



City of Hamilton
PLANNING COMMITTEE ADDENDUM

Meeting #: 18-004
Date: March 20, 2018
Time: 9:30 a.m.
Location: Council Chambers, Hamilton City Hall
71 Main Street West

Ida Bedioui, Legislative Coordinator (905) 546-2424 ext. 4605

	Pages
4. DELEGATION REQUESTS	
*4.6 Ian Wilms, The Green Organic Dutchman, 1915 Jerseyville Road West, Jerseyville, respecting the recommendations regarding the cannabis industry on the Agriculture and Rural Affairs Advisory Committee Report 18-001 (Item 8.2 on this agenda)	3
*4.7 Janice Currie, 251 Carluke Road West, Ancaster, regarding the cannabis industry and the Agriculture and Rural Affairs Advisory Committee Report 18-001 (Item 8.2 on this agenda.	4
*4.8 Kimberlee VanSickle, 1140 Butter Road West, Ancaster, respecting concerns regarding cannabis grow operation. (Item 8.2 on this agenda)	5
*4.9 Roy Stevenson, 130 Butter Road West, Ancaster, regarding questions with respect to the cannabis industry. (Item 8.2 on this agenda)	6
*4.10 Frank and Maggie Xie (owners), Frank Su (agent) and Franz Kloibhofer (Planning Consultant) to express their objection to the registration of 880 Centre Road as a property of Cultural Heritage Value or Interest (Item 5.8 on this agenda.)	7
6. PUBLIC HEARINGS / DELEGATIONS	
6.4 Applications to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 163 Jackson Street West (Ward 2) (PED18040)	
*6.4.a Written Comments from resident of 181 Jackson Street West	8

*6.4.b	Written comments from Greg Duncan and Colin O'Brien of 2 Wesanford Plan	14
6.5	Modifications to the Existing Residential "ER" Zone in the Town of Ancaster Zoning By-law 87-57 - Redevelopment in Mature Neighbourhoods (Ancaster) (Ward 12) (PED18036)	
*6.5.a	Written Comments from Mike and Kathy Robitaille, 53 Lovers Lane, Ancaster	15
*6.5.b	Written comments from Tom and Teresa St. Michael, 25 Douglas Road, Ancaster	20

4.6

Form: Request to Speak to Committee of Council

Submitted on Monday, March 12, 2018 - 2:27 pm

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: Ian Wilms

Name of Organization: The Green Organic Dutchman

Contact Number:

Email Address:

Mailing Address:

1915 Jerseyville Road West
RR#1 Jerseyville Ontario.
L0R 1R0

Reason(s) for delegation request: We would like to request delegation on March 20th, 2018 9am, as they are discussing the planning of the Cannabis industry. Motion put forth by the Agriculture and Rural Affairs Committee, with recommendation on this. We would like to present our thoughts and have our OMAFRA contact speak to committee about where they stand on this. We are requesting to be treated like all other agriculture operations.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

4.7

Form: Request to Speak to Committee of Council

Submitted on Wednesday, March 14, 2018 - 3:25 pm

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: Janice Currie

Name of Organization:

Contact Number:

Email Address:

Mailing Address:

251 Carluke Road West

Ancaster

Reason(s) for delegation request: Land use concerns regarding the cannabis industry (item 8.2 on the Planning Committee Agenda for March 20, 2018)

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

4.8

Form: Request to Speak to Committee of Council

Submitted on Friday, March 16, 2018 - 8:36 am

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: Kimberlee VanSickle

Name of Organization:

Contact Number:

Email Address:

Mailing Address: 1140 Butter Road West Ancaster

Reason(s) for delegation request: Concerns regarding the Cannibis grow operation.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

4.9

Form: Request to Speak to Committee of Council

Submitted on Sunday, March 18, 2018 - 11:22 am

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: Roy Stevenson

Name of Organization:

Contact Number:

Email Address:

Mailing Address: 130 butter rd.w. Ancaster ont.

