middle of the proposed development, verandahs, and exterior building materials. Staff has no concerns with the preliminary building design.
13. Area residents were pre-circulated on the proposal in mid-December, 2009. A total of 8 letters were received by staff, with 7 letters of objection and 1 letter in support of the application. Residents had several concerns:

(a) Concern has been raised with respect to the proposed development potentially adding to the parking and traffic demands in the neighbourhood. The Hamilton Zoning By-law requires a minimum of 8 parking spaces or 1.25 parking spaces per dwelling unit. In this regard, the proposed development provides for 8 spaces and conforms to the parking requirements of the By-law. Traffic Engineering staff had no concerns with the application.

(b) Concerns have arisen that the proposed development would not conform to the neighbourhood as it consists primarily of single-detached dwellings. The community, in fact, consists of a variety of housing types. Homes along the north side of Simcoe Street West and the east side of MacNab Street North consist of street townhouses. Also, 373 - 375 Bay Street North consists of semi-detached dwellings. In addition, the block surrounded by Ferrie Street West, MacNab Street North, James Street North, and Strachan Street West consists of a townhouse complex. The proposed development is consistent with the neighbourhood as a mix of housing types already exists.

(c) There had been concerns that the proposed development will compromise the sewage and water supply in the area. There is an existing 150mm watermain and a 300mm diameter combined sewer overflow on Bay Street North adjacent to the subject property. Development Engineering has no concerns with the proposed development.

(d) Some residents had concerns that the proposed development will be 3-storeys in height, and that 3-storeys is too tall for the neighbourhood. There are several examples of 2.5-storey dwellings located at 393, 395, and 397 Bay Street North, and these dwellings maintain the character of the neighbourhood. In addition, the surrounding neighbourhood is zoned “D” (Urban Protected Residential - One and Two Family Dwellings, etc.) District, where the maximum permitted height of a building is 3-storeys, or 14.0 metres. Any dwelling in the neighbourhood would be permitted as-of-right to be redeveloped up to 3-storeys, or 14 metres in height. The proposed development would be consistent with the surrounding neighbourhood with respect to the maximum allowable height.
ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the property would remain zoned “D” (Urban Protected Residential - One and Two Family Dwellings, etc.) District, which permits single-detached and semi-detached dwellings. The existing single-detached dwelling would remain as a permitted use.

CORPORATE STRATEGIC PLAN


Financial Sustainability

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

Social Development

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

Healthy Community

• Plan and manage the built environment.
• Adequate access to food, water, shelter and income, safety, work, recreation and support for all (Human Services).

APPENDICES / SCHEDULES

Appendix “A”: Location Map
Appendix “B”: Draft By-law
Appendix “C”: Preliminary Site Plan and Floor Plan
Appendix “D”: CN Rail Design Review Letter
Appendix “E”: Urban Design Brief and Artist Rendering
Appendix “F”: Resident Letters

:TL
Attachs. (6)
Appendix "A" to Report PED10172 (Page 1 of 1)

Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: ZAC-09-046
Date: July 7, 2010
Appendix "A"
Scale: NTS.
Planner/Technician: TLNB

Subject Property
336 Bay Street North, Hamilton

□ Change in zoning from the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to the "DE/S-1634" (Low Density Multiple Dwellings) District modified.

Ward 2 Key Map N.T.S.
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law 6593 (Hamilton), Respecting Lands Located at 366 Bay Street North (Hamilton)

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario 1999 Chap. 14, Schedule C did incorporate, as of January 1st, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as “The Corporation of the City of Hamilton” and is the successor of 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 or the City of Hamilton;

AND WHEREAS Zoning By-law No. 6593 (Hamilton) was enacted on the 25th day of July 1950, which 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 [blank] of Report 10-[blank] of the Economic Development and Planning Committee, at its meeting held on the [blank] day of [blank], 2010, 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 (the Official Plan of the former City of Hamilton) in accordance with the provisions of the Planning Act.
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Sheet No. W-2 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended by changing from the “D” (Urban Protected Residential - One and Two Family Dwellings, etc.) District to the “DE/S-1634” (Low Density Multiple Dwelling, etc.) District, Modified, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That the “DE” (Low Density Multiple Dwelling, etc.) District regulations, as contained in Section 10A of Zoning By-law No. 6593, be modified to include the following special requirements:

(a) That notwithstanding Section 10A.5) of Zoning By-law No. 6593, the minimum required landscaped area shall be 40% of the area of the lot, of which a maximum of 17% may be provided above grade, excluding any area on the roof of the multiple dwelling.

