SUBJECT: Application to Amend the Hamilton Zoning By-law for Property Located at 85 Robinson Street (PED08305) (Ward 2)

RECOMMENDATION:

That approval be given to amended Zoning Application ZAC-08-032, Dundurn Property Management, Owner, for a change in zoning from the “RT-30/S-1547a” (Street Townhouse) District, to the “E” (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified, to permit an apartment building complex consisting of 3 buildings, comprising a total of 156 apartment dwelling units, for the lands located at 85 Robinson Street, as shown on Appendix “A” to Report PED08305, on the following basis:

(a) That the Draft By-law, attached as Appendix “B” to Report PED08305, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

(b) That the proposed change in zoning conforms to the City of Hamilton Official Plan and the Hamilton-Wentworth Official Plan.

Tim McCabe
General Manager
Planning and Economic Development Department
EXECUTIVE SUMMARY:

The proposal is for the rezoning of property located at 85 Robinson Street to permit an apartment building complex consisting of 156 units in 3 buildings on the former Thistle Club site. The recommended Zoning By-law Amendment is recognized as appropriate infill development, which makes effective use of a large undeveloped parcel and implements the development pattern envisioned in the Neighbourhood Plan. The proposal is consistent with the Provincial Policy Statement and conforms to the Hamilton-Wentworth Official Plan and the Hamilton Official Plan. The proposal is considered compatible with the surrounding development in this area, which are predominantly apartments.

BACKGROUND:

The subject land is located in the Durand Neighbourhood and is the site of the former Hamilton Thistle Club. The property has frontage on Robinson Street, Park Street South, and Charlton Avenue West. The property has been the subject of four previous development proposals, which are outlined as follows:

1993 Rezoning Application (ZAC-93-17) and Ontario Municipal Board File No. Z940041

Rezoning Application ZAC-93-17 resulted in an Ontario Municipal Board Decision to permit an amendment to the “E” (Multiple Dwellings, Lodges, Clubs, etc) District for the development of the lands for one of two options. The options were provided through By-law 96-110, passed by City Council on June 25, 1996. The first option was to permit the development of a residential care facility, with a maximum of 162 residents within the same building as a multiple dwelling having a maximum of 119 dwelling units, subject to several site-specific modifications to address minimum building setbacks, canopy and balcony projections, parking and loading.

The second option was to permit a multiple residential development consisting of 3 specific buildings on separate blocks with specific requirements for each block. Blocks 1 and 2 permitted 2 multiple dwellings with a combined maximum of 200 dwelling units, and Block 3 was to permit the development of townhouses, street townhouses or maisonette dwellings subject to site-specific modifications, which included building setbacks, amenity areas, and balcony projections.

The maximum building height provided in the OMB’s Minutes of Settlement allowed for a 7-storey building on Block 1, fronting Charlton Avenue, an 8-storey building on Block 2 fronting Robinson Street, and a 4-storey building on Block 3 fronting Park Street.
2004 Rezoning Application (ZAC-04-60)

Zoning Amendment Application ZAC-04-60 was approved by City Council on November 24, 2004. The rezoning application changed the zoning of the property from “E” (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified, to an “RT-10/S-1343”-'H' (Townhouse-Holding) District, Modified, to permit up to 38 condominium townhouse units, (including one unit within a common recreational clubhouse), a common courtyard and underground parking. Specific amendments to address the number of units, height, setbacks, reduced distance between buildings, maximum landscaped area and the number of units permitted in a continuous row were included in the site-specific zoning.

2005 Rezoning Application (ZAC-05-98)

Zoning Amendment Application ZAC-05-98 was approved by City Council on June 28, 2006. This amendment changed the zoning of the property from the “RT-10/S-1343”-'H' (Townhouse - Holding) District, Modified, to the “RT-30/S-1547”-'H' (Street-Townhouse) District, Modified, to permit 44 freehold townhouse units on a common element condominium road, with parking to be provided at grade. This amendment required modifications from a previous proposal for 38 townhouse units, which included the removal of a common clubhouse, and the provision of access to the units via a private driveway.

An application for a Holding Removal (File No. ZAH-06-080), to remove the 'H' Holding provision from the “RT-30/S-1547”-'H’ (Street-Townhouse) District, Modified, was approved by City Council on February 15, 2007. The removal of the ‘H’ Holding provision established the “RT-30/S-1547a” (Street-Townhouse) District, Modified.


Draft Plan of Subdivision Application 25T-200617 was circulated in October, 2006 for a proposed draft plan of subdivision for 44 street townhouse units consisting of 7 blocks, a roadway block, and a block for a pedestrian walkway. The subdivision proposal was in general conformity with the “RT-30/S-1547a” (Street Townhouse) District requirements. Draft Plan of Condominium Application 25 CDM-200609 was also circulated in October, 2006 to propose a Common Element plan of condominium consisting of a roadway, walkway, 11 visitor’s parking spaces and 44 freehold townhouse units. The applications were circulated for comments, at the request of the applicant, but the applications did not proceed to the Public Meeting stage.
Current Proposal

The applicant is requesting a Zoning By-law Amendment to change the zoning of property located at 85 Robinson Street from the “RT-30/S-1547a” (Street Townhouse) District to a site-specific “E” (Multiple Dwellings, Lodges, Clubs, etc.) District, to permit an apartment building complex consisting of 3 buildings, comprising a total of 156 apartment dwelling units. The proposed apartment buildings consist of two 9-storey buildings, comprising 66 units each, which front onto Robinson Street and Charlton Avenue West, and one 4-storey building having 24 units, which will front onto Park Street South. The initial proposal for 148 apartment dwelling units, with the two 9-storey buildings comprising 62 units, was modified, at the applicant’s request, to allow for additional smaller units within the 8th and 9th floor penthouses, in the event that market conditions do not favour the larger units.

The proposed apartment buildings are intended to be developed for future condominium ownership. The development would have 175 underground parking spaces and 21 surface parking spaces for visitors. A central courtyard between the two 9-storey buildings is proposed as common amenity area (see Appendix “C”).

The major modifications to the “E” (Multiple Dwellings, Lodges, Clubs, etc.) District that are to be considered for this proposal relate to setbacks, visitors parking, loading spaces, and the setback from an adjacent Residential District for a parking area having more than 5 parking spaces.

Details of Submitted Application

Owner: Dundurn Capital Partners Inc.

Location: 85 Robinson Street (see Appendix “A”)

Property Size: Frontage: 86.40 metres on Robinson Street  
74.8 metres on Charlton Street  
53.0 metres on Park Street

Depth: 94.18 metres

Area: 7,855 square metres
Existing Land Use and Zoning:

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<td>“E” (Multiple Dwellings, Lodges, Clubs, etc.) District</td>
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<tr>
<td>North</td>
<td>Multiple Residential</td>
<td>“E-3” (High Density Multiple Dwellings) District</td>
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<td>East</td>
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<td>South</td>
<td>Single Detached Dwellings Municipal Park</td>
<td>“E” (Multiple Dwellings, Lodges, Clubs, etc.) District</td>
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**ANALYSIS / RATIONALE:**

1. The proposal has merit and can be supported for the following reasons:

   (i) It is consistent with the Places to Grow Plan and the Provincial Policy Statement in terms of residential intensification through infill development, and conforms to the Hamilton-Wentworth Official Plan.

   (ii) It conforms to the policies of the Hamilton Official Plan, which encourage development that is complementary to the Central Policy Area and which is consistent with the surrounding area.

   (iii) It conforms to the approved Durand Neighbourhood Plan, which designates the property “High Density Apartments”.

   (iv) The proposed development would be compatible with the existing pattern of residential development in the surrounding area of the Durand Neighbourhood.

2. The proposed development would allow for the development of high density development in the Durand Neighbourhood, which is consistent with Provincial policies, the Hamilton-Wentworth Official Plan, the Hamilton Official Plan, and the Durand Neighbourhood Plan.
The proposed design would appropriately address the streetscape by allowing for the development of new buildings on Robinson Street, Charlton Avenue West, and Park Street South, which are within the established range of building heights for this portion of the Durand Neighbourhood. The use of stepped building heights to create additional setbacks from the street for the two 9-storey buildings would allow for development which is compatible with the existing low-rise buildings to the west and along Bay Street South by breaking down the overall height and reducing the impact of sun-shadow on the abutting properties. Additional landscaping will be provided within landscaping strips along the perimeter of the property abutting the existing low-rise buildings.