Reason(s) for delegation request:

Questions to be answered regarding the cannabis industry.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

4.10

Form: Request to Speak to Committee of Council

Submitted on Monday, March 19, 2018 - 8:49 am

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: Jack and Maggie Xie (owners), Frank Su (agent); and, Franz Kloibhofer (Planning Consultant)

Name of Organization: Owner

Contact Number: 905-528-8761

Email Address: franz.kloibhofer@ajclarke.com

Mailing Address: 25 Main Street West, Suite 300, Hamilton, On.,

Reason(s) for delegation request:

To express our objection to the addition of our home, located at 880 Centre Road, to the City of Hamilton Register of Cultural Heritage Value or Interest. Consent Item 5.8

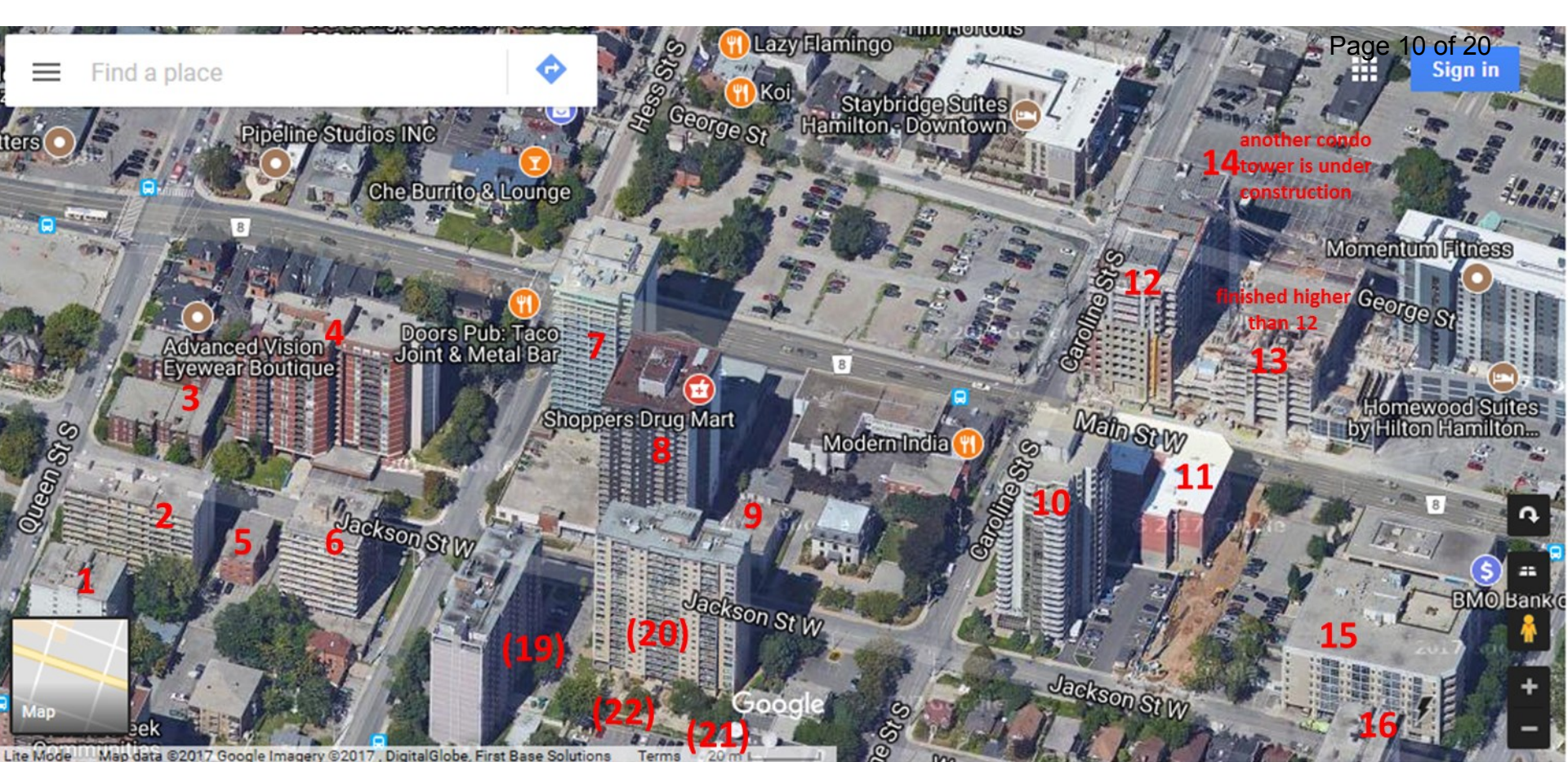
Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

Regarding Television City's applications for amendment
UHOPA-17-27 and ZAC-17-063

Submitted by resident at 181 Jackson Street West

The numbers in the following pictures do not count buildings that are not visible in the pictures but *are* in the area.



