



City of Hamilton

PLANNING COMMITTEE REVISED AGENDA

Meeting #: 22-007
Date: May 3, 2022
Time: 9:30 a.m.
Location: Due to the COVID-19 and the Closure of City Hall (CC)

All electronic meetings can be viewed at:

City's Website:
<https://www.hamilton.ca/council-committee/council-committee-meetings/meetings-and-agendas>

City's YouTube Channel:
<https://www.youtube.com/user/InsideCityofHamilton> or Cable 14

Lisa Kelsey, Legislative Coordinator (905) 546-2424 ext. 4605

Pages

1. CEREMONIAL ACTIVITIES

2. APPROVAL OF AGENDA

(Added Items, if applicable, will be noted with *)

3. DECLARATIONS OF INTEREST

4. APPROVAL OF MINUTES OF PREVIOUS MEETING

4.1. April 25, 2022

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5. COMMUNICATIONS

6. DELEGATION REQUESTS

*6.1. Delegations respecting 140 Garner Road East (Item 10.1) (For today's Meeting)

(i) Don McLean, Hamilton 350 Committee

(ii) Nancy Hurst, Stop Sprawl HamOnt

7. CONSENT ITEMS

- 7.1. Amendment to the Infill Notice By-law No. 21-207 (PED22102) (City Wide) 40
- *7.2. Appointment By-law under the Building Code Act, 1992 (PED22099) (City Wide) 46

8. STAFF PRESENTATIONS

9. PUBLIC HEARINGS / DELEGATIONS

- 9.1. Application for a Zoning By-law Amendment for Lands Located at 9270 Haldibrook Road, Glanbrook (PED22073) (Ward 11) 50
- 9.2. Zoning By-law Amendment Application for Lands Located at 1640 Trinity Church Road, Glanbrook (PED22087) (Ward 11) 83

10. DISCUSSION ITEMS

- 10.1. Appeal of Draft Plan of Subdivision Application 25T-201806 for Lands Located at 140 Garner Road East, Ancaster (PED22096) (Ward 12) 114

- *a. Written Submissions:
- (i) Hailey Van Sickle
 - (ii) Paula Grove
 - (iii) Neal Bonnor
 - (iv) Harriet Woodside
 - (v) Laurel Imeson
 - (vi) Kevin Butter
 - (vii) Dennis and Patricia Baker
 - (viii) Margaret Tremblay
 - (ix) Janice Melnyk
 - (x) Ingrid Harris
 - (xi) Jan W. Jansen
 - (xii) Rick Johnson
 - (xiii) Liz Seymour
 - (xiv) Juanita Lepage
 - (xv) Lyn and Rick Folkes
 - (xvi) Aileen McMilan
 - (xvii) Caroline Fehr
 - (xviii) David Wallis
 - (xix) Yvonne Pigott
 - (xx) Marjorie Middleton
 - (xxi) Erin Davis
 - (xxii) Leanna Nigro
 - (xxiii) Stan Nowak
 - (xxiv) Liz Koblyk
 - (xxv) Marlene Cameron
 - (xxvi) Lisa Hutchinson
 - (xxvii) Gudrun Boehm-Johnson
 - (xxviii) Kathy ROUNG
 - (xxix) Peter Appleton
 - (xxx) Michael Gill
 - (xxxi) Cindy Jenkins
 - (xxxii) Jeff Smith
 - (xxxiii) Teodora Filipova
 - (xxxiv) Enrico and Julie Palmese
 - (xxxv) Patricia Cole-Stever
 - (xxxvi) Miriam Sager
 - (xxxvii) Joanne and Ron Palangio
 - (xxxviii) Lynn Nielsen
 - (xxxix) Daniel Coleman
 - (xl) Craig Cassar
 - (xli) Joyce Smith
 - (xlii) Bruna Nota

- (xliii) Nancy Hurst
- (xliv) Akira Ourique
- (xlv) Steve and Annette van der Woerd
- (xlvi) Marie Covert
- (xlvii) John Geerts
- (xlviii) Barbara Davis
- (xlix) Aleda O'Connor
- (l) Chris and Gene Fitzpatrick
- (li) Liz Rabishaw
- (lii) Cynthia Bernstein
- (liii) Colin Seymour
- (liv) Carmel Mothersill
- (lv) Anne Washington
- (lvi) Marilyn Marchesseau
- (lvii) Linda Hughes
- (lviii) Heather Vaughan
- (lix) Carolyn VanHoevelaak
- (lx) Janet O'Sullivan
- (lxi) Louise McCann
- (lxii) Sarah Filice
- (lxiii) Gord McNulty
- (lxiv) Dorothy McIntosh
- (lxv) Peggy McKeil
- (lxvi) Carolanne Forster
- (lxvii) Virginia L. Gibson
- (lxviii) Lynn M. Gates
- (lxix) Adan Amer
- (lxx) Susan Borghese
- (lxxi) Eileen Booty
- (lxxi) Janice Locke
- (lxxii) Michael Gill

10.2.	Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 392, 398, 400,402, 406, and 412 Wilson Street East and 15 Lorne Avenue (Ancaster) (PED22070) (Ward 12) (Deferred from the April 5, 2022 Planning Committee meeting)	212
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11. MOTIONS

11.1.	Waiving of Street Festival Fees	413
11.2.	Liquor Sales Licences for Steel Town Cider	414

12. NOTICES OF MOTION

13. GENERAL INFORMATION / OTHER BUSINESS

13.1. Outstanding Business List

- a. Items Requiring New Due Dates
19BB - Parking Review Fee (PED19238)
Current Due Date: September 7, 2021
Proposed New Due Date: July 5, 2022

- b. Items to be Removed
21L - Delegations respecting the OPA's Farm Labour House Policy Item 9.2 on the May 4, 2021 Planning Committee Agenda
21G - Dedicated Mohawk College Enforcement (PED18220(b)) Item 10.2 on the April 20, 2021 Planning Committee Agenda
21N - Downtown Entertainment Precinct Master Agreement (PED18168(g)) (City Wide) Item 14.2 on the June 2, 2021 General Issues Committee Agenda
21W - Feasibility Report for a Biodiversity Action Plan (PED21065) Item 1 on the April 7, 2021 General Issues Committee Agenda

14. PRIVATE AND CONFIDENTIAL

- 14.1. Closed Session Minutes - April 25, 2022
Pursuant to Section 9.1, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021, as amended; and, Section 239(2), Sub-sections (e), (f) and (k) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

- *14.2. Appeal to the Ontario Land Tribunal (OLT) for Refusal of an HCA Permit for Lands Located at 140 Garner Road East (Ancaster) (OLT-21-001567) (LS22020/PED22096(a)) (Ward 12)
Pursuant to Section 9.1, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021, as amended; and, Section 239(2), Sub-sections (e), (f) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

15. ADJOURNMENT



**PLANNING COMMITTEE
MINUTES**

22-006

April 25, 2022

9:30 a.m.