The provision of a substantial underground parking area would allow for the efficient use of the property and the development of a large central courtyard between the three buildings as a common amenity area.

3. Concerns

In accordance with the City’s public participation policies, notice of a complete application was circulated to the neighbouring property owners. In response to this notice, 13 letters were received, including 3 letters of objection. The concerns related to traffic, parking, property standards, servicing, design/built form and neighbourhood issues.

The specific concerns and analysis of the issues are provided in the following discussion:

1. Traffic

Comments include:

- Concerns with increased traffic volumes and congestion along Bay Street, Charlton Avenue and Herkimer Street;

- Concerns that increased traffic adjacent to Durand Park will be unsafe for children;

- The need to implement further traffic-calming measures; and,

- A suggestion to make Robinson Street, Park Street South and Charlton Avenue West two-way streets for traffic-calming.
With respect to concerns about high traffic volumes and congestion, the Traffic Engineering Section has advised that there is adequate capacity on Bay Street, Charlton Avenue West, and Herkimer Street to accommodate the traffic volumes from the proposed apartment development. In addition, the Durand Neighbourhood Traffic Study and Environmental Assessment were completed in 2003 to address a number of traffic-related issues which were identified in the Durand Neighbourhood. The recommendations of this traffic study were implemented to create improved levels of safety for pedestrians, including neighbourhood wide traffic calming measures, the reduction of posted speed limits, intersection improvements, signage improvements, the re-classification of streets (i.e. Robinson Street and Park Street were re-classified as “local” streets), and the conversion of certain streets to two-way traffic.

In terms of traffic calming within the vicinity of the subject property, the Durand Neighbourhood Traffic Study identified the need for curb extensions (to reduce pedestrian crossing distances and to reduce the speed of approaching vehicles) at Herkimer Street and Park Street, and at Park Street and Bold Street.

Safety modifications that were implemented through the Traffic Study with respect to the Durand Park have included additional playground advance signs in all approaches to the park, and improved signage along Park Street. As noted, a curb extension was provided at the north-east corner of Park Street South and Herkimer Street, across from Durand Park, to allow for safer pedestrian access. No further changes have been identified by Traffic Engineering at this time.

The suggestion to convert Robinson Street, Park Street, and Charlton Avenue West to two-way traffic streets was also examined in the Durand Neighbourhood Traffic Study. However, it was noted that the conversion would require the removal of existing on-street parking along Robinson Street and Park Street. Along Robinson Street, the removal of on-street parking would affect existing dwellings which do not have driveways and, therefore, is not considered a feasible solution at this time. Along Charlton Avenue West, the Traffic Study noted that the conversion to two-way streets would have traffic implications which would extend beyond the Durand Neighbourhood and, therefore, this change was not included in the final Study recommendations.
Therefore, staff is of the opinion that the proposed development will not have any adverse traffic-related effects, and that issues within the Durand Neighbourhood have been addressed. As such, there are no further traffic changes required at this time.

2. On Street Parking and Site Parking

Comments include:

- The adequacy of the proposed amount of on-site parking for the proposed number of units;

- The concern with the shortage of on-street parking on Robinson Street, Park Street and Duke Street; and,

- The concern with further impacts of St. Joseph’s Hospital expansions on the supply of on-street parking in the Durand Neighbourhood.

The proposed amount of parking for the development consists of 196 spaces, including 21 visitor parking spaces. Under By-law No. 6593, the required amount of parking for 156 apartment units is 150 spaces, of which 25 spaces are required for visitors. This requirement is based on the allowance for reduced parking in the downtown (shown as Area ‘A’ on Schedule “H” of the By-law), which is 0.8 parking spaces per unit and 0.16 spaces per unit for visitors parking for multiple dwellings. (The standard requirements for multiple dwellings are 1.25 spaces per unit and 0.25 spaces per unit for visitors parking in areas outside of the downtown). The proposed development would, therefore, have a surplus of 46 parking spaces (30.6%). Therefore, the proposed parking for this development would be satisfactory, and the existing supply of on-street parking on the abutting streets is not likely to be impacted by this proposal.

In addition, it has been noted that the Durand Neighbourhood Traffic Study recommendations would allow for additional changes to on-street parking along Herkimer Street (both sides), on Charlton Avenue West during the PM peak period (between Bay and MacNab), and along both sides of Bay Street during the AM peak between Aberdeen and Herkimer. A neighbourhood petition would be required to implement the recommendations for on-street parking.
The issue of St. Joseph’s Hospital employees and patrons utilizing parking within the Durand Neighbourhood is considered to be a neighbourhood-wide issue. As noted, the proposed parking for the apartments would be adequate for the future residents and visitors so that the supply of street parking is not likely to be negatively affected. Future expansions to the hospital would also require Site Plan Approval, and would be required to meet the Institutional “I.3” Zone parking provisions on the hospital site. Recommendations in the Durand Neighbourhood Traffic Study would allow for less restrictive parking along Herkimer Street and Charlton Avenue West in recognition of high parking demand in the neighbourhood related to the hospital. However, as previously noted, a neighbourhood petition would be required in order to implement such changes.

3. Property Maintenance, Noise and Waste Management Concerns

Comments include:

- Concerns with the potential for increased garbage, noise and pollution;

- Concern with garbage removal and whether garbage and recycling trucks can manoeuvre on Park Street; and,

- Concerns with interim use of site prior to development, and that the site should be improved with sodding.

The proposed residential development would be required to comply with all applicable City By-laws, including property standards. As part of Site Plan Approval, information is required on the site plans to identify the locations of interior garbage storage or exterior garbage containers for the 3 apartment buildings. Based on the proposed concept plan, the proposed buildings would appear to have interior garbage storage. The developer would be required to arrange for private waste haulage services or for curb-side pick-up by the City.

It is staff’s view that the proposed development would not contribute to unacceptable levels of noise, garbage or pollution within the Durand Neighbourhood. There are municipal By-laws in place to enforce noise, garbage and idling. Due to the predominance of underground parking on the site, it is unlikely that traffic noise and idling would exceed existing levels.
Prior to development, there is no requirement by the City for the property to be sodded, however, property standards requirements related to garbage, maintenance, and the removal of weeds, would apply. Following Site Plan approval, the Owner would be required, as a standard condition of approval, to provide suitable ground cover to prevent soil erosion for the protection of the adjoining lands if the development of the site is discontinued for more than 45 days, or if the project is to be developed in phases.

4. Servicing Concerns

Comments include:

- Concerns with the capacity of existing storm sewer systems due to stormwater problems along Charlton Street after heavy rainfall and snowmelt;

- Concerns with the capacity of sanitary sewer systems to accommodate additional sewage; and,

- Concern that the sidewalk on the north side of Charlton is too narrow for pedestrians.

Staff is not aware of specific water problems along Charlton Avenue West. The existing storm and sanitary servicing is provided by combined sewers located on Robinson Street and Charlton Avenue West. The existing combined sewers are adequate to service the proposed development and to satisfy the maximum combined discharge rate for storm and sanitary from the site.

The proposed development would be subject to Site Plan Approval, which will require the approval of Site Servicing drawings and a storm water management report to ensure that drainage is adequately addressed on the site and does not affect neighbouring properties.

With respect to sanitary sewer capacity concerns, comments provided by the Water and Waste Water Division of the Public Works Department indicate the existing combined sewers are adequate to accommodate the proposed apartment development. As previously noted, the approval of Site Servicing drawings is also a standard requirement of Site Plan Approval to ensure that the services required for the proposed
development are designed in accordance with City and Provincial standards.

In terms of the condition of existing sidewalks along Charlton Street, it has been determined upon inspection that they are in accordance with the City's standards (i.e. 1.5 metres in width). The requirement for sidewalks, including requirements for upgrades to existing sidewalks, would also be examined at the Site Plan Approval stage. If sidewalk upgrades are required, this will be addressed as a condition of Site Plan Approval.

5. **Design Concerns**

Concerns were received with respect to the proposed building setbacks and building height.

In terms of the proposed building setbacks, staff has noted that they are generally consistent with the surrounding development, and that the area is characterized by a range of setbacks (i.e. 0 metres to 8.8 metres), with most being less than 2 metres. There are building setbacks of 0 metres abutting the Charlton Street frontage at 100 Bay Street South, west of the Robinson Street frontage at 211 Bay Street South, and 0.6 metres opposite the Park Street frontage. The boulevards along the three streets would be wide enough to provide landscaping and street trees.