These two pictures show a total of 36 apartment/condo buildings/towers in the area, plus another one under construction, and where Television City wants to put two skyscrapers. In addition to overcrowding and gentrification, my concerns are the pressures put on utility infrastructures and damage to buildings 19 and 20 that might be caused by construction so close to them and a six-level underground garage.

The adjacent City Housing Hamilton buildings 19 and 20 are currently undergoing energy efficiency retrofits for lighting and heating, with the intention of saving money to apply to other Housing necessities. 30-and 40-storey buildings will block natural light and heat from the sun, which can mean a rise in expenses for Housing -- expenses Television City won't help cover. While some councillors might not care about that, the changes in view such a tall building will inflict on surrounding tenants, or the negative effects diminished sunlight can have on health, we can't afford to move like you can, so in your decisions about money, please consider those of us who would contribute more to the tax base if we could.

6.4(a)(ii)

UHOPA-17-027; ZAC-17-063 comments after staff report:

RE: health and safety, and structural concerns

I'd like to point out that sunlight is not only important for the physical body due to heat and vitamin D; but sunlight is also important for mental health, as anyone with any degree of Seasonal Affective Disorder can attest to, and as can anyone whose mood and sleep cycles rely on adequate sunlight.

Glass has fallen out of the exterior walls of already-built highrises before, and, if I'm not mistaken, has also fallen out Jackson Square; so I am concerned the whole Television City project is a health and safety risk.

Two-level underground parking already runs under 95 Hess Street S. and 181 Jackson Street W. with no separation between the addresses. Television City wants to add six levels under their towers. Is there a requirement that there be a minimum amount of soil per unit of measurement surrounding building foundations? What could happen with too little soil?

RE: privacy

Even if there are no balconies on any of the towers but all the walls are made of windows, there is still a lack of privacy all the way around. For example, when I stand on my balcony, I can see people walking, and what they're wearing, from at least a block away. When I look towards and across Hunter Street because I want to see stars, moon, night skyline, and lights along the top of the escarpment, I can sometimes see colours of clothing in other people's apartments. Sometimes I can even see what they're doing in their apartments. A lot of apartment tenants in the area used to have drapes, and they used to put up Christmas lights. In recent years, possibly because the cost of using electricity has increased in price, the use of Christmas lights has decreased and so has the use of drapes. This is not a big deal here because of how far apart the apartment buildings are.

But, Television City, wanting to put windows on the sides of its towers just a small number of metres away from other apartments, should have to mandatorily install drapes and mandatorily keep all drapes closed at all times to avoid invading the privacy of those who already live just a small number of metres away. If the people inside the condo towers don't like what closed drapes do to their view, they will have a better understanding of what Television City's towers will be doing to the people who live just a small number of metres away.

RE: policy that affordable housing and housing with supports shall be encouraged

There are about 6,000 on the Hamilton waiting list for affordable housing, but with prices at Television City almost \$250,000 for just a studio, and up to almost 1.5 million for others, there is nothing affordable in this development. Instead, prices like Television City's say: rich, elite few, out of reach of Hamilton's needs. What it does not say is: social responsibility, care, and wanting to help Hamilton's needy people who need a place to live.

RE: the publicly accessible but privately owned outdoor seating court and patio area

How long will it be publicly accessible? At what point will Television City decide it no longer wants the public using it and makes it part of their gated community? The small stones they have

surrounding their sign on Jackson Street W. repeatedly end up on the sidewalk. When I complained to the sales staff about it, because a woman in front of me was having trouble on it with her walker, one of the first things the staff brought up was talking to the landscaper, and blamed the locals with dogs for allowing their dogs to use the stones as a toilet and do what dogs do to try to cover up their waste. I couldn't believe it when the staff brought up talking to the landscaper before he said he could sweep the sidewalk. I got the impression that taking care of the sidewalk in front of their own property was an afterthought. Seriously, a landscaper about stones on the sidewalk? No wonder the stones had stayed on the sidewalk for weeks with no attempt to be cleaned up before I complained on behalf of someone else (who couldn't get into the sales centre because it is not accessible to anyone who cannot walk up the stairs). I'm not saying it's okay to let dogs use other people's property as a toilet – it's not, and owners should be responsible for what their dogs do -, but the lack of accessibility to the Television City's sales centre and the lack of responsibility for the appearance of the *sidewalk* in front of their own building made me wonder how cooperative Television City and its staff and residents want to be, or if they're going to try to get rid of locals so they can have more people like themselves.