**Council Chambers, Hamilton City Hall
71 Main Street West**

Present: Councillor L. Ferguson (Acting Chair),
Councillors M. Wilson (2nd Vice Chair),
M. Pearson, J. Farr, J.P. Danko and J. Partridge

Absent with Regrets: Councillor B. Johnson - Personal

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

- 1. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED22085) (City Wide) (Item 7.1)**

(Pearson/Wilson)

That Report PED22085 respecting the Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT- Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

- 2. Hamilton-Oshawa Port Authority - City of Hamilton Liaison Committee Report 22-001 (Item 7.3)**

(Pearson/Danko)

(a) Election of Co-Chairs for 2022 (Item 1.1)

- (i) That Councillor J. Partridge be appointed Co-Chair of the Hamilton-Oshawa Port Authority - City of Hamilton Liaison Committee for 2022; and

- (ii) That A. Waldes be appointed Co-Chair of the Hamilton-Oshawa Port Authority - City of Hamilton Liaison Committee for 2022.

(b) Committee Terms of Reference (Item 10.1)

That the Committee's Terms of Reference be reviewed at a future meeting, to be scheduled in June 2022.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT- Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

3. Agriculture and Rural Affairs Advisory Committee Report 22-001 (Item 7.4)

(Wilson/Partridge)

(a) Normal Farm Practice Peer Review by the Agricultural and Rural Affairs Advisory Committee (Item 9.1)

- (i) That the Planning Committee establish an Agricultural Site Alteration Application Review Working Group of the Agricultural and Rural Affairs Advisory Committee;
- (ii) That the Agricultural Site Alteration Application Review Working Group be comprised of the following Members:
 - (i) Dale Smith
 - (ii) Drew Spoelstra
 - (iii) Cathy McMaster
 - (iv) Mel Switzer
 - (v) Gavin Smuk
- (iii) That the Planning Committee direct staff to investigate implementing a per diem, comparable to that of the Committee of Adjustment, in a future report to the Planning Committee respecting the Site Plan Alteration By-law.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko

YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT- Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

4. Hamilton Municipal Heritage Committee Report 22-003 (Added Item 7.5)

(Pearson/Farr)

(a) Recommendation to Remove 8 Renwood Place, Flamborough from the Municipal Heritage Register (PED21201(c)) (Ward 15) (Added Item 7.4)

- (i) That Council receive the notice of objection, attached as Appendix "A" to Report 22-003, from the owner of 8 Renwood Place, Flamborough, objecting to the notice of Council's decision to list the non-designated property on the Municipal Heritage Register under Section 27 of the Ontario Heritage Act; and
- (ii) That Council remove 8 Renwood Place, Flamborough, from the Municipal Heritage Register, pursuant to Section 27(8) of the Ontario Heritage Act.

(b) Heritage Permit Application HP2021-038, Under Part IV of the Ontario Heritage Act, for a Replacement Front Door and Side Lite Windows and Wood Profile, Related Repairs and Conservation of Transom Window, and Retroactive Approval of Replacement Windows, at 24 Griffin Street, Flamborough, Part IV Designation (PED22072) (Ward 15) (Item 8.2)

That Heritage Permit Application HP2021-038, for a replacement front door and side lite windows and wood profile, related repairs and conservation of the front transom window, and retroactive approval of replacement windows, for the lands located at 24 Griffin Street, be approved, subject to the following conditions:

- (i) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations;
- (ii) Implementation of alterations, in accordance with this approval, shall be completed no later than February 28, 2024. If the alterations are not completed by February 28, 2024, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton;

- (iii) That appropriate notice of the Council decision be served on the owner of 24 Griffin Street, Flamborough, and the Ontario Heritage Trust, as required under Section 33 of the Ontario Heritage Act;
- (iv) That the property located at 24 Griffin Street, Flamborough be added to the Staff Work Plan for Heritage Designation – Amending a Municipal By-law Under the Ontario Heritage Act as a medium priority.

(c) Inventory and Research Working Group Meeting Notes - January 24, 2022 (Item 10.1)

- (i) 2 Dartnall Road (Binbrook Feed Station (Item 1)

That the property located at 2 Dartnall Road (Binbrook Feed Station) be added to the Municipal Heritage Register and to the staff work plan for heritage designation under the Ontario Heritage Act as a low priority.

- (ii) 10 Dartnall Road (Ancaster Co-Op) (Item 2)

That the property located at 10 Dartnall Road (Ancaster Co-Op) be added to the Municipal Heritage Register.