Staff is also of the opinion that the proposed building height of 9-storeys would fit into the character of the area, as this part of the neighbourhood has developed as a transitional area between the high rise apartments north of Robinson Street and the lower density uses and single detached dwellings south of Herkimer Street. The proposed building height would also be lower than the maximum permitted height of 12-storeys for the “E” District, which is permitted for multiple dwellings which are located 30 metres or more from the “AA”, “B”, “B-1”, “C”, “D”, and “L-r” Districts. It is further noted that none of the above-noted zoning districts are located within proximity to the subject property.

In addition, there are opportunities for the provision of street trees and additional landscaping to enhance the streetscape between the proposed building facades and the existing sidewalks. There is approximately 5.5 metres of depth along Robinson Street, 4.0 metres along Park Street, and 4.5 metres along Charlton Avenue West. This will be examined further at the Site Plan Approval stage as part of the landscaping plan.
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The area surrounding the subject property consists of buildings within the range of 2 to 18-storeys. On Robinson Street opposite the subject property, there are buildings of 8, 9 and 10-storeys. Further west, there are also buildings which are 17 and 19-storeys in height. The buildings along Charlton Street are slightly lower and are in the range of 2-7 storeys. The proposed building design is also ‘stepped’ to enable the first 4-storeys to be closer to the streetline, and the remaining floors to be setback further from the street by 5.6 metres to create a graduated building height. It has been further noted that under the “E” District requirements, buildings are permitted, which are up to 12-storeys in height, provided certain locational requirements are satisfied. The subject property is within an area that would be acceptable for the development of 12-storey buildings.

Therefore, reduced setbacks, as proposed, are considered to be appropriate for the proposed apartment buildings and would fit into the established character of this area.

6. Neighbourhood Concerns

Comments include:

- Concerns with the development of more apartment units being added to the area;

- Opposition to rental units or the conversion of the building to a student residence;

- Concerns with increases in crime; and,

- Concern that more park space is needed not apartments.

The Durand Neighbourhood Plan, which was developed in 1987 and 1994, has designated the property as “High Density Apartments.” The proposed development would conform with the approved Neighbourhood Plan.

In terms of tenure, the City cannot require the provision of either rental or condominium units, as this is not regulated under the Zoning By-law, and is the decision of the Owner. It is staff’s understanding that the units will be developed for condominium ownership rather than as rental apartments. To develop the project as condominiums, the Owner would
be required to submit an application for a plan of condominium following Site Plan Approval.

With respect to student housing, it is noted that a student residence is a permitted use in the “E” District (Multiple Dwellings, Lodges, Clubs, etc). However, the intended development of the property as a condominium project would likely encourage residents who are seeking long-term occupancy through condominium ownership rather than short-term accommodation during the school year through rental housing.

With respect to crime, there is no evidence to show that the development of apartment condominiums would lead to an increase in criminal activity within the neighbourhood. Staff is of the opinion that the proposed development would provide for activity on a vacant site and allow for increased security, surveillance and lighting.

There are concerns with the limited amount of parkland within the Durand Neighbourhood. The Durand Neighbourhood is served by the Durand Park, the existing open space area at the base of the Escarpment, and by the open space at St. Mark’s Church. The shortfall of parkland within the Durand Neighbourhood is not easily addressed due to the predominance of high density development, historic homes, and the limited supply of properties that could be acquired by the City for parkland.

As the subject lands are designated in the Durand Neighbourhood Plan for “High Density Apartments”, and the proposed development will enhance the streetscape, staff is, therefore, satisfied that the proposal would be appropriate for the site and the neighbourhood.

4. The applicant has submitted a concept plan with the application (see Appendix “C”), and based on the proposed design, a number of modifications to the Hamilton Zoning By-law have been identified. The proposed residential development is to be regulated by a Site-Specific “E/S-1600” (Multiple Dwellings, Lodges, Clubs, etc.) District. The special zoning provisions are required to address setbacks, building height, visitors parking, loading and setbacks from a Residential District.

For the purpose of the site-specific amending By-law, the property will be divided into a separate block for each building, and each block will have separate front, side and rear setbacks. Block “1” shall apply to the proposed building that would front onto Robinson Street, Block “2” would apply to the proposed building on Charlton Street, and Block “3” would apply to the proposed building on Park
Street South (see Appendix “B”, Schedule “A”). For the site-specific By-law, the front lot line for each of the blocks would also correspond to the respective street that the building would front onto.

The following analysis is provided for the requested Zoning modifications:

Permitted Use

The Site-Specific “E/S-1600” (Multiple Dwellings, Lodges, Clubs, etc.) District would permit 3 apartment buildings with a maximum of 156 units.

Maximum Building Height:

The maximum building height would be limited to 9-storey buildings abutting Robinson Street and Charlton Avenue West (Blocks “1” and “2”), and to 4-storeys for the building that would abut Park Street South (Block “3”). The proposed height is less than the maximum permitted height in the “E” District (i.e. 12-storeys). The proposed height would generally be consistent with the range of building heights within this part of the Durand Neighbourhood, which is between 2 and 18-storeys. The proposed buildings would be stepped back from Robinson Street and Charlton Street to permit a graduated height for the portion of the building above the 4th storey and for the 9th storey penthouse.

A Sun-Shadow Study was undertaken by the applicant to determine if there would be any adverse impacts from overshadowing on the abutting properties. This Study showed that there would be only slight overshadowing on the abutting property to the west of the proposed building on Robinson Street at 11:00a.m. on March 21 (see Appendix “F”). Although there would be some overshadowing during the winter months before 11:00 a.m. for the properties to the west, this is unlikely to negatively affect the neighbour’s enjoyment of their properties because it would be during a period of low outdoor activity.

Staff, therefore, supports the requested building heights for the proposed development.

Minimum Front Yard:

The site-specific amending By-law would require reduced minimum front yards of 0.7 metres from Robinson Street (Block “1”), and 0.4 metres from Charlton Avenue West (Block “2”), whereas the required front yard would be 7.5 metres for both of these buildings. A further minimum front yard of 5.8 metres and 5.6 metres is proposed for the portion of the buildings on Blocks “1” and “2”
respectively that are above the 4th storey, which allows for the transition in height by stepping back the upper portions of the buildings.

The proposed minimum front yard for the building fronting onto Park Street South would be 0.0 metres instead of 3.0 metres.

The proposed setbacks are reasonable and within the range of setbacks for existing buildings along Robinson Street, Charlton Avenue, and Park Street South. Reduced setbacks are encouraged in the downtown and supported by the City of Hamilton’s Site Plan Guidelines. In addition, the proposed stepped building design would provide a transition in height to reduce the impact of the building height on adjacent lower form buildings. The proposed reduced front yards are reasonable and can be supported as they would not negatively impact abutting properties.

Minimum Side Yards

The site-specific By-law would permit reduced minimum side yard setbacks for the proposed buildings on Robinson Street, Charlton Street, and Park Street.

Block “1”:

The proposed minimum side yards, including balconies for Block “1” (Robinson Street), would be 6.3 metres for the westerly side yard and 3.2 metres for the easterly side yard, whereas the required side yards for the proposed 9-storey building would be 12.6 metres.

The proposed 6.5 metre wide westerly side yard would accommodate a single access driveway and a landscaping strip. As noted, a Sun-Shadow Study identified that the reduced westerly side yard would have limited impact on the abutting properties. The provision of a 2-metre landscaping strip, which would be improved with trees such as columnar oaks, would offer a reasonable amount of privacy for the abutting property to the west, and would be addressed at the Site Plan Control stage. Therefore, the reduced side yard can be supported.

The proposed 2 metre easterly side yard setback is required only to accommodate the placement of a boundary between Blocks “1” and “3” for zoning purposes. The actual separation between the proposed buildings on Robinson Street and Park Street West would be 9.7 metres, which is an appropriate distance. As the site is intended to function as a single property, there are no issues concerning this reduced setback.
A further requirement is recommended for the portion of the building on Block “1” between the 4th storey and the 8th storey, and for the penthouse, to permit the stepping back of the upper portions of the building, which will allow for reduced overall height impacts. The additional westerly side yards are 9.5 metres between the 4th and 8th storeys, and 23.5 metres for the penthouse. The additional easterly side yards are 5.3 metres between the 4th and 8th storeys, and 20.6 metres for the penthouse. As these setbacks will allow for good urban design and are necessary to minimize overshadowing impacts, they can be supported.