(b) That notwithstanding Section 10A(3)(i) of Zoning By-law No. 6593, a front yard depth of at least 2.0 metres shall be provided and maintained;

(c) That notwithstanding Section 10A(3)(ii)(c) of Zoning By-law No. 6593, for a multiple dwelling, a minimum northerly side yard of at least 1.2 metres and a minimum southerly side yard width of at least 0.0 metres shall be provided and maintained;

(d) That notwithstanding Section 10A(4)(iii)(b) of Zoning By-law No. 6593, for a multiple dwelling consisting of more than four dwelling units and not more than six dwelling units, a width of at least 18 metres and an area of at least 618 square shall be provided and maintained;

(e) That notwithstanding Section 18(3)(vi)(d) of Zoning By-law No. 6593, a roofed-over or screened but otherwise unenclosed one-storey porch at the first storey level, including eaves and gutters, may project into a required front yard to a distance of not more than 3.0 metres, and every such projecting porch shall be a distance of at least 0.1 metre from the front lot line and 0.12 metres from the side lot line;

(f) That notwithstanding Section 18A(1)(c) of Zoning By-law No. 6593, no loading space shall be required;

(g) That notwithstanding Section 18A(7) of Zoning By-law No. 6593, required parking spaces shall have dimensions not less than 2.6m wide by 5.5m in length;
(h) That notwithstanding Section 18A(11) of Zoning By-law No. 6593, the boundary of the parking area shall be fixed not less than 1.1 metres from the northerly lot line, 0.46 metres from the easterly lot line, and 1.13 metres from the southerly lot line;

(i) That notwithstanding Section 18A(12) of Zoning By-law No. 6593, planting strips abutting residential uses are not required; and,

(j) That notwithstanding Section 18A(24)(b) of Zoning By-law No. 6593, an access driveway shall have a minimum width of 3.3 metres.

3. That Zoning By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-1634.

4. That Sheet W-2 of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as S-1634.

5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this day of , 2010.

__________________________      ____________________________
Fred Eisenberger              Rose Caterini
Mayor                        Clerk

ZAR-09-046
Appendix "B" to Report PED10172 (Page 4 of 4)

Schedule "A"

Map Forming Part of By-Law No. 10-____
to Amend By-law No. 6593

Subject Property
336 Bay Street North, Hamilton

Change in zoning from the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to the "DE/S-1634" (Low Density Multiple Dwellings) District modified.

This is Schedule "A" to By-Law No. 10-
Passed the ............ day of ...................., 2010

Clerk

Mayor
April 30, 2010

Mr. Clark Cerello
50 Oak Avenue
Dundas, ON
L9H 4Y9

Re: Drawing Review – 366 Bay Street North, Hamilton, Ontario

Dear Mr. Cerello,

As requested, HGC Engineering has reviewed the latest drawings for the above referenced development prepared by John Mokrycke Architect dated April 15, 2010. It is our understanding that these drawings have been modified to address noise concerns as discussed with CNR and Jade Acoustics with regard to activities in the CN Stuart Street Rail Yard located to the southwest of the site. The reader is referred to our report entitled “Road and Rail Noise Impact Study, 366 Bay Street North, City of Hamilton, Ontario” dated October 15, 2009.

The results of our review indicate that the additional noise mitigation features have been incorporated into the building designs and these features are noted to be:

1. The exterior wall construction of the front façade facing the rail yard is brick veneer.

2. All bedrooms in the development are located on the rear side of the buildings, facing away from the rail yard.

3. The size of the front facing windows has been minimized by deleting the arched windows above the front facing doors on the third floor. The arched shape is to remain as a decorative feature.

4. The front patio sliding doors of the first floor units have been removed and replaced with windows which are smaller in size.

In addition, we have the following comments/recommendations:

5. All venting exhausts are to be located on the northern and eastern facades. The locations of these vents must be marked on the working drawings.
6. Sliding patio doors on the front façade of the 2nd and 3rd floor should be comprised of four panels. The 4-panel sliding patio door construction should consist of four 5mm thick glass panes on two separate tracks separated by a minimum 50mm air space. A suitable sliding door construction is available from Prime-Line Windows for example.