(d) Inventory and Research Working Group Meeting Notes - March 28, 2022 (Added Item 10.2)

- (i) That 265 Mill Street South, Flamborough (Waterdown), be added to the staff work plan for heritage designation under the Ontario Heritage Act as a low priority;
- (ii) That the staff be directed to implement the conservation of internal and external heritage features of the building identified in the CHIA through a conservation plan and employing appropriate zoning and site plan policies, procedures and processes; and
- (iii) That the property be designated when construction is completed.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT- Ward 11 Councillor Brenda Johnson

YES - Ward 10 Councillor Maria Pearson

**5. Non-Decision Appeals to the Ontario Land Tribunal (2018 to 2022)
(LS22021) (City Wide) (Added Item 7.6)**

(Wilson/Danko)

That Report LS22021 respecting Non-Decision Appeals to the Ontario Land Tribunal (2018 to 2022), be received.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT- Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

6. Applications for an Amendment to the City of Flamborough Zoning By-law No. 90-145-Z and City of Hamilton Zoning By-law No. 05-200 and Draft Plan of Subdivision for Lands Located at 655 Cramer Road, Flamborough (PED22061) (Ward 13) (Item 9.2)

(Wilson/Partridge)

(a) That Zoning By-law Amendment Application ZAC-17-064, by 1376412 Ontario Ltd. c/o Zeina Homes, (Owner), for a change in zoning from Settlement Residential "R2-14(H)", Modified – Holding Zone to a site specific Settlement Residential "R2" Zone, Modified, and the Conservation / Hazard Land (P5) Zone, for lands located at 655 Cramer Road, as shown on Appendix "A" attached to Report PED22061, be DENIED on the following basis:

- (i) That the proposal is not consistent with the Provincial Policy Statement (PPS);
- (ii) The proposal does not comply with the Provincial D-6 Guidelines: Compatibility Between Industrial Facilities;
- (iii) The proposal does not comply with the Growth Plan for the Greater Golden Horseshoe (2020);
- (iv) The proposal does not comply with the Settlement Residential policies under the Greensville Rural Settlement Area Plan of the Rural Hamilton Official Plan;
- (v) The proposal is not consistent with the Greenbelt Plan (2017).

- (b) That Draft Plan of Subdivision Application 25T-201710 by 1376412 Ontario Ltd. c/o Zeina Homes, (Owner), to establish a Draft Plan of Subdivision in order to permit 18 residential lots, one stormwater management pond and three public roadways (one new proposed road and two extensions of existing public roads) for lands located at 655 Cramer Road, as shown on Appendix "B" attached to Report PED22061, be DENIED on the following basis:
- (i) The proposal is not consistent with the Land Use Compatibility Policy under the Provincial Policy Statement (PPS);
 - (ii) The proposal does not comply with the Employment policy under the Growth Plan for the Greater Golden Horseshoe (2020);
 - (iii) The proposal is not consistent with the Greenbelt Plan;
 - (iv) The proposal does not comply with the Settlement Residential policies of the Greensville Rural Settlement Area Plan and the policies for the approval of a Plan of Subdivision in the Rural Hamilton Official Plan;
 - (v) The proposal does comply with criteria relating to matters of health, safety and welfare of the present and future inhabitants as per Section 51(24) of the *Planning Act*.
- (c) ***That the public submissions were received and considered by the Committee in denying the application.***

Result: Main Motion, As Amended, CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT- Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

7. Application for Approval of a Draft Plan of Subdivision for Lands Located at 179, 183, and 187 Wilson Street West, Ancaster (PED22081) (Ward 12) (Item 9.3)

(Ferguson/Pearson)

- (a) That Draft Plan of Subdivision Application 25T-202110, by Wilson West Development Corporation c/o Brandon Campbell, owner, to establish a

Draft Plan of Subdivision on lands located at 179, 183, and 187 Wilson Street West (Ancaster), as shown on Appendix "A" attached to Report PED22081, be APPROVED subject to the following conditions:

- (i) That this approval applies to the Draft Plan of Subdivision Application 25T-202110 prepared by A. T. McLaren Limited and certified by S. Dan McLaren, O.L.S. dated July 7, 2021, consisting of two blocks (Blocks 1 and 2) subject to the owner entering into a Standard Form Subdivision Agreement as approved by City Council attached as Appendix "B" to Report PED22081;
- (ii) That the Special Conditions of Draft Plan of Subdivision Approval, 25T-202110, attached as **REVISED** Appendix "C" to Report PED22081, be received and endorsed by City Council;

Waste Collection:

11. That prior to registration of the plan of subdivision, the owner / developer shall include in all offers of purchase and sale and lease or rental agreements warning clauses indicating that an assigned waste collection pad may be provided for Units 14, 15, 16, and 17 of Block 3, Units 18, 19, 20, 21 and 22 of Block 4, Unit 13 of Block 2 and Unit 23 of Block 5 (for unit and block reference please refer to Appendix "E" of PED22081).

- (iii) That payment of Cash-in-Lieu of Parkland be required, pursuant to Section 51 of the *Planning Act*, with the calculation of parkland payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, and in the case of multiple residential blocks, prior to the issuance of the first building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council;
- (iv) That in accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual (2017), there will be no cost sharing within the Draft Plan of Subdivision lands.

(b) That the public submissions regarding this matter were received and considered by the Committee in approving the application.

Result: Main Motion, As Amended, CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 8 Councillor John-Paul Danko

YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT- Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

8. Application for a Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 525 Rymal Road West, Hamilton (PED22083) (Ward 14) (Item 9.4)

(Pearson/Wilson)

- (a) That Zoning By-law Amendment Application ZAC-20-044 by A.J. Clarke and Associates c/o Stephen Fraser, on behalf of 2713128 Ontario Inc. c/o Loan Nguyen and Kevin Poursina, Owner, for a change in zoning from the "AA" (Agricultural) District to the "RT-30/S-1817" (Street - Townhouse) District, Modified (Block 1) and from the "AA" (Agricultural) District to the "C/S-1817" (Urban Protected Residential, etc.) District, Modified, (Block 2), to permit the lands to be developed for six street townhouses and one single detached dwelling, on lands located at 525 Rymal Road West, as shown on Appendix "A" attached to Report PED22083, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix "B" attached to Report PED22083, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and comply with the Urban Hamilton Official Plan (UHOP);
- (b) That Draft Plan of Subdivision Application 25T-202010 by A.J. Clarke and Associates c/o Stephen Fraser, on behalf of 2713128 Ontario Inc. c/o Loan Nguyen and Kevin Poursina, Owner, to establish a Draft Plan of Subdivision on lands located at 525 Rymal Road West, as shown on Appendix "E" attached to Report PED22083, be APPROVED on the following basis:
- (i) That this approval applies to the Draft Plan of Subdivision Application 25T-202010 prepared by A. J. Clarke and Associates Ltd. and certified by Nicholas P. Muth, O.L.S. dated July 5, 2021, consisting of one block (Block 8), and seven lots (Lots 1-7), subject to the owner entering into a Standard Form Subdivision Agreement as approved by City Council, attached as Appendix "E" to Report PED22083;