**Block “2”:**

The proposed minimum easterly side yard, including balconies for Block “2” (Charlton Avenue West), would be 8.5 metres, whereas the required side yard would be 12.6 metres. (The westerly side yard would be 14.4 metres, which does not require a special regulation in the amending By-law.) The reduced easterly side yard is required to accommodate a 2-way driveway for the underground parking garage and a 2 metre wide landscaping strip. There are no sun shadow impacts that would impact the abutting property to the east with respect to the reduced easterly side yard. The planting strip, when suitably landscaped, would also provide a buffer and privacy for the abutting residential property to the east. Therefore, the reduced easterly side yard for Block “2” can be supported.

As was the case for Block “1”, a further requirement is also recommended for urban design purposes for the upper portion of the building on Block “2” between the 4th storey and the 8th storey, and for the penthouse, to allow the building to be stepped back. The additional westerly side yards are 17.5 metres between the 4th and 8th storeys, and 31.5 metres for the penthouse. The additional easterly side yards are 12 metres between the 4th and 8th storeys, and 26 metres for the penthouse. The proposed yards are, therefore, appropriate to provide a suitable gradation in building height for Block “2” and can be supported.

**Block “3”:**

The proposed minimum side yard side yard for the building on Block “3”, including balconies, would be 1.7 metres, whereas the required side yard would be 7.5 metres. A special setback is also required to permit a roofed-over, unenclosed porch for the entrance to the building on Robinson Street to be 0 metres. An Encroachment Agreement would also be required, through the Site Plan Approval process, to permit the building entrance to extend 1 metre onto the Robinson Street road allowance. This requested change would not interfere with
the existing sidewalk along Robinson Street or the provision of future greenspace between the sidewalk and the proposed building.

These setbacks are required only for the exterior side yard to Robinson Street to permit street-oriented development, which is consistent with the proposed 9-storey buildings. The proposed setbacks would also be within the range of setbacks for other development on Robinson Street. Therefore, the proposed reduced side yard can be supported.

The proposed reduced side yard and encroachment for roofed-over unenclosed porches is reasonable, and can be supported, as they would not negatively impact abutting properties or the streetscape.

**Minimum Rear Yards:**

The site-specific By-law would permit a reduced rear yard setback for the proposed buildings on Blocks “1” and “2” to permit the rear yard to be 10.8 metres and 11.5 metres respectively, whereas the required rear yard, based on the proposed 9-storey building height, is 13.5 metres. The proposed change is minor because the site will function as a single development. The proposed modification will allow for the development of a sizable common amenity space between the two 9-storey buildings, which is intended to be developed as a courtyard. Therefore, the proposed change can be supported.

**Minimum Parking Space Sizes:**

The proposed parking spaces are shown as having dimensions of 2.6 metres by 5.5 metres, whereas the required dimensions for parking spaces are 2.7 metres by 6.0 metres. The proposed parking space dimensions can be supported because they are consistent with the provisions in the City’s new Comprehensive Zoning By-law 05-200 currently applying to the Downtown, and other parts of the City (i.e. Institutional and Research and Development zones) and would allow for more efficient use of space for parking on the subject property.

**Visitors Parking:**

There are 21 visitor’s parking spaces proposed, whereas 25 visitor’s parking spaces are required. The proposed reduction in the number of visitor spaces would apply only to the surface parking spaces. Since there is a surplus of 46 parking spaces in the underground parking area, it would be possible for the surplus spaces to be used for visitor’s parking through proper arrangements with the residents of the proposed buildings. The shortage of visitor’s parking is
minor, and is unlikely to impact the supply of street parking that is available for public use abutting the proposed development. Therefore, as the overall amount of parking exceeds zoning standards, the proposed change can be supported.

**Loading Spaces:**

There are no loading spaces proposed, however, 3 loading spaces are required. It has also been noted in the Traffic Engineering comments that on-street loading is not permitted. Based on the proposed design of the buildings and the site layout, formal loading spaces are not indicated on the concept plan, however, loading activities can be arranged on the site adjacent to the 3 buildings without interfering with access or parking requirements, and will be further examined at the Site Plan Control stage. The proposed requirement would also be consistent with By-law 05-200, which does not require loading spaces for apartments in the downtown. Therefore, the proposed change can be supported.

**Boundary of a Parking Area:**

The proposed concept plan identifies a parking area setback of 2.0 metres from the boundary of a Residential District on the westerly boundary of Blocks “1” and “2”, whereas 4.5 metres is required. The reduced requirement is reasonable because the 2 metre wide strip would allow for a landscaped area that could be improved with trees (e.g. columnar oaks), to allow for privacy between the parking areas, driveways and the abutting residential uses. Therefore, the proposed change can be supported.

**Minimum Landscaped Open Space:**

The proposed concept plan identifies the minimum landscaped open space area to be 38%, which exceeds the minimum 25% requirement of the By-law. The provision of the proposed landscaped area would enhance the amenity of the property by allowing for the development of a large common amenity area that will be shared by the residents, and a landscaped area between Blocks “1” and “3”.

5. The proposed development would be subject to Site Plan approval to address, among other matters, architectural design, landscaping, surface and underground parking, pedestrian linkages, site servicing requirements, and storm water management. A Site Servicing Report would be required to address the impact of the increased population density on the existing sewers, to the satisfaction of the Manager of Development Engineering Design and Construction.
SUBJECT: Application to Amend the Hamilton Zoning By-law for Property Located at 85 Robinson Street (PED08305) (Ward 2) - Page 19 of 27

The current widths of Robinson Street, Park Street and Charlton Street are 20.12 metres. There is no land required for road widenings at this time.

As part of Site Plan Approval, it would be necessary to address the recommendations from the 2004 Heritage Impact Assessment, which examined the incorporation of architectural elements from the former Thistle Club into the building designs for future development. The elements include:

- The date and name stones from the former curling rink;
- Four paired arched window frames with incised thistle motif;
- Stone window sills and lintels; and,
- Stone archway from the front façade of the former curling rink.

The applicant will be required to demonstrate that the salvaged materials can be appropriately incorporated into the design of the facades for the proposed apartment buildings or other structures on the site, such as gazebos.

6. The applicant is intending to develop the proposed buildings in accordance with “Green Building” standards to facilitate environmentally sustainable construction. The categories that may be considered include:

- Sustainable Sites (i.e. green roofs);
- Water Efficiency (i.e. water use reduction, water-efficient landscaping);
- Energy and Atmosphere (i.e. energy optimization);
- Materials and Resources (i.e. construction waste reuse or recycling);
- Indoor Environmental Quality (i.e. increased ventilation); and,
- Innovative Design (i.e. recyclability, use of lightweight materials).

The details of this initiative are being explored by the applicant, and will be examined at the Site Plan Approval stage and at the Building Plan review stage.

ALTERNATIVES FOR CONSIDERATION:

Should the proposed application for amendment to the Zoning By-law be denied, the subject lands may be used in accordance with the “RT-30/S-1547a” (Street Townhouse) District for the development of 44 freehold street townhouses.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

<table>
<thead>
<tr>
<th>Financial</th>
<th>N/A.</th>
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<td>Staffing</td>
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Policies Affecting Proposal:

Places to Grow

Places to Grow identifies in its Vision Statement, and in the Guiding Principles, the need to build compact communities and to optimize the use of existing and new infrastructure in a compact efficient form.

Places to Grow requires municipalities in Policy 2.2.3.6 to develop strategies that support intensification. In particular, the Plan:

- Encourages intensification throughout the Built-up Area;
- Recognizes urban growth centres as one of the key foci for development to accommodate intensification; and,
- Promotes a range and mix of housing.

In addition, Policy 2.2.4 specifically directs that a minimum gross density target of 200 residents and jobs combined per hectare for Downtown Hamilton be provided. As the subject site is on the fringe of the northerly part of the downtown, the development of higher density uses in this area will assist in achieving this density target.

The City of Hamilton is required to accommodate 40% of all new residential growth within the Built-up Area starting in 2015. New development is required to be designed to support public transit and maximize the use of existing infrastructure.

The development of the subject lands for new multiple dwellings would achieve the growth management objectives of the Growth Plan, which encourages new growth to be directed to the built-up areas of the community through intensification and planning for a range and mix of housing.