RE: noise

While a noise study is required to determine what noise owners/lease-holders of Television City condos would experience, is there a noise study also required to determine how much noise Television City will make against surrounding residents with construction, people – especially children and unconcerned guests – using the outdoor pool and/or level two outdoor amenity terrace at who-know-what hours, dogs that may bark long and loud at any hour outdoors, and the echo those noises will produce because they will so loudly hit, bounce off, and disperse loudly and even more to buildings so close? Or will Television City and its owners/lease-holders be allowed to be as irresponsible for their own behaviour as Metrolinx/GO transit wants to be for *its*?

RE: policy for strong pedestrian focus to create a comfortable and animated pedestrian environment

How comfortable do you think pedestrians will be with as many more drivers as Television City would bring, especially before and after work, so close to where so many seniors and disabled already live? When the city put up new stop signs on Caroline at Jackson, drivers still blew right through without stopping, and, if I remember correctly, the house at the North West corner of Hunter and Caroline was hit TWICE by vehicles that collided when traffic in the area was increased.

RE: transportation and parking

As far as all the bike parking Television City is proposes to encourage bikes instead of vehicles, bikes rarely get ridden in any kind of bad weather but vehicles get driven in any kind of weather and bikes are hardly comparable with vehicles for distance, speed, comfort, and convenience. As someone who can hardly get anywhere without a bus, I know bikes will never be the comparative transportation alternative law-makers want to make it, and, considering most City councilors refused to use public transit when challenged to support it, public transit will never be as popular or likeable as private vehicles, no matter what planning policies try to do or how close they put public transit. So Television City will only increase vehicle traffic, and, after work, there is not enough parking space on surrounding streets to accommodate new vehicles Television City won't provide parking spots for.

RE: policy regarding new development/redevelopment eliminating street level parking lots along major streets

If there's a lot of development that eliminates street level parking, where are all the employees who come to work downtown going to park?

RE: design

The building design looks like it belongs on Toronto's Front Street, or maybe Hamilton's new waterfront, but not in an area with pre-existing character this building design essentially trashes.

RE: height

Lamb said he wants to have the tallest building in downtown Hamilton. I wonder what Freud would say about that.

I noticed that on page 9 of the DRP Visual Book (October 20 2017), it says, "The proposed towers are designed to MINIMIZE sky views". They certainly would minimize any view of the sky and the ability to see anything in the sky.

Even if the city approves 30-storey buildings, it should be noted that the higher-than average ceiling height of each story that Television City is advertising (and has already sold some of) likely brings the height of each tower to about 33 to 44 average-height storeys and not just 30 and 40 as they claim. If the storeys they claim do not include the commercial base, the towers will likely be even higher than 33 to 44 storeys.

A public comment in the staff report appendix points out that a convenience store in one of the promotional pictures has been removed and replaced. As seen in other promotional pictures, liberties have been taken to where they no longer reflect reality. For example, the apartment building between the proposed 30-storey tower and Jackson Street W. has been reduced by almost half the number of floors, making the Television City towers look not as high and overbearing. However, when promotional materials don't reflect reality, I have to wonder what else from the company isn't being truthful.

RE: unacceptable views

Page 7 of the DRP Visual Book (October 20 2017) says, "In our opinion, the proposal does not create any unacceptable impacts to views of the escarpment or any other 'key views'".

Seriously? They can imagine a whole bunch of positive images to sell their condos and try to get their applications approved so they can get what they want, but they can't (or refuse to admit they do) foresee how they're monstrosity will negatively impact the rest of the area? Apparently, they have failed to see their monstrosity from the perspective of anyone but themselves, and what they have seen has been only what they want to see. I am compiling some images of Television City's unacceptable impacts to views and will submit them the night of March 19.

Thank you for continuing to invite public input.

181 Jackson Street West

6.4(b)

From: Greg Alex
Sent: March-18-18 6:40 PM
To: Lucas, Adam
Cc: Farr, Jason
Subject: Television City

Hello,

As owners of the house at 2 Wesanford Place, we are very concerned about the proposed project at the end of our street on 163 Jackson Street West, the site of the old CHCH building.