- (ii) That the Special Conditions of Draft Plan of Subdivision Approval, 25T-202010, attached as Appendix “F” to Report PED22083, be received and endorsed by City Council;
 - (iii) That payment of Cash-in-Lieu of Parkland be required, pursuant to Section 51 of the *Planning Act*, with the calculation of parkland payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, and in the case of multiple residential blocks, prior to the issuance of the first building permit, all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council;
 - (iv) That in accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual (2017), there will be no cost sharing within the Draft Plan of Subdivision lands;
- (c) That upon finalization of the amending By-law, the subject lands shown as Block “1” on Appendix “A” attached to Report PED22083 be re-designated from “Single and Double” to “Attached Housing” in the Carpenter Neighbourhood Plan.
- (d) *That the public submissions regarding this matter were received and considered by the Committee in denying the application.***

Result: Main Motion, As Amended, CARRIED by a vote of 6 to , as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT- Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

9. Application for a Zoning By-law Amendment for Lands Located at 866 West 5th Street, Hamilton (PED22090) (Ward 8) (Item 9.5)

(Danko/Pearson)

- (a) That Amended Zoning By-law Amendment Application ZAC-21-036 by Urban Solutions Planning and Land Development Consultants Inc. c/o Matt Johnston on behalf of Angros Enterprises Ltd. c/o Victor Fontana, owner, for a change in zoning from the "AA" (Agricultural) District and from the "C" (Urban Protected Residential, etc.) District to the "RT-30/S-1818" (Street - Townhouse) District, Modified, to permit the lands to be developed for nine street townhouses on lands located at 866 West 5th

Street, as shown as Blocks 1 and 2 on Appendix “A” attached to Report PED22090, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “B” attached to Report PED22090, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and comply with the Urban Hamilton Official Plan (UHOP);
- (b) That upon finalization of the amending By-law, the subject lands be re-designated from “Single and Double” to “Attached Housing” in the Gourley Neighbourhood Plan.
- (c) ***That the public submissions regarding this matter were received and considered by the Committee in approving the application.***

Result: Main Motion, As Amended, CARRIED by a vote of 5 to 1, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 NO - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT- Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

10. Status Update for Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 442, 450, 454 and 462 Wilson Street East (Ancaster) (PED22037(a)) (Ward 12) (Item 10.1)

(Partridge/Ferguson)

That Report PED22037(a) respecting Status Update for Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 442, 450, 454 and 462 Wilson Street East, be received.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge

YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT- Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

11. Demolition Control and Heritage (PED22093) (City Wide) (Item 10.2)

(Partridge/Ferguson)

That the Demolition Control Area By-Law attached as Appendix "A" to Report PED22093, which repeals and replaces the existing Demolition Control Area By-Law No. 09-208 and its amending By-Law No. 13-185, be approved.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT- Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

12. Taxi Meter Rate Increase (PED22105) (City Wide) (Item 10.3)

(Pearson/Farr)

- (a) That Appendix 1 (Taxicab Tariff/Fares) of Schedule 25 (Taxi Cabs) of the Licensing By-law 07-170 be amended to identify that *the first 71.4 meters or part thereof* be set to \$4.90; and,
- (b) That the draft By-law attached as Appendix "A" to Report PED22105 to amend the City of Hamilton's By-Law 07-170 which has been prepared in a form satisfactory to the City Solicitor, be enacted.

Result: Motion CARRIED by a vote of 3 to 1, as follows:

NO - Ward 1 Councillor Maureen Wilson
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
NOT PRESENT - Ward 15 Councillor Judi Partridge
CONFLICT - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT- Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

13. Demolition Permit for 73 and 77 Stone Church Road West and 1029 West 5th Street - Demolition of Three Single Family Dwellings in Preparation for new Development (Item 11.1)

(Danko/Pearson)

WHEREAS the owner has received conditional site plan approval and is currently working through site plan approvals;

WHEREAS the owner has boarded up the vacant property but continues to have untoward activity at the property that is uninhabitable; and,

WHEREAS it is not appropriate to pursue repair or restoration of this building as prescribed by the Property Standards By-law or maintain the property on the Vacant Building Registry and demolition is appropriate;

THEREFORE, BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demolition permit for 73 and 77 Stone Church Road West and 1029 West 5th Street, Hamilton, in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of the Planning Act, as amended, without having to comply with the conditions of section 6(a), (b), and (c) of the Demolition Control By-law 09-208.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 NOT PRESENT - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT- Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

14. Demolition Permit for 387, 397, 405 and 409 Hamilton Drive, Ancaster (Item 11.2)

(Ferguson/Pearson)

WHEREAS, the developer of the subject property has assumed a previously submitted application for a Zoning By-law Amendment and Draft Plan of Subdivision (File Nos. ZAC-18-048 / 25T-201809) to permit the development of a residential plan of subdivision for 17 single detached residential lots and a stormwater management pond;

WHEREAS the subject properties on Hamilton Drive in Ancaster have homes and garages that have been vacant and boarded up for years;

WHEREAS demolition permits are being requested to alleviate ongoing trespass and vandalism issues associated with these vacant structures while planning issues are being resolved;

THEREFORE BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demolition permits for 387, 397, 405 and 409 Hamilton Drive, Ancaster, in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of the Planning Act as amended, without having to comply with the conditions 6(a), (b), and (c) of the Demolition Control By-law 09-208.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 NOT PRESENT - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT- Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

15. Update on Recent Ontario Land Tribunal Decisions (LS22014/PED22119) (City Wide) (Added Item 14.1)

(Danko/Partridge)

- (a) That Report LS22014/PED22119 respecting Update on Recent Ontario Land Tribunal Decisions, be referred to the General Issues Committee; and,
- (b) That Report LS22014/PED22119 respecting Update on Recent Ontario Land Tribunal Decisions remain private and confidential.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT- Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