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Staff recognizes that the application has shown proper regard for focusing growth in urban areas (1.1.1(a)).
The Housing policies of Section 1.4 encourage an appropriate range of housing types and densities to meet projected requirements of current and future residents of the regional market.

In particular, Policy 1.4.3:

- Directs the development of new housing towards locations where appropriate levels of infrastructure are available to support current and projected needs;

- Promotes densities which efficiently use land, resources, infrastructure and public service facilities and public transit; and,

- Encourages standards for intensification, redevelopment and new residential development, which minimizes housing costs, facilitates compact form, and maintains appropriate levels of public health and safety.

Policy 3.2.2 states that contaminated sites will be restored, as necessary, prior to any activity on the site associated with the proposed use, to ensure no adverse effects. It is noted that a Record of Site Condition was received and subsequently cleared under previous development applications.

The proposal would conform to the policies of the Provincial Policy Statement because it would allow for new residential development near the downtown which is compact in design, it would utilize existing infrastructure, and it provides an opportunity for infill development on a vacant site which is suitable for multiple dwellings.

**Hamilton-Wentworth Official Plan**

The subject property is designated as “Urban Area” in the Hamilton-Wentworth Official Plan. Policy C-3.1.1 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. As well, the Urban Areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.

Policy B-9.2 states that the City shall consider the protection and preservation of Regionally Significant historical and cultural resources, including recognized archaeological sites in the review of proposals for development and redevelopment.

As the nature of the application is for a change in zoning, where full municipal services are available, the proposal conforms to the policies of the Hamilton-Wentworth Official Plan.
Hamilton Official Plan

The subject property is designated “Major Institutional” on Schedule “A”, Land Use Concept in the Hamilton Official Plan, and is within “Special Policy Area 3” on Schedule “B” - Special Policy Areas. The following policies of the City of Hamilton Official Plan, among others, are applicable to the subject lands.

The policies which are of relevance to this application are:

“A.2.6.5 Notwithstanding the policies set out above in areas designated MAJOR INSTITUTIONAL, Residential uses may be permitted provided they are compatible with the surrounding area and are in keeping with the Residential policies set out in Subsections A.2.1 and C.7 of this Plan. (O. P. A. No. 5);

A.2.9.3.1 The future viability and health of the Central Policy Area will be largely dependent on the quality and suitability of Residential opportunities in close proximity to the downtown. Accordingly, the following policies to promote or protect housing within the area shown as SPECIAL POLICY AREA 3 on Schedule “B” will apply, in addition to all the Residential policies of Subsections A.2.1 and C.7, and Policy A.2.8.1(ii); (O.P.A. No. 27);

i) It is the intent of Council to strengthen the Residential function of this AREA to complement the multi-use nature of the Central Policy Area to foster a wider choice in housing opportunities for all residents of the City, and to increase the resident population;

ii) Further to the above, a wide variety of densities, unit sizes, building styles, incomes and household groups will be accommodated. Housing suitable for families, the physically disabled, and senior citizens will be particularly encouraged.

iii) It is intended that Residential development of redevelopment be at a scale, density and bulk compatible with the established character of the surrounding uses.

A.2.8.1 To promote the CENTRAL POLICY AREA as a multi-use node for both the City and the Region, a wide range of uses will be permitted where compatibility among adjacent uses can be achieved. The
primary uses permitted in the CENTRAL POLICY AREA, as shown on Schedule “A”, will be for the following uses:

i) Residential Uses of various housing types, including, but not limited to, single-family detached, semi-detached, townhouses and apartments, and in keeping with the Residential policies set out primarily in Subsection A.2.9.3, as well as in Subsections A.2.1 and C.7 of this plan;”

In terms of the above-noted policies:

- The proposal would complement and contribute to the improvement of the Central Policy Area by allowing for higher density development which will bring more people into the Core;

- The proposal would allow for the development of residential uses which are consistent with the built form of the Durand Neighbourhood; and,

- The proposal would be at a scale that is consistent with surrounding uses on adjacent streets.

Therefore, the proposal conforms with the policies of the Hamilton Official Plan.

Neighbourhood Plan

The subject property is designated “High Density Apartments” in the approved Durand Neighbourhood Plan. The proposal conforms to the Neighbourhood Plan.

RELEVANT CONSULTATION:

Departments/Agencies having no concerns or objections:

- Community Services Division, Culture and Recreation Department
- Water and Wastewater Division, Public Works Department
- Environmental Planning, Capital Planning and Implementation, Public Works Department
Traffic Engineering and Operations, Public Works Department:

Based on the applicant’s preliminary site plan, Traffic Engineering has advised:

- The access to Park Street, Charlton Street and Robinson Street must be a minimum 6.0 metres wide at the property line for two way traffic and have a minimum 6.0 metre wide throat;
- The first parking space for the Charlton Street access would need to be removed;
- An internal sidewalk from the site to Charlton Street is recommended;
- The municipal sidewalk must be continuous through all driveway approaches;
- Minimum 3 metre by 3 metre visibility triangles are required between the access limits and the ultimate road allowance limits of Charlton Street, Park Street, and Robinson Street, in which the maximum height of vegetation cannot exceed 0.7 metres;
- Garbage areas have not been identified; the manoeuvrability of waste removal vehicles could not be reviewed; and,
- There were no loading spaces identified. On-street loading and unloading is not permitted.

Strategic Planning Section, Public Works Department:

Reference should be made to the recommendations of the Durand Neighbourhood Traffic Study; especially the proposed street classification changes of Robinson Street and Park Street to local, from collector and pedestrian-oriented, respectively.

Recreation Division, Community Services Department:

The Recreation Division has advised that Cash-in-lieu of parkland dedication shall be collected.

Open Space Development and Park Planning, Capital Planning and Implementation Division, Public Works Department:

Cash-in-Lieu of Parkland will be recommended at the appropriate stage.
Forestry and Horticulture, Operations and Maintenance, Public Works Department:

The Forestry and Horticulture Section has advised that there are numerous trees on the road allowance of Robinson Street, Charlton Avenue West, and Park Street, which are governed under Tree By-law 06-151. It appears that many trees located on municipal property will be impacted by the proposed development.

Six municipal tree assets were identified around the perimeter of the proposed development. Among these trees are 2 mature Lindens located opposite 80 Robinson Street; 2 mature Silver Maples and a mature Walnut were located opposite 83 Charlton Street West, but may have been removed due to storm damage.

Extensive soil remediation has been undertaken within the drip-lines of all trees on the site. Tree management will be required at the Site Plan Approval stage in the form of a Tree Management Plan, consisting of a tree inventory, drip-lines, tree protection zone details, and tree preservation techniques.

HSR

HSR operates various planned bus routes within this area with no planned changes in service. Street orientation and pedestrian entrances are important. Direct short walking distances between dwellings and transit service are preferable. HSR supports the inclusion of high quality pedestrian amenities for this development such as walkways, lighting, etc., which are appreciated by transit customers and beneficial to those using personal mobility devices.

The establishment of high density development within an easy walk of transit service routes will contribute positively to long-term sustainability of HSR transit operations. Additional mixed uses, as opposed to strictly residential development, would be transit supportive.

Bell Canada

Bell Canada has advised there are buried cables and pedestals in the area, and that it would be the Developer’s responsibility to notify them to discuss charges, should there be any conflicts.

Horizon Utilities

Horizon has advised that the relocation, modification or removal of any existing hydro facilities shall be at the Owner’s expense.
SUBJECT: Application to Amend the Hamilton Zoning By-law for Property Located at 85 Robinson Street (PED08305) (Ward 2) - Page 26 of 27

The owner is further advised that:

- The owner is responsible for the cost of civil work associated with duct structures; transformer foundations, and all related distribution equipment;

- There should be no excavation within 2 metres of hydro poles and anchors;

- Excavation within 1 metre of an underground hydro plant is not permitted unless approval is granted;

- The Owner is required to contact Horizon Utilities if an existing plant is required to be removed, isolated or relocated; and,

- Clearances from Overhead and Underground existing electrical distribution systems shall be maintained in accordance with provincial codes, acts and regulations.

Public Consultation

In accordance with the Public Participation Policy, this application was precirculated to all property owners within 120 metres, and a sign was posted on the site. A total of 1,425 notices were circulated. There were 13 items of correspondence received for this proposal. The issues and concerns identified have been addressed in the Analysis/Rationale section of the Report. In addition, the Durand Neighbourhood Association indicated verbally that they are in support of the application, although a written reply was not provided. The applicant also hosted a Pre-Consultation Meeting on June 26, 2008, for the area residents, which was attended by approximately 21 residents and the Ward Councillor.