Although we are not opposed to progress, we are not happy with the following:

- We feel the size of the proposed buildings will be over twice the size of anything in the neighbourhood and are too big. In our opinion they would be an eyesore, block out the sun, and ruin the skyline of Hamilton.
- We understand that Durand is one of the densest communities in Hamilton, therefore increasing the amount of units allowed on this site would only add to this density and create a more undesirable environment.
- The increase in population and the 6 level underground parking garage is only going to add to traffic in an area which is already quite busy.
- We are concerned that if this project is allowed to go ahead as proposed it may negatively affect our property values.
- Also, we know there are certain issues like noise and dust that go hand in hand with construction, but the sheer scope of the project, makes us worry that these annoyances will last for years longer than we can stand.

Given these concerns, we do not support either amendment being proposed by Television City Hamilton Inc.

We would like to be notified of the decision of the City of Hamilton on the proposed zoning by-law amendment and the proposed official plan amendment.

Thank you for your time.

Sincerely,

Greg Duncan & Colin O'Brien

OFFICE OF THE CITY CLERK

6.5(a)

MAR 19 2018

Mike and Kathy Robitaille

53 Lovers Lane Ancaster Ontario (since April of 1984)

In order to regulate a zoning plan for The Town of Ancaster there first needs to be a starting point which should be the existing streetscape around any proposed new development, renovation or home addition.

The next consideration should be the setback dimensions from the street lot line of the neighboring, abutting, existing, homes. Setback dimensions of new homes (from the front or side flankage lot lines at the street) should be the same as the existing homes on the properties that abut onto the proposed new development on either side.

New developments or additions on corner lots should match the setback dimensions (from the front lot line at the street) of the neighboring, abutting homes that front onto the same street and match the setback dimensions (from the flankage side lot line at the street) of the neighboring, abutting homes that front onto the street that runs parallel to the flankage, side lot line around the corner. The new proposed home or addition setback dimensions (from their respective lot lines) have to remain constant with neighboring, abutting homes in both the North-South and the East-West direction in order to maintain the existing view of the streetscape, especially in older established neighborhoods. The flankage side lot line setbacks are just as important to maintain as the front lot line setbacks when considering the development of corner lots.

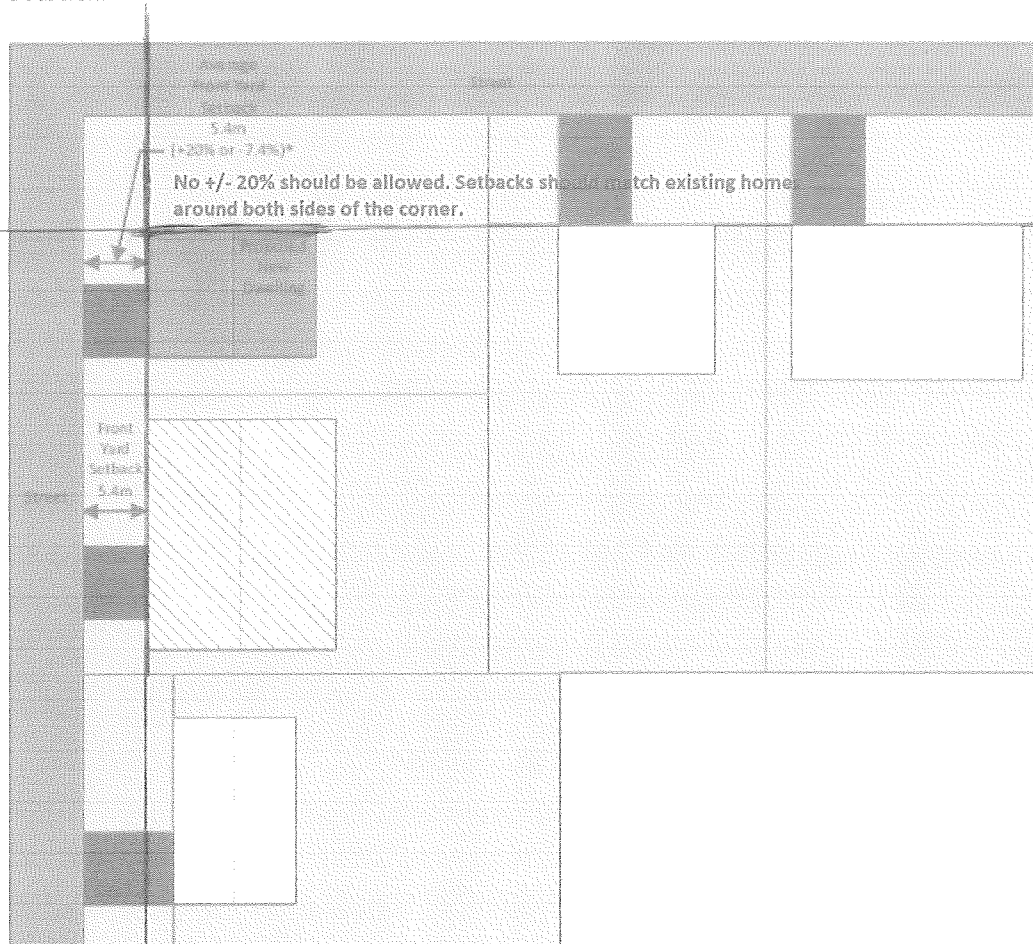
There should be no variations allowed from matching the existing, neighboring house setback dimensions including the +/- 20% suggested by the city planning department. There are houses in Ancaster with 50ft setbacks from the lot line at the street. With a 20% deviation from the setback of a neighboring home a new house (#1) could be built with a 40ft setback or 10ft closer to the street. If another new house (#2) was later built beside the new house previously mentioned, it could be moved forward another 8ft which would position it 32ft from the front lot line. A third new house (#3) being built beside the previous two could then be moved forward another 6ft positioning it 26ft from the front lot line at the street. The setback from the front property line was just cut in half at house (#3) under the +/- 20% scenario suggested by Hamilton City planning.