The Committee Clerk advised of the following changes to the agenda:

1. DELEGATION REQUESTS (Item 6)

- 6.2 Bob Maton, Ancaster Village Heritage Community, respecting Revisions to the Demolition By-law (Item 10.2)

2. CONSENT ITEMS (Item 7)

- 7.2 Appointment By-law under the Building Code Act, 1992 (PED22099) (City Wide) - WITHDRAWN
- 7.5 Hamilton Municipal Heritage Committee Report 22-003
- 7.6 Non-Decision Appeals to the Ontario Land Tribunal (2018 to 2022) (LS22021) (City Wide)

3. PUBLIC HEARINGS / DELEGATIONS (Item 9)

- 9.4 Application for a Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 525 Rymal Road West, Hamilton (PED22083) (Ward 14)
 - (a) Added Written Submission:
 - (i) John Huizing
- 9.5 Application for a Zoning By-law Amendment for Lands Located at 866 West 5th Street, Hamilton (PED22090) (Ward 8)
 - (a) Added Written Submission:
 - (i) Josephine Poon
 - (b) Added Registered Delegations:
 - (i) Bruce Black
 - (ii) Kimberley MacLean
 - (iii) Randy Chapple

4. PRIVATE AND CONFIDENTIAL (Item 14)

- 14.1 Update on Recent Ontario Land Tribunal Decisions (LS22014/PED22119) (City Wide)

(Farr/Danko)

That the agenda for the April 25, 2022 Planning Committee meeting be approved, as amended.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 8 Councillor John-Paul Danko

YES - Ward 2 Councillor Jason Farr
 NOT PRESENT - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT- Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(b) DECLARATIONS OF INTEREST (Item 3)

Councillor Ferguson declared a disqualifying interest regarding Item 10.3 Taxi Meter Rate Increase (PED22105), as he is an investor in the industry.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)

(i) April 5, 2022 (Item 4.1)

(Farr/Danko)

That the Minutes of the April 5, 2022 meeting be approved, as presented.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT- Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(d) DELEGATION REQUESTS (Item 6)

(i) Delegation Requests (Item 6.1 and Added Item 6.2)

(Partridge/Pearson)

That the following Delegation Requests be approved:

- 6.1 Amanda Stewart respecting Day Cares and Zoning By-Law Separation Requirements, to be heard before Item 9.2.
- 6.2 Bob Maton, Ancaster Village Heritage Community, respecting Revisions to the Demolition By-law (Item 10.2), to be heard before Item 9.2.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr

YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT- Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(e) PUBLIC HEARINGS / DELEGATIONS (Item 9)

(i) Luca Giuliano respecting the 12 Hour Parking Rule (Item 9.1)

Luca Giuliano addressed the Committee respecting the 12 Hour Parking Rule.

(Farr/Pearson)

That the delegation from Luca Giuliano respecting the 12 Hour Parking Rule, be received.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT- Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(Farr/Wilson)

WHEREAS, the 12 Hour Time Limit Parking Regulation has at least been in place since 2001 in all areas of City inclusive of Ancaster, Dundas, Flamborough, Glanbrook, Hamilton, and Stoney Creek.

WHEREAS, divisions within Public Works rely on the 12 Hour Time Limit Parking Regulation in order to facilitate public works functions such as but not limited to snow removal, road maintenance, etc.

WHEREAS, residents have historically relied on the 12 Hour Time Limit Parking Regulation for on street turnover intended for equal access to on street parking and to prevent vehicles from being stored/abandoned on the street.

WHEREAS, COVID 19 has put pressure on street parking availability due to residential dynamics in relation to the 12 Hour Time Limit Parking Regulation.

Whereas the 12 hour Time limit creates challenges for people working on extended work shifts and work and hybrid work models.

THEREFORE, BE IT RESOLVED:

That staff be directed report back to Planning Committee with a review of the 12 Hour Parking Regulation and options for potential modifications.

Result: Motion CARRIED by a vote of 4 to 2, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 NO - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT- Ward 11 Councillor Brenda Johnson
 NO - Ward 10 Councillor Maria Pearson

(ii) Amanda Stewart respecting Day Cares and Zoning By-law Separation Requirements (Added Item 9.6)

Amanda Stewart addressed the Committee respecting Day Cares and Zoning By-law Separation Requirements.

(Danko/Partridge)

That the delegation from Amanda Stewart respecting Day Cares and Zoning By-law Separation Requirements, be received.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT- Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(iii) Bob Maton, Ancaster Village Heritage Community, respecting Revisions to the Demolition By-law (Item 10.2) (Added Item 9.7)

Bob Maton, Ancaster Village Heritage Community, addressed the Committee respecting Revisions to the Demolition By-law (Item 10.2).

(Farr/Partridge)

That the delegation from Bob Maton, Ancaster Village Heritage Community, respecting Revisions to the Demolition By-law (Item 10.2), be received.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT- Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 11.

In accordance with the *Planning Act*, Chair Ferguson advised those viewing the virtual meeting that the public had been advised of how to pre-register to be a virtual delegate at the Public Meetings on today's agenda.

In accordance with the provisions of the *Planning Act*, Chair Ferguson advised that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Development applications before the Committee today, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Land Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

(iv) Applications for an Amendment to the City of Flamborough Zoning By-law No. 90-145-Z and City of Hamilton Zoning By-law No. 05-200 and Draft Plan of Subdivision for Lands Located at 655 Cramer Road, Flamborough (PED22061) (Ward 13) (Item 9.2)

No members of the public were registered as Delegations.

(Pearson/Wilson)

That the staff presentation be waived.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT- Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

Steve Fraser with AJ Clarke & Associates, was in attendance and indicated he was not in support of the staff report.