Notice of the Public Meeting will be given in accordance with the requirements of the Planning Act through the circulation to property owners within 120 metres of the subject lands and through the posting of a sign on the property.

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, and economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No
The public are involved in the definition and development of local solutions.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Human health and safety are protected.
Economic Well-Being is enhanced. Yes ☑ No □
Investment in Hamilton is enhanced and supported. The economic base is diversified.

Does the option you are recommending create value across all three bottom lines? Yes ☑ No □

Do the options you are recommending make Hamilton a City of choice for high performance public servants? Yes □ No ☑

:CT
Attachs. (7)
CITY OF HAMILTON

BY-LAW NO. [REDACTED]

To Amend Zoning By-law No. 6593
Respecting Lands Located at 85 Robinson Street
(Hamilton Thistle Club)

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

AND WHEREAS the Council of the City of Hamilton, in adopting Section [REDACTED] of Report [REDACTED] of the Economic Development and Planning Committee at its meeting held on the [REDACTED] day of 2008, 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 Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:
1. That Sheet No. W-5 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended by changing the zoning from the “RT-30/S-1547a” (Street Townhouse) District, Modified, to the “E/S-1600” (Multiple Dwellings, Lodges, Clubs 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 “E” (Multiple Dwellings, Lodges, Clubs etc.) District regulations, as contained in Section 11 of Zoning By-law No. 6593, applicable to Blocks “1”, “2” and “3” of this by-law, are modified to include the following special requirements:

(a) For the purposes of this by-law, separate blocks have been established for each building, and each block shall have its own front, side and rear lot lines.

(b) For the purposes of this by-law, the front lot line shall be deemed as follows:

(i) Block “1” - Robinson Street
(ii) Block “2” - Charlton Avenue West
(iii) Block “3” - Park Street South

(c) That notwithstanding Sections 11.(2), 11.(3), 11.(4), 11.(5) and 11.(6), 18A.(11) and (12) and 18.(8) of Zoning By-law No. 6593, the following special requirements shall apply:

Block “1”

(i) That the Maximum number of dwelling units shall be 66.

(ii) That notwithstanding Section 11.(2)(iii) of Zoning By-law No. 6593, the maximum building height shall be 9-storeys.

(iii) That notwithstanding Section 11.(3)(i)(b) of Zoning By-law No. 6593, the minimum front yard depth, including balconies, shall be 0.7 metres for the first 4-storeys of the building, and 5.8 metres for the portion of the building above the 4th storey.

(iv) That notwithstanding Section 11.(3)(ii)(b) of Zoning By-law No. 6593, the minimum westerly side yard width, including balconies, shall be 6.3 metres for the first 4-storeys of the building, 9.5 metres for the portion of the building between the 5th storey and the 8th storey, and 23.5 metres for the 9th storey portion of the building.
(v) That notwithstanding Section 11.(3)(ii)(b) of Zoning By-law No. 6593, the minimum easterly side yard width, including balconies, shall be 3.2 metres for the first 4-storeys of the building, 5.3 metres for the portion of the building between the 5th storey and the 8th storey, and 20.6 metres for the 9th storey portion of the building.

(vi) That notwithstanding Section 11.(3)(i)(c) of Zoning By-law No. 6593, the minimum rear yard depth, including balconies, shall be 10.8 metres.

(vii) That notwithstanding Section 18A.(11) and (12) of Zoning By-law No. 6593, the boundary of a parking area shall be permitted to locate within a minimum of 2.0 metres from the westerly side lot line.

**Block “2”**

(viii) That the Maximum number of dwelling units shall be 66.

(ix) That notwithstanding Section 11.(2)(iii) of Zoning By-law No. 6593, the maximum building height shall be 9-storeys.

(x) That notwithstanding Section 11.(3)(i)(b) of Zoning By-law No. 6593, the minimum front yard depth, including balconies, shall be 0.4 metres for the first 4-storeys of the building, and 5.6 metres for the portion of the building above the 4th storey.

(xi) That notwithstanding Section 11.(3)(ii)(b) of Zoning By-law No. 6593, the minimum westerly side yard width, including balconies, shall be 14.2 metres for the first 4-storeys of the building, 17.5 metres for the portion of the building between the 5th storey and the 8th storey, and 31.5 metres for the 9th storey portion of the building.

(xii) That notwithstanding Section 11.(3)(ii)(b) of Zoning By-law No. 6593, the minimum easterly side yard width, including balconies, shall be 8.5 metres for the first 4-storeys of the building, 12 metres for the portion of the building between the 5th storey and the 8th storey, and 26.0 metres for the 9th storey portion of the building.

(xiii) That notwithstanding Section 11.(3)(i)(c) of Zoning By-law No. 6593, the minimum rear yard depth, including balconies, shall be 11.5 metres.

(xiv) That notwithstanding Section 18A.(11) and (12) of Zoning By-law No. 6593, the boundary of a parking area shall be permitted to locate within a minimum of 2.0 metres from the westerly side lot line, and a minimum of 1.6 metres from the Charlton Avenue West street line.
Block “3”

(xv) That the Maximum number of Class A dwelling units shall be 24.

(xvi) That notwithstanding Section 11.(2)(iii) of Zoning By-law No. 6593, the maximum building height shall be 4-storeys.

(xvii) That notwithstanding Section 11.(3)(i)(b) of Zoning By-law No. 6593, the minimum front yard depth, including balconies, shall be 0.0 metres.

(xviii) That notwithstanding Section 11.(3)(ii)(b) of Zoning By-law No. 6593, the minimum northerly side yard width, including balconies, shall be 1.7 metres, except that 0.0 metres shall be permitted for a 1-storey, roofed-over unenclosed porch for the building entrance.

(xix) That notwithstanding Section 11.(3)(ii)(b) of Zoning By-law No. 6593, the minimum southerly side yard width, including balconies, shall be 9.4 metres.

(xx) That notwithstanding Section 11.(3)(i)(c) of Zoning By-law No. 6593, the minimum rear yard depth, including balconies, shall be 6.0 metres.

Blocks “1”, “2” and “3”

(xxi) That notwithstanding Section 11.(6) of Zoning By-law No. 6593, the minimum total combined landscaped area shall be 38% of the entire lot on which the buildings or structures are situated;

(xxii) That notwithstanding Section 18A.(7) and (8) of Zoning By-law No. 6593, the minimum parking space size shall be 2.6 metres in width by 5.5 metres in length;

(xxiii) That notwithstanding Section 18A.(1)(a) and (b) and Tables 1 and 2 of Zoning By-law No. 6593, visitor parking spaces shall be provided on the basis of 0.13 spaces per apartment dwelling unit;

(xxiv) That notwithstanding Section 18A.(1)(c) and Table 3 of Zoning By-law No. 6593, loading spaces shall not be required.

3. 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.
4. That Sheet No. W-5 of the District Maps is amended by marking the lands referred to in Section 1 of this by-law as S-1600.

5. That Zoning By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1600.

6. 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 yellow day of yellow, 2008.

_____________________________            _______________________________
Fred Eisenberger                          Kevin C. Christensen
Mayor                                    Clerk

ZAC-08-032
Schedule "A"

Map Forming Part of By-Law No. 08-____
to Amend By-law No.6593

This is Schedule "A" to By-Law No. 08-____
Passed the .......... day of ....................., 2008

Subject Property
85 Robinson Street
Change in Zoning from the "RT-30/S-1547a" (Street Townhouse) District to the "E/S-1600" (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified.
Proposed Elevations at Robinson Street
Thomas, Cameron

From: Joan M. MacDonald
Sent: Friday, October 17, 2008 12:02 PM
To: Thomas, Cameron
Cc: michaelandsarah, 'Frans Compeer'
Subject: RE: Durand Neighbourhood Comments For Thistle Club site

Hello Cameron:

DURAND NEIGHBOURHOOD ASSOC.

Thanks for the update. I expect that Sarah will be responding for the Durand Neighbourhood Association as President. My communication (verbal) has been with Janice Brown while Sarah was on vacation. Having worked with DNA in the past, I am confident many concerns have been addressed.

HISTORIC/HERITAGE SANDYFORD PLACE

As discussed with you, there are 12 owners at Sandyford Place (35-43 Duke) and one comment has been received.