Not until proper setbacks of a proposed new house or addition have been established can appropriate front, side and rear yard allowances be determined.

10ft side yard allowances create passageways that allow construction equipment to travel into backyards for rework, repairs or emergency situations. Side yards must also accommodate water drainage through proper landscaping and swales in order to stop it from spilling onto neighboring lots. Hydro feeds, union gas and other mechanical amenities are routed underground down along side yards and need an area big enough for safe installation. No side

Figure 12: Corner Lot Fabric – Scenario B

In this scenario, the corner lot is being developed, thus only the adjacent dwelling facing the same street (as shown in the hatching), is used to calculate the average front yard setback.



* With an average front yard setback of 5.4 metres, this number cannot be adjusted downward by 20% as it would fall under 5 metres, the minimum front yard setback that must be maintained.

In order to truly maintain the existing streetscapes of Ancaster the setback of any proposed new development or addition must match the setbacks of both adjacent, abutting, neighboring lots around both sides of the corner under review.

yards of 1.5 meters wide should ever be allowed because it doesn't provide enough width for the installation of a swale and safe placement of underground services.

Many of the new houses recently built in this area have large air conditioning units installed in their side yard away from the view of the homeowners. These AC units are large enough to process the amount of air required to cool a 5,000 sq ft home and project over a meter out from the wall of the new house. No air conditioning unit should be almost touching the neighboring lot line if not just for the noise pollution alone.

The idea of rear yards being 40% of the property length for lots over 50 meters long will help to deter people from building houses in backyards and in turn taking away privacy from surrounding neighbors.

A minimum 7.5 meter front and rear yard allowance will deter the development and construction of new homes that are too big for smaller lots and in turn won't meet zoning requirements. A maximum house footprint of 30% for single storey's and 20% for two storey's is better than the current allowances.

In order to control the finished roof height of any proposed new infill development or addition, city planning first has to take the finished floor elevation of the existing home into consideration because it co-relates with the lot elevation on the entire surrounding property. Recently built new homes in this area have raised the finished floor 3-4 feet above that of the existing home which in turn raises the foundation footings 3-4 feet. This creates a situation where the ground around the foundation walls must also be raised in order to keep the footings below frost.

Raising the grade at the foundation walls of a new home creates a situation where most of the entire yard ends up being raised and then slopes down towards the lower existing grades at neighboring properties, expelling water in their direction. The City should create limitations that will control how high the finished floor height of any proposed new development can be raised above the finished floor height of the existing home that will later be demolished.

Even though some new developments have adhered to the 10.5 meter roof height restriction, they still have extended their finished roof height in excess of 38ft because they've raised both the finished floor elevation and final grade around the house.