(Pearson/Partridge)

That the delegation from Steve Fraser with AJ Clarke & Associates, be received.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 NOT PRESENT - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT- Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(Pearson/Partridge)

That the written submissions in the staff report be received.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 NOT PRESENT - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT- Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(Pearson/Partridge)

That the public meeting be closed.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 NOT PRESENT - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT- Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(Wilson/Partridge)

(a) That Zoning By-law Amendment Application ZAC-17-064, by 1376412 Ontario Ltd. c/o Zeina Homes, (Owner), for a change in zoning from Settlement Residential "R2-14(H)", Modified – Holding Zone to a site specific Settlement Residential "R2" Zone, Modified, and the Conservation / Hazard Land (P5) Zone, for lands located at

655 Cramer Road, as shown on Appendix "A" attached to Report PED22061, be DENIED on the following basis:

- (i) That the proposal is not consistent with the Provincial Policy Statement (PPS);
 - (ii) The proposal does not comply with the Provincial D-6 Guidelines: Compatibility Between Industrial Facilities;
 - (iii) The proposal does not comply with the Growth Plan for the Greater Golden Horseshoe (2020);
 - (iv) The proposal does not comply with the Settlement Residential policies under the Greensville Rural Settlement Area Plan of the Rural Hamilton Official Plan;
 - (v) The proposal is not consistent with the Greenbelt Plan (2017).
- (b) That Draft Plan of Subdivision Application 25T-201710 by 1376412 Ontario Ltd. c/o Zeina Homes, (Owner), to establish a Draft Plan of Subdivision in order to permit 18 residential lots, one stormwater management pond and three public roadways (one new proposed road and two extensions of existing public roads) for lands located at 655 Cramer Road, as shown on Appendix "B" attached to Report PED22061, be DENIED on the following basis:
- (i) The proposal is not consistent with the Land Use Compatibility Policy under the Provincial Policy Statement (PPS);
 - (ii) The proposal does not comply with the Employment policy under the Growth Plan for the Greater Golden Horseshoe (2020);
 - (iii) The proposal is not consistent with the Greenbelt Plan;
 - (iv) The proposal does not comply with the Settlement Residential policies of the Greensville Rural Settlement Area Plan and the policies for the approval of a Plan of Subdivision in the Rural Hamilton Official Plan;
 - (v) The proposal does comply with criteria relating to matters of health, safety and welfare of the present and future inhabitants as per Section 51(24) of the Planning Act.

(Wilson/Partridge)

That the recommendations in Report PED22061 be **amended** by adding the following sub-section (c):

- (c) ***That the public submissions were received and considered by the Committee in denying the application.***

Result: Amendment CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT- Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 6.

- (iv) **Application for Approval of a Draft Plan of Subdivision for Lands Located at 179, 183, and 187 Wilson Street West, Ancaster (PED22081) (Ward 12) (Item 9.3)**

No members of the public were registered as delegations.

James Van Rooi, Planner I, addressed the Committee with the aid of a PowerPoint Presentation.

(Pearson/Wilson)

That the staff presentation be received.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT- Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

Katelyn Gillis with T. Johns Consulting, was in attendance and indicated support for the staff report.

(Farr/Pearson)

That the delegation from Katelyn Gillis with T. Johns Consulting, be received.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT- Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(Pearson/Partridge)

That the written submissions in the staff report be received.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT- Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(Pearson/Danko)

That the public meeting be closed.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT- Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(Ferguson/Pearson)

(a) That Draft Plan of Subdivision Application 25T-202110, by Wilson West Development Corporation c/o Brandon Campbell, owner, to establish a Draft Plan of Subdivision on lands located at 179, 183, and 187 Wilson Street West (Ancaster), as shown on Appendix "A" attached to Report PED22081, be APPROVED subject to the following conditions:

(i) That this approval applies to the Draft Plan of Subdivision Application 25T-202110 prepared by A. T. McLaren Limited and certified by S. Dan McLaren, O.L.S. dated July 7, 2021,

consisting of two blocks (Blocks 1 and 2) subject to the owner entering into a Standard Form Subdivision Agreement as approved by City Council attached as Appendix "B" to Report PED22081;

- (ii) That the Special Conditions of Draft Plan of Subdivision Approval, 25T-202110, attached as Appendix "C" to Report PED22081, be received and endorsed by City Council;
- (iii) That payment of Cash-in-Lieu of Parkland be required, pursuant to Section 51 of the *Planning Act*, with the calculation of parkland payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, and in the case of multiple residential blocks, prior to the issuance of the first building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council;
- (iv) That in accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual (2017), there will be no cost sharing within the Draft Plan of Subdivision lands.

(Ferguson/Pearson)

That Appendix "C" to Report PED22081 be **amended** by adding Condition 11, as follows:

Waste Collection:

11. ***That prior to registration of the plan of subdivision, the owner / developer shall include in all offers of purchase and sale and lease or rental agreements warning clauses indicating that an assigned waste collection pad may be provided for Units 14, 15, 16, and 17 of Block 3, Units 18, 19, 20, 21 and 22 of Block 4, Unit 13 of Block 2 and Unit 23 of Block 5 (for unit and block reference please refer to Appendix "E" of PED22081).***

Result: Amendment CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT- Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(Ferguson/Pearson)

That the recommendations in Report PED22081 be **amended** by adding the following sub-section (b):

- (b) That the public submissions regarding this matter were received and considered by the Committee in approving the application.**

Result: Amendment CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT- Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 7.

- (v) Application for a Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 525 Rymal Road West, Hamilton (PED22083) (Ward 14) (Item 9.4)**

No members of the public were registered as Delegations.

(Wilson/Farr)

That the staff presentation be waived.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT- Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

Ryan Ferrari and Steve Fraser with AJ Clarke & Associates, were in attendance and indicated support for the staff report.