PARKING

My concern and two others expressed to me pertained to the number of units proposed, the shortage of parking already on Robinson, Park and Duke even with the proposed underground parking and the impact of more congestion on Charlton and Bay. What is the manner of ingress and egress out of the underground parking area? As you know, there is always overflow of visitors parking on the street which is already at a premium with current residents from various apartments.

GARbage REMOval

What about garbage removal? I understand from your documents that the large garbage and recycling trucks cannot manoeuvre on Park St. What provision has been made for garbage pickup, blue box recycling pickup vs. pedestrian sidewalks currently in use on Robinson, Park, Charlton and Bay Streets? Just take a trip along Herkimer on garbage day, particularly between McNab and James South and see how the sidewalk is impeded because of garbage cans, blue boxes and garbage bags, some of which spill onto the sidewalk. Durand Senior Residence is across the street and many seniors traverse that area.

APARTMENTS/STUDENT RESIDENTS/CONDOS

As you are aware, Sandyford Place was not notified of the initial meetings with the proposed owner(s) and developer because of the one block radius of the Thistle Club. We find this most unfortunate especially as Sandyford is not only a historic building but also a national monument. May I respectfully suggest you contact the Heritage Foundation Trust in Toronto as to the full impact these designations place on the 12 owners at Sandyford, especially as the City of Hamilton is a party to easement(s) with the HFT and the compliance required by the city Historic Board.

Grave concern has been expressed of the proposed apartment and then condo use which may create an opening for student housing should the plans between the developer and the city not be clarified at the onset of any future building proposal. As I am sure you are aware, a downtown hotel has been converted to students residence for foreign students from our international college in West Hamilton (Ward 1). This was accomplished during my term as a Public School Board Trustee for Ward 2. Many foreign parents wish their children to be educated in Canada and we have the resources in Hamilton.

HAMILTON HEALTH SCIENCES EXPANSION

10/17/2008
Message

At the rate of speed that St. Joseph's Hospital is expanding (John, James and Charlton) I am sure the city planners and councillors have assessed the additional density and parking required for the area. I understand St. Joseph's staff have approached several apartment buildings and condo complexes in search of available parking spaces for their staff. Has the hospital growth in our area been considered in conjunction with the Thistle Project.

GREEN SPACE

What is the proposal for green space with this project? Is there any reason why the City of Hamilton cannot make the area more attractive by placing grass on the Thistle property to make it more park-like? Surely the rubble can be levelled and the area made more attractive by the addition of grass until building commences?

LAST WORD

These comments may pertain to concerns that have already been addressed during the DNA meetings with the owners of the property and the developer. Please advise, if that is the case. We certainly do not wish to hamper any development of that area. However, a larger radius of notification of the proposed use of the Thistle property from the city would have been appreciated. Many of us own our properties, pay an inordinate amount of taxes as unit owners in a condominium complex vs... those in single family dwellings and Durand Neighbourhood has been referred to as the Gateway to Hamilton from the Bay Street entrance from Herkimer to the Downtown in previous city plans.

I trust these comments are of assistance. .

Joan M. MacDonald
Sandyford Place
43 Duke Street, Unit 3
Hamilton L8P 1X2

P.S. Please feel free to share this e-mail with our Ward 2 Councillor.
AUG 1 8 2008
APARTMENT 601
49 ROBINSON STREET
HAMILTON
ONTARIO, L8P 1J7
August 11, 2008

Mr. Paul Melland
Director of Planning
City of Hamilton
City Hall
77 James Street North
Hamilton
Ontario, L8R 2K3

Dear Sir,

I write you to express great concern over the proposal to build multiple dwelling units in the space previously occupied by the Thistle Club.

Roburn street is already a high density population area and the addition (which replaces the original plan for town-houses) will add significantly to the area problem.

Parking, already difficult for non-residents, and commercial vehicles will be exacerbated and snow clearance will become almost
impossible for the present City equipment.

Further, the addition of a high density occupation building will contribute materially to the noise and general discomfort of the present residents.

Please have the current plans reviewed to provide a lower density once as was originally proposed.

Yours very truly

[Signature]
August 7, 2008

Mr. Cam Thomas,
City of Hamilton,
Planning and Economic Development Department
Planning Division (West),
Hamilton City Centre,
77 James St. N., Suite 400
Hamilton, On, L8R 2K3

Dear Sir: [Handwritten note: Your file ZAC-08-032] Hand 2

As resident at 49 Robinson St., we were extremely upset with the Notice of Complete Application concerning 85 Robinson St. We are shocked that you would contemplate a 148 unit complex at this location! There is already an over population density in this area, with several high rise appartments. It was not mentioned if these buildings would be rental units or condominium units. Have you taken into consideration the additional population density? Along with such addition would be severe problems with parking, garbage, sewage, water and CRIME.

We already have problems in these areas. We no longer feel safe walking the streets after dark, and we will only go out in twos during the day.

As with the Hess Street complex at Main, which was built as a Senior residence, and is now used for Seniors and people on welfare assistance and people who should be in second level housing. No doubt you are aware that the Durand Area already has the highest number of second level housing in the City. Will this complex turn into another second level housing complex? How can we be guaranteed that this won’t happen?

The parking also is already horrendous in this area, no doubt the City gets a fantastic amount of money from the fines levied to people parking in this area. Will there be at least 148 parking spaces available for the tenants?

Our taxes are already too high, and as seniors, looked at this location as a SAFE, desirable area to live in our retirement. This, however, is deteriorating rapidly. Kindly reconsider this By-Law!! That area would make a beautiful park which is greatly needed in this area.

Thank you in advance for your consideration into these concerns.

Yours truly,
Marilyn and Ted Helwig,
49 Robinson St., Suite 201, Hamilton, Ont, L8P 1Y7
BAY MANOR APARTMENTS LTD.
245 Bay Street South
Hamilton, ON L8P 3J3

July 22, 2008

Cam Thomas, City of Hamilton
Planning and Economic Development Department, Planning Division (West)
Hamilton City Centre, 77 James Street North, Suite 400
Hamilton, ON L8R 2K3

Re: File No. ZAC-08-032
Application to Amend Zoning By-law for 85 Robinson Street

Dear Sir:

This letter is in response to the City’s invitation to provide public input contained in the July 8, 2008 notification to Bay Manor Apartments Ltd. and its residents of the application by Dundurn Property Management to amend the zoning bylaw for the property at 85 Robinson Street (former Thistle Club). As the President of Bay Manor Apartments Ltd. – a 16-unit co-operative apartment building – I am submitting comments on behalf of our Board of Directors. While we have no objections in principle to the proposal, we do have concerns with respect to problems that might arise to the extent they affect our residents.

Our building, which faces both onto Bay Street and also Charlton Avenue, is diagonally opposite the site of the proposed development. Since we have garage and parking space on the apron fronting on Charlton Avenue, we are concerned about the increased traffic on this street resulting from the additional flow of vehicles in and out of the proposed apartment project. This street is already heavily-travelled, especially during rush hours, making it sometimes difficult for our residents to safely enter and leave their parking spaces.

An ongoing problem for us, and for anyone driving on or walking beside Charlton, that should be resolved before this development proceeds, is the collection of water in troughs on the south side of Charlton, partly adjacent to our property, after almost any heavy rainfall and melting snow on the slope down from Durand Park. In addition, the City should ensure that the sewers have the capacity to absorb the additional drainage.

In conjunction with this project, we also suggest that the City widen the sidewalk on the north side of Charlton; it is already too narrow to conveniently accommodate the considerable pedestrian traffic.

We respectfully ask the City to address our concerns. Consideration of this significant development project needs to include not only the specific amendments sought in the zoning application but also the work the City might have to undertake, particularly in relation to Charlton Avenue.

Sincerely,

Elizabeth Robertson, President,
Bay Manor Apartments Ltd.
Cam Thomas, City of Hamilton
Planning & Economic Development Department
Planning Division (West)
Hamilton City Centre, 77 James Street North
Suite 400
Hamilton, ON L8R 2K3

Dear Mr. Thomas:

It is with concern that I read the notice regarding the proposed amendment to the “zoning by-law for 85 Robinson Street” that was sent to us on July 8, 2008.

With the proposed number of 148 units to be built, there is no doubt that traffic volume, along Bay, Charlton, and Herkimer would increase tremendously as would the level of noise and automobile pollution. There is currently a high noise level at the stoplights with cars, trucks and buses stopping, idling and starting, as well as emergency vehicles’ sirens.