The final height of any proposed new house or addition should correspond with (be close to) the finished floor and grade elevations of the existing home (before demolition) and the neighboring homes around it. A 7.5 meter maximum height for a single story dwelling would be an improvement. Creating a 9.5 meter 2 story height restriction is also a positive step but the orientation and quantity of upper floor windows looking down into the windows of single story bungalows should also be addressed. A review by the city planning department of how many windows will look down into the bedrooms and bathrooms of neighboring homes can be

controlled or lessened before a building permit is issued.

The City of Hamilton currently has no official Grading Policy for infill developments which has forced a lot of long term Ancaster residents into lengthy, expensive, legal battles with builders and new home owners. Hamilton's city officials have washed their hands of the situation sending the problem of bylaw non-compliance into the hands of the courts.

A grading plan for a proposed new development has to be submitted by a builder or owner and then approved by the city planning department before a building permit is issued. If the submitted grading plan is subsequently not followed there is a deviation clause.

Below is the non-compliance clause I copied/pasted from the current City of Hamilton partial Grading Policies :

GRADING CERTIFICATE - DEVIATION

"This is to certify that we have reviewed the final lot grading for the above mentioned lot and taken elevations where necessary to confirm the direction of surface drainage, as shown on the as-built plot plan. While the final lot elevations do not match exactly the proposed lot grading plan, the basic lot drainage pattern has been adhered to and the intent of the approved overall grading plan has been met. No drainage problems were evident at the time of inspection."

The statement above has created a legal loophole allowing improper grading to be done around new homes which in turn causes problems because of water draining onto neighboring properties. It is imperative for the City of Hamilton to create a grading policy that applies to proposed new infill development as soon as possible. Ultimately, a grading policy serves no purpose unless it is followed up on and the bylaws enforced by city officials.

Garages should not be allowed to project into any minimum front, rear, side or flankage yard allowance whether they be attached to the house or free standing.

There have recently been new 3 storey homes approved and built in Ancaster amongst neighborhoods comprised of single storey bungalows. The houses were designed and built with a flat roof to stay within the 10.5 meter height restriction. This creates 3 horizontal rows of windows at 3 different heights looking down into neighboring homes and creates a situation in which neighboring owners can never regain their privacy.

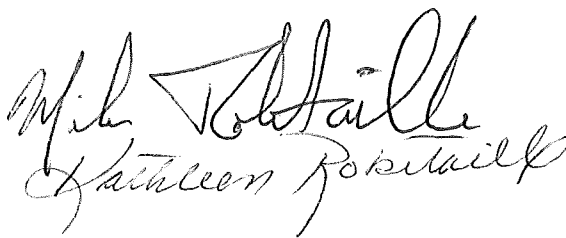
The vacuum clause suggested by the city planning department should be replaced with a 15 year statute of limitations enabling city officials to punish blatant bylaw offenders retroactive from the date the offence was committed.

The City of Hamilton planning department should consider any and all negative impacts that a proposed new development will have on neighboring properties. Discuss possible problems with the neighbors before issuing a building permit and help create a healthier environment for

us all.

Mike and Kathy Robitaille

Ancaster, Ontario



Mike Robitaille
Kathleen Robitaille

Please send us copies of the results of your decision.

IDA Bedioui Planning Co-ordinator
71 MAIN ST. WEST
1st Floor

6.5(b)

Re: Proposed Changes to the Existing Residential "ER" Zone

Tom and Teresa St. Michael
25 Douglas Rd
Ancaster, Ont

Attention: Planning Coordinator, Ida Bedioui

We have been residents of Ancaster our entire lives. We are encouraged by these proposed changes to our neighbourhood.

- 1) Lot Coverage--We feel that 25% for both bungalows and 2 storey would be adequate.
- 2) Max Height-- max height proposed could still be lowered even more.
- 3) Set backs-- We agree with the front yard and rear yard set backs.
- 4) Side yard-- We recommend an increase to the side yard from 2 meters to 3 meters.
- 5) Variances-- We feel that there should not be any variances given to new homes built.
We
- 6) Grading/Drainage--We agree that the impact from infill development has a major impact on mature neighbourhoods, therefore we feel a full drainage and grading review is absolutely necessary. The City's Lot Grading and Drainage Policy is inadequate. We need standards for infill lot grading to be created and adopted by council.

We ask to be notified of the decision of The City of Hamilton on these proposed changes to the Existing Residential "ER" Zone in the Town of Ancaster Zoning by-Law No. 87-57.

Respectfully,

Tom & Teresa St.Michael