(Pearson/Wilson)

That the delegation from Ryan Ferrari and Steve Fraser with AJ Clarke & Associates, be received.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT- Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(Pearson/Wilson)

That the following written submission (Added Item 9.4(a)), be received:

- (i) John Huizing, with concerns regarding the application.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT- Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(Pearson/Wilson)

That the public meeting be closed.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT- Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(Pearson/Wilson)

- (a) That Zoning By-law Amendment Application ZAC-20-044 by A.J. Clarke and Associates c/o Stephen Fraser, on behalf of 2713128 Ontario Inc. c/o Loan Nguyen and Kevin Poursina, Owner, for a change in zoning from the "AA" (Agricultural) District to the "RT-30/S-1817" (Street - Townhouse) District, Modified (Block 1) and from the "AA" (Agricultural) District to the "C/S-1817" (Urban Protected Residential, etc.) District, Modified, (Block 2), to permit the lands to be developed for six street townhouses and one single

detached dwelling, on lands located at 525 Rymal Road West, as shown on Appendix "A" attached to Report PED22083, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix "B" attached to Report PED22083, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and comply with the Urban Hamilton Official Plan (UHOP);
- (b) That Draft Plan of Subdivision Application 25T-202010 by A.J. Clarke and Associates c/o Stephen Fraser, on behalf of 2713128 Ontario Inc. c/o Loan Nguyen and Kevin Poursina, Owner, to establish a Draft Plan of Subdivision on lands located at 525 Rymal Road West, as shown on Appendix "E" attached to Report PED22083, be APPROVED on the following basis:
- (i) That this approval applies to the Draft Plan of Subdivision Application 25T-202010 prepared by A. J. Clarke and Associates Ltd. and certified by Nicholas P. Muth, O.L.S. dated July 5, 2021, consisting of one block (Block 8), and seven lots (Lots 1-7), subject to the owner entering into a Standard Form Subdivision Agreement as approved by City Council, attached as Appendix "E" to Report PED22083;
 - (ii) That the Special Conditions of Draft Plan of Subdivision Approval, 25T-202010, attached as Appendix "F" to Report PED22083, be received and endorsed by City Council;
 - (iii) That payment of Cash-in-Lieu of Parkland be required, pursuant to Section 51 of the *Planning Act*, with the calculation of parkland payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, and in the case of multiple residential blocks, prior to the issuance of the first building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council;
 - (iv) That in accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual (2017), there will be no cost sharing within the Draft Plan of Subdivision lands;

- (c) That upon finalization of the amending By-law, the subject lands shown as Block “1” on Appendix “A” attached to Report PED22083 be re-designated from “Single and Double” to “Attached Housing” in the Carpenter Neighbourhood Plan.

(Pearson/Wilson)

That the recommendations in Report PED22083 be **amended** by adding the following sub-section (d):

- (d) ***That the public submissions regarding this matter were received and considered by the Committee in approving the application.***

Result: Amendment CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT- Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 8.

- (vi) **Application for a Zoning By-law Amendment for Lands Located at 866 West 5th Street, Hamilton (PED22090) (Ward 8) (Item 9.5)**

James Van Rooi, Planner I, addressed the Committee with the aid of a PowerPoint Presentation.

(Danko/Farr)

That the staff presentation be received.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT- Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

Matt Johnston with Urban Solutions, was in attendance and indicated support for the staff report.

(Danko/Wilson)

That the delegation from Matt Johnston with Urban Solutions, be received.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT- Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(Danko/Pearson)

That the following written submissions (Added Item 9.5(a)), be received:

- (i) Josephine Poon, in Opposition to the application.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT- Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

Registered Delegations (Added Item 9.5(b)):

- (i) Bruce Black addressed the Committee in Opposition to the proposal.
- (ii) Kimberley MacLean addressed the Committee in Opposition to the proposal.
- (iii) Randy Chapple addressed the Committee in Opposition to the proposal.

(Danko/Pearson)

That the following delegations be received.

- (i) Bruce Black
- (ii) Kimberley MacLean
- (iii) Randy Chapple

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT- Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(Danko/Pearson)

That the public meeting be closed.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT- Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(Danko/Pearson)

(a) That Amended Zoning By-law Amendment Application ZAC-21-036 by Urban Solutions Planning and Land Development Consultants Inc. c/o Matt Johnston on behalf of Angros Enterprises Ltd. c/o Victor Fontana, owner, for a change in zoning from the "AA" (Agricultural) District and from the "C" (Urban Protected Residential, etc.) District to the "RT-30/S-1818" (Street - Townhouse) District, Modified, to permit the lands to be developed for nine street townhouses on lands located at 866 West 5th Street, as shown as Blocks 1 and 2 on Appendix "A" attached to Report PED22090, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix "B" attached to Report PED22090, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and comply with the Urban Hamilton Official Plan (UHOP);

- (b) That upon finalization of the amending By-law, the subject lands be re-designated from “Single and Double” to “Attached Housing” in the Gourley Neighbourhood Plan.

(Danko/Pearson)

That the recommendations in Report PED22090 be **amended** by adding the following sub-section (c):

- (c) ***That the public submissions regarding this matter were received and considered by the Committee in approving the application.***

Result: Amendment CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT- Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 9.

(Wilson/Partridge)

That the Committee recess from 12:32 p.m. until 1:00 p.m.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT- Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(f) DISCUSSION ITEMS (Item 10)

(i) Demolition Control and Heritage (PED22093) (City Wide) (Item 10.2)

Alissa Golden, Heritage Projects Specialist, addressed the Committee with the aid of a PowerPoint presentation.

(Partridge/Partridge)

That the presentation from Alissa Golden, Heritage Projects Specialist, respecting Demolition Control and Heritage, be received.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT- Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter refer to Item 11.

(ii) Taxi Meter Rate Increase (PED22105) (City Wide) (Item 10.3)

Due to a declared conflict, Chair Ferguson relinquished the Chair to Councillor Wilson for the discussion and voting on this matter.

For disposition of this matter, refer to Item 12.

(g) NOTICES OF MOTION (Item 12)

(i) Waiving of Street Festival Fees (Added Item 12.1)

Councillor Farr introduced the following Notice of Motion respecting Waiving of Street Festival Fees:

WHEREAS, over the past two years the COVID 19 Pandemic has significantly impacted the ability for street festivals to occur;

WHEREAS, street festivals are an important tool to support broader economic recovery planning;

WHEREAS, Hamilton Municipal Parking System typically charges a fee to help off-set the loss in revenue where street festivals remove metered on-street parking from service; and,

WHEREAS, reducing the costs associated with street festivals could accelerate their return;

THEREFORE, BE IT RESOLVED:

- (a) That the fees typically applied to offset revenue losses from metered parking being removed from service be waived for street festivals qualifying under the Special Event Advisory Team (SEAT) process be waived for the 2022 season; and,

- (b) That the estimated revenue off-set for the Hamilton Municipal Parking System be funded from the Economic Development Investment Reserve (112221) .