It is admirable that this project is being promoted as a LEED Platinum development, but what contractual obligation exists to ensure the proposal realizes itself as more than a trendy marketing initiative? As yet, the West Village Student Condos developed by Dundurn Property Management have not achieved accreditation by the Canadian Green Building Council (CaGBC).

Additionally, with the type of by-law amendment proposed, we are concerned about the effects the proposed building development will undoubtedly have on the property taxes of many lower-middle income residents of the Durand neighbourhood.

Yours truly,

Pamela and Ivan Kovacek
Thomas, Cameron

From: Brian Thwaits
Sent: Friday, July 25, 2008 1:44 PM
To: Thomas, Cameron
Subject: Thistle Club Site

Dear Cam:

I'm very interested in Dundurn Property Management's plans for the vacant site of the Thistle Club in the Durand neighbourhood (as discussed in Eric McGuiness's article in yesterday's Spectator).

I'd appreciate it if you can forward any information you have about these plans, either electronically or to the following mailing address:

Brian Thwaits
36 James Street South - Suite 602
Hamilton, ON L8P 4W4

Thanks very much!

---
Brian Thwaits
Brainpicker Inc.

07/25/2008
July 28, 2008
VIA Email etomas@hamilton.ca

City of Hamilton
Planning and Economic Development Department
Planning Division (West)
Hamilton City Centre
77 James Street North, Suite 400
Hamilton, ON L8R 2K3

Attention: Cam Thomas

Dear Mr. Thomas,

Re: File No. ZAC-08-032
85 Robinson Street

As the combined owners of 215, 217, 219, 221, 223 and 225 Park Street South, solely and collectively wish to register our formal objection to amend the zoning on the above captioned property.

Our objections are based on the following:

1. The population density within the Durand area is already too high without permitting an additional 148 apartments. The additional population from the current street townhouse zoning and original proposed 44 multiple attached residential units alone is about all the area could handle.

2. The proposed 4 storey building fronting onto Park Street will completely misbalance the streetscape with our 2 storey properties on the East side. The development should be limited to 2 storey with similar details to ours.

3. The site plan shows the “green space” in the centre of the property and solid building to the street. This would be aesthetically unpleasing to the streetscape with little or no landscaping visible to the neighbouring buildings who have provided street-front landscaping. A landscaped open space of 35% of the total lot area for 148 units is insufficient.
4. Minimum yard setbacks of 0.85 to 0.9 meters with such towers overbearing the sidewalk would completely detract from the appeal of the Durand area in general.

5. Parking in the area is already hard to come by, yet this development proposes 148 apartments and only 175 underground parking spaces. We are sure more than 27 out of 148 units will have more than 1 car, which will only make the current parking issue in the area worse.

We believe this proposed development will hinder the Durand neighbourhood and would be specifically detrimental to the value of our homes being immediately across Park Street and therefore strongly object. We hope City Staff and Council concur and do not allow this development to proceed.

Yours truly,

215 Park Street South 219 Park Street South 221 Park Street South

223 Park Street South 225 Park Street South

cc. Mayor Fred Eisenberger
cc. Brian McHattie, Ward 1
cc. Bob Bratina, Ward 2
cc. Bernie Morelli, Ward 3
cc. Sam Merulla, Ward 4
cc. Chad Collins, Ward 5
cc. Tom Jackson, Ward 6
cc. Scott Duvall, Ward 7
cc. Terry Whitehead, Ward 8
cc. Brad Clark, Ward 9
cc. Maria Pearson, Ward 10
cc. David Mitchell, Ward 11
cc. Lloyd Ferguson, Ward 12
cc. Russ Powers, Ward 13
cc. Robert Pasuta, Ward 14
cc. Margaret McCarthy, Ward 15
Thomas, Cameron

From: Angela Valcianas
Sent: Monday, August 04, 2008 11:35 PM
To: Thomas, Cameron
Subject: File No. ZAC-08-032

Mr. Thomas,

Re: Proposed Zoning By-Law Amendment for 85 Robinson Street (Former Hamilton Thistle Club Site), File No. ZAC-08-032.

We are strongly against the proposed change. The developer wanted to put up high density apartments before, and the community was against it. They then changed to the townhouse format which was a much more reasonable density, and more in suitable style to the neighbourhood. Now they are back requesting to change to another multiple dwelling, higher density building. It appears that they will keep asking for changes till they can get what they want. This request was presented in the summer time and site and elevation plans omitted in the first mailing. Summertime is when most people take vacation, are away from home, and not as attentive to neighbourhood goings on. I believe the other people in the area would agree, that this new proposal would increase the density too much.

The traffic would increase significantly, especially beside a park, which would make it more dangerous for the children that play there. There are already many accidents at the corner of Bay and Charlton, the increased traffic would just add to that. The population in the neighbourhood is high enough, we have many apartment buildings and do not need or want any more.

Please put our vote against the proposed by-law amendment. Please keep us updated to decision of this proposal.

Thank-you for your attention,

Angela and Andrew Valcianas
258 Bay St S., Apt 101
Hamilton, Ontario
L8P 3J4

08/12/2008
Thomas, Cameron

From: fdaurora
Sent: Monday, August 11, 2008 9:52 AM
To: Thomas, Cameron
Subject: zac-08-032

Dear Mr. Thomas,

Regarding File# ZAC-08-032 at 85 Robinson, Hamilton.

I'm the owner of 100 Charlton Ave. W. in Hamilton. The building has nine tenants. After reviewing the proposal for re-zoning at 85 Robinson, we're come to the following conclusions.

We're opposed to the height of nine stories. (3 or 4 preferred).

We're opposed to the minimum yard setback adjacent to Charlton Ave W.

We feel the higher density will bring much more traffic to an already busy corner at Charlton and Bay. It is already one of highest traffic collision corners in the city.

The area is already congested for parking spaces for present tenants, and no solutions have been set forward.

Frank D'Aurora
1700 Glenvista Dr.
Oakville, Ont.
L6H 6K6

08/12/2008
Thomas, Cameron

From: Sheldon Gurevitz
Sent: Monday, August 11, 2008 9:49 AM
To: Thomas, Cameron
Subject: zoning application

-gentlemen re amendment zac-08-032. in response to your letter of July 8th/08, regarding the property @85 robinson street. the notice does not state whether this building will be a condo or a rental property. the durand neighborhood which we reside in has deteriated in the last few years. we feel this is because of so many rental properties in the neighborhood. we are vehemently opposed to another rental apartment. we hope this email will be taken seriously. thanking you in advance

susan&sheldon gurvitz

Ask a question on any topic and get answers from real people. Go to Yahoo! Answers.

08/12/2008
Thomas, Cameron

From: ballen
Sent: Thursday, July 24, 2008 9:03 PM
To: Thomas, Cameron
Cc: Eisenberger, Fred; president@durandna.com
Subject: Thistle Clube site

Dear Mayor Eisenberger, Re: Thistle Club site

It is great news that there is a fresh proposal to develop the Thistle Club site. And, it is true that there are a lot of people in this area who want to own an apartment and that they don't want to climb stairs.

However, as a taxpayer, I am concerned that it seems that no commercial property is ever developed without zoning amendments or some kind of variance.

- do developers always have to maximize their profits at the expense of existing zoning bylaws

- why does the city even bother to have standards, etc. as they never seem to get enforced

Barb Allen
17 - 231 MacNab St S
Hamilton On
L8P 3C9

08/12/2008
Thomas, Cameron

From: jhawker
Sent: Sunday, July 13, 2008 6:40 PM
To: Thomas, Cameron
Subject: Thistle Site

Cam -
Was jammed at g'daughters high school grad’n and couldn’t attend Thistle Info Night.
Today learned from friend in Garrison Condos, one bldg closer than our 33 Robinson, you sent out ZAC 08032
re planned 147 units in 3 bldg, with only 26 surface parking spots for visitor and service vehicles.
Please advise if 33 Robinson was covered by your Notice; and did it go to Homestead via Supt. or the head
office.
Do such notices to Property Mngement firms; have a covering letter requesting they be posted for tenants and
if not, why not ?
At one time there was a list of concerned residents to whom notices would go directly; seems this has gone or
did I miss out cause I couldn’t attend Info Night ?
I’d appreciate your comments on above, and your forwarding this Notice to me.
Knowing many in #33 have lived here for 25-30 yrs, I’ll post Notice copies here.
Many thanks...
John Hawker
905-527-3774