7. An upgraded window construction with a minimum Transmission Loss (TL) rating of 20 in the 125 Hz 1/3 Octave Band should be used for all windows to living rooms and bedrooms. A typical glazing construction which can meet this requirement is two laminated glass panes, one 9mm in thickness and one 6mm in thickness, separated by a 19mm airspace (9L/19/6L) available from Performance Windows and Doors Inc. for example.

8. The solid core wood entry doors should be provided with an effective weather proofing system on all 4 sides.

We understand that you have agreed in principle to enter into legal agreements with the CNR. Please contact the CNR directly concerning that issue. We trust this is information is sufficient for the present purposes. If you have any questions or concerns, please do not hesitate to call.

Yours truly,
Howe Gastmeier Chapnik Limited

Mandy Chalk, BASc, EIT

Reviewed by:
Bill Gastmeier, MASc, PEng

www.hgcengineering.com
Urban Design Brief  
Six new Condominium Residences  
366 Bay Street North, Hamilton  
October 2009

The historic neighbourhoods within Hamilton’s lower city often contain odd properties, which have been shaped by haphazard development during our city’s early years. The subject property is a uniquely shaped large parcel of land within this city’s oldest and most dense northend neighbourhood. The two and one half storey single family residence that occupies the south-west corner, was built around the turn of the last century, and today has benefited with a commanding view over our new Bayfront Park. Outside of this masonry clad residence the property has no other structures or vegetation. Recently a green house structure that occupied most of the remaining space available on this property was dismantled. This structure was part of a retail business that operated from this location, in the recent past.

The surrounding properties are a general range of residences from the late nineteenth century, to relatively new residences, that have replaced older homes, or have been added through infill development. The north end community is an eclectic mix of residential building types, ranging from single storey cottages, to three storey residences. The immediate streetscape offers this range of building types, with the additional condition of a very busy community recreation area to the west. The rear area of this property backs on to neighbourhood backyards to the north and south, with a large portion of city owned land to the east, with no current use, other than for access to neighbourhood garages.

The Bay Street streetscape is a very tight arrangement of residential building types, using traditional building cladding of siding or masonry. Side yards between residences are narrow, or non existent, with a few attached rows of residences, surrounding the subject property. These conditions create a very pleasant inner city environment for the residents, and the significant numbers of strolling individuals from adjacent and city wide neighbourhoods. Many of the older residences within this Bay Street route have been carefully renovated, offering their residents current interior aesthetics and lifestyles, as well as upgraded exterior conditions. Conversely there are also many residential properties awaiting upgrading opportunities.

The subject property has many highly desirable qualities, such as; proximity to and views into Bayfront Park; close to many varied recreational opportunities due to the waterfront location; a short walking distance to the downtown core and future commuter train systems. Provincial policy, which has been embraced by the City of Hamilton, encourages intensifying inner city neighbourhoods, through new infill construction or renovated existing structures. These policies reduce use of private vehicles by creating
more dense, walkable communities that encourage the development of jobs and amenities required daily, to be located nearby, thereby upgrading the human experience within these neighbourhoods.

The redevelopment of this property includes renovating the existing residence and attaching a complementary addition to the north. The carriageway of MacNab Terrace Guesthouse (256/258 Macnab Street North, James Balfour, Architect with guesthouse renovations by John Mokrycke Architect) and the Brock Street townhomes (10 Brock Street, John Mokrycke Architect), both have inspired this development, with a carriageway providing an interesting way to access the rear yard parking for residents and their visitors. Six condominium residences will be created through new construction attached to and above the existing residence. The new residences will respect the existing streetscape through sensitive design of the built form, building height, and location on site, matching front yard conditions of the adjacent properties. The building aesthetic is based on historic residential built form from the Northend neighbourhood, through the use of the carriageway, verandahs, as well as familiar and traditional building materials, such as masonry, wood siding and double-hung wood windows.

The internal arrangement of the residences allows for all the units to have daily living areas facing Bayfront Park to the west, while sleeping areas will face east into the rear yard. Generous exterior amenity space has been incorporated into each unit with access to balconies and at grade garden space. All parking requirements for residents have been provided within the rear yard area. These parking spaces will be provided with a carport, with a wildgrass greenroof system above. The parking area surface treatment will incorporate a porous rainwater drainage system. Balconies at the rear of the residences will offer exterior amenity space, while also providing direct visual access to the rear yard, allowing for added security for the subject property, as well as neighbouring properties. New indigenous trees will be planted at the perimeter of the rear yard and within the front yard, further enhancing the environmental conditions within the development area. The roof will be designed to include greenroof technologies.

This new development has respected the City of Hamilton Site Plan Guideline intensions, by firstly providing a stimulating and memorable built form within the Bay Street experience, while respecting and reinforcing the current character of the neighbourhood through sensitive massing, scale and choice of building materials. This development will introduce six interesting, animated and environmentally responsible new residences, into the inner city core, within an irregular property, that will now achieve it's highest and best use.
Corner of Simcoe Street and Bay Street North

East side of 366 Bay Street & City owned property accessed from Simcoe Street
View to South along Bay Street North

366 Bay Street North (West view)
Lee, Timothy

From: Richard Bull
Sent: Monday, January 11, 2010 2:46 PM
To: Lee, Timothy
Subject: File No: ZAC-09-046


Richard Bull
Hamilton, Ontario

Re: File No: ZAC-09-046; Zoning Amendment, 366 Bay Street North

Dear Mr. Lee:

I have lived in the North End for about 15 years. It is a lovely part of the city and it just keeps getting better.

To my mind, the fastest way to spoil the character of a neighbourhood is to allow something to be built that doesn't belong. The proposed 3 story apartment building would simply be out of place and would be a significant detriment to the character of our neighbourhood. As well, if this application is granted a precedent will be set and other similar development will surely follow.

I am strongly opposed to a change in the by-law that would permit the construction of a low rise apartment building at 366 Bay Street North.

Respectfully,

Richard Bull
Lee, Timothy

From: K Pipe
Sent: Tuesday, December 22, 2009 9:13 AM
To: Lee, Timothy
Subject: zoning application for 366 Bay St. N.

I am a resident on Ferrie St. W just east of Bay St. N, and I have received the information regarding the zoning application for this property. I am strongly opposed to this re-zoning. I don't think that a 3 story apartment building jammed between single family houses is the best use of this property. This is one of the few properties along Bay that has a good view of the waterfront & it could support a much nicer form of redevelopment. Also in an area that sees increased traffic and parking problems from every development that occurs along the waterfront this will only add to the problem. I am assuming it would also require that the existing home on the property be torn down. This is a very substantial home and I don't agree with tearing down homes that are perfectly sound and have many more years of life in them. My other objection revolves around the neighbourhood in general. There are many large lots located around the north end with only one house on them and if this re-zoning is successful it would set a precedent that could occur on other streets as well. I would not be opposed to a redevelopment that consisted of a row of townhouses where an attempt was made for them to fit into the general style of homes in the neighbourhood. Row houses are a standard feature in the north end.

Kathy Pipe
January 8, 2010

Dear Mr. Lee,

Re: File # ZAC-09-046
366 Bay St N

I live at 381 Bay St N, across the street and up 3 houses from the proposed site of a 3 story, 6 unit condo building.

I bought my house in the fall of 2006, after searching many different neighbourhoods in Hamilton for a year and a half. What attracted me to this particular part of the North End of Hamilton was the established neighbourhood - a neighbourhood where its inhabitants had worked really hard to own their own homes, or were long time renters of individual houses. I did not want to live in a neighbourhood of mixed residential units. I wanted a neighbourhood of houses, where there is pride of ownership and individual responsibility of upkeep, and where the skyline of the neighbourhood has the gentle variances of bungalows and 2-storey houses. The jarring vision of a 3-story condo unit, either from the street or my front window would be unacceptable.

On my property, I have a parking space for one car. Not all homes in my neighbourhood have parking on their property, and therefore must use street parking. Having only space for one car on my property, my guests must park on the street, as do the guests of my neighbours. Right now, there is barely enough street parking for us who live on both sides of Bay St N between Bayfront Park and Ferrie St., either for ourselves or our guests. I suspect the plan for the condo units includes owner parking on the property, but I also suspect there is not enough room for visitor parking. Any additional parking demands on Bay St N will not guarantee those who own homes without parking on their property will be able to park on the street close to their homes. That would be unacceptable.

I do NOT support the building of a 3 storey, 6 unit condo building at 366 Bay St N, and look forward to attending the meeting when the date is announced.

Thank-you for your attention to this matter.

Regards,

Katherine Joss

Cell number: [redacted]
Work number: [redacted]
JAN 1. 2 2010

A note from Elizabeth Fisher

I wish to make a note to you about an event the spring by law to allow an addi-

tional apartment building to be built at 366 Bay St.

Please notify me when this happens:

Sincerely,

Elizabeth Fisher

As of now, there are a

few of people in the

hopeful (which is the way it

should be).
To whom it may concern

My name is Detlef Tank  
Address:  
Hamilton Ontario  
Phone #:  

I am writing to you in regards to the requested Zoning bylaw Amendment Application File # ZAC-09-046, which requests a zoning change that not presently exists.

This request entails the change from a single dwelling into a three storey low rise apartment complex which I strenuously object to as it does not fit into the landscape of Bay street with its low rise houses.

My residence is just west of said property and a back city owned property is virtually land-locked with only 4 properties #32, #34, #36 and #38 having a right of way for access copies of which are in the possession of the Hamilton Real Estate division. I have concerns that the city owned land may be used as a parking lot or entrance thereto which I also object to.

Over the past few years several disputes to said city property have arisen and been solved with the result that trespassing is not allowed. I prefer to keep it that way and have no intention to give up this right of way.

Sincerely

[Signature]

Detlef Tank
Leanne & Jason Roberts  
Hamilton, ON,  

Timothy Lee, MAsc, MCIP, RPP  
City of Hamilton  
Planning and Economic Development Department  
Planning Division, Development Planning, West Section  
77 James Street North  
Suite 400  
Hamilton, ON, L8R 2K3  

January 2, 2010  

Re. File No. ZAC-09-046  

Dear Timothy,  

We are very concerned about the proposed development at 366 Bay Street North. Our concerns include:  

- Disruption of the character of the neighborhood – this is a neighborhood of predominantly single family homes.  
- Disrupt parking patterns and traffic flow.  
- Adversely affect sewage and water supply services.  
- Privacy – we moved in beside a two floor single family residence.  
- Additional noise that comes with high density living.  
- Children safety – more people visiting / walking past our yard equals increased exposure to our children playing in the yard.  
- Decrease the value of our home.  
- Sunlight easement.  
- The structural integrity of the home and its close proximity to our house (the distance between our houses is 15 feet).  

We are not in favor and 100% oppose this proposed development and by-law amendment.  

Best regards,  

[Signature]  
Leanne Roberts  

Leanne & Jason Roberts
Dear Sir,

We are writing regarding the above zoning change.

We would like to express that we are against the zoning change allowing a 3 storey apartment on the above site.

Our reasons are as follows:

1. This will set a precedent in this neighborhood which is comprised of 1 & 2 storey owned homes. If the bylaw gets changed it opens the door for others. As we are only starting to decide what should be done with our waterfront area this could allow for the wrong design of building being incorporated into an established if not historic area.

2. We have concerns over the height of the 3 storey building which will overshadow the surrounding houses. Also it is on a bit of a rise and will appear even taller, more imposing and not proportionate to the neighborhood.

3. Parking for this building will be an issue. Most families have 2 vehicles so that will mean an extra 12 cars parking on the already limited side streets.

If you have any questions please feel free to contact us directly.

Regards,

Mike Slattery & Kim Slattery

Cc: Councillor Bob Bratina, Ward 2

01/08/2010
April 18, 2010

Timothy Lee, MASc, MCIP, RPP
Planner II, Development Planning Section (West)
Planning Division
Planning and Economic Development Department
City of Hamilton
71 Main Street West
5th Floor
Hamilton, ON, L8P 4Y5

Re: Proposed Multi Unit Building 366 Bay Street North, Hamilton

Dear Mr. Lee,

As a resident of the North End I am excited and pleased to see proposed developments like the multi unit project at 366 Bay Street North.

The development will help diversify the housing options in the neighbourhood and capitalize on the beautiful views of the Bayfront Park. The proposed building will not block views to the bay any more than the current building and will give multiple families water views of the bay. It will offer opportunities for families who cannot or don't wish to maintain a house and yard but want to live in the area.

I support this development because it intensifies land use within the Hamilton’s downtown, in an existing neighbourhood instead of in a Greenfield site. The proposed project will offer housing to residents within walking distance to downtown and all of the amenities, both existing and proposed for the west harbour.

This development will improve the quality of the neighbourhood and I hope to see more like this one in the future.

Sincerely,

[Signature]

Laurie Nelson