(h) GENERAL INFORMATION / OTHER BUSINESS (Item 13)

(i) General Manager's Update (Added Item 13.2)

Jason Thorne, General Manager of Planning and Economic Development, advised the Committee of Chief Building Official Ed VanderWindt's upcoming retirement.

(i) PRIVATE AND CONFIDENTIAL (Item 14)

(Pearson/Danko)

That Committee move into Closed Session respecting Item 14.1 pursuant to Section 9.1, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (e), (f) and (k) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City; the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, to a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT- Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(i) Update on Recent Ontario Land Tribunal Decisions (LS22014/PED22119) (City Wide) (Added Item 14.1)

For disposition of this matter refer to Item 15.

(j) ADJOURNMENT (Item 15)

(Pearson/Farr)

That there being no further business, the Planning Committee be adjourned at 2:54 p.m.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

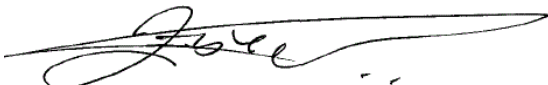
YES - Ward 1 Councillor Maureen Wilson
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT- Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

Councillor L. Ferguson
Acting Chair, Planning Committee

Lisa Kelsey
Legislative Coordinator



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Building Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	May 3, 2022
SUBJECT/REPORT NO:	Amendment to the Infill Notice By-law No. 21-207 (PED22102) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Bob Nuttall (905) 546-2424 Ext. 4993
SUBMITTED BY:	Ed VanderWindt Director, Building and Chief Building Official Planning & Economic Development
SIGNATURE:	

RECOMMENDATION

That the By-law, attached as Appendix "A" to Report PED22102 to amend City of Hamilton By-law No. 21-207, a By-law to Regulate Public Information Notices at Infill Construction Sites, which has been prepared in a form satisfactory to the City Solicitor, be enacted.

EXECUTIVE SUMMARY

The purpose of the attached amending by-law is to create additional enforcement provisions which will facilitate the issuance of Part 1 Provincial Offence Notices (tickets), through approved, short form wording, see attached as Appendix "B" to Report PED22102 as approved by the Ministry of the Attorney General. Additionally, several housekeeping amendments are being proposed for consistency in the language of the by-law.

Alternatives for Consideration – Page 3

OUR Vision: To be the best place to raise a child and age successfully.

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OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Amendment to the Infill Notice By-law No. 21-207 (PED22102) (City Wide) - Page 2 of 3

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Not applicable

Staffing: Not applicable

Legal: Recommendation has been reviewed by legal, no implications noted.

HISTORICAL BACKGROUND

On November 10, 2021, A By-law to Regulate Public Notices at Infill Construction Sites was passed by council and set to come into force April 1, 2022. The Information Notices required through the By-law are intended to improve communication with the public about what is taking place in their neighbourhood together with contact information.

To efficiently enforce the provisions of the By-law, by way of Part 1 Provincial Offence Notices (tickets), an application was made to the Ministry of the Attorney General, after the passing of the Bylaw. Recommendations were sent back to us to for amendments to the By-law, that will support short form wording for the purposes of issuing Part 1 Provincial Offence Notices (tickets).

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Approval of this recommendation will not alter or contravene any City Policy or legislated requirements.

RELEVANT CONSULTATION

Legal Services has been consulted.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Part 1 Provincial Offence Notices will be the Building Divisions primary tool for enforcing the Infill Notice Bylaw and will provide the most efficient way of doing so. A Part 1 Provincial Offence Notice (ticket) is an immediate way of issuing a penalty, and fine for a contravention of the By-law. This will allow the Building Division to respond in a timely manner, and effect quicker enforcement mechanisms to encourage compliance.

To effect lawful enforcement of the bylaw, the changes were made necessary upon recommendation from the Ministry of the Attorney General's office.

SUBJECT: Amendment to the Infill Notice By-law No. 21-207 (PED22102) (City Wide) - Page 3 of 3

Minor housekeeping amendments are also being proposed to provide additional consistency in the language of the by-law.

ALTERNATIVES FOR CONSIDERATION

Alternatively, the bylaw remains, as passed without adequate provisions to enforce the By-law through Part 1 Provincial Offence Notices (tickets), and we are left with only a Part 3 charging section in the bylaw, which is a much lengthier process to initiate, and carry through enforcement.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED22102 – Proposed Amending By-law

Appendix “B” to Report PED22102 – PART I Provincial Offences Act

Authority: Item ,
Report
CM:

Bill No.

CITY OF HAMILTON

BY LAW NO. 22- XXX

**To amend By-law 21-207, being a By-law to Regulate
Public Notices at Infill Construction Sites**

WHEREAS Council deems it necessary to amend By-law 21-207 for housekeeping purposes;

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

1. The amendments in this By-law include any necessary grammatical, numbering and lettering changes.
2. That the title of By-law 21-207 be amended by removing the word "Public" and adding the word "Information" as follows:

A By-law to Regulate Information Notices at Infill Construction Sites

3. That the definition of "By-law" in section 1.1 of By-law 21-207 be repealed and replaced with the following:

"By-law" means this By-law, to Regulate Information Notices at Infill Construction Sites

4. That section 3.12 of By-law 21-207 be repealed and replaced with the following:

In the case of a Demolition Declaration Form, the Chief Building Official shall deliver the Information Notice Template to the Declarant in the manner prescribed by the Chief Building Official within two business days of the later of the following dates:

- a) the date of issuance of the Infill Housing Demolition Permit by the Chief Building Official; or
- b) the date of receipt of the completed Demolition Declaration Form to the Chief Building Official's satisfaction.

**Appendix “B” to Report PED22102
Page 1 of 1**

CITY OF HAMILTON

PART I Provincial Offences Act

By-law 21-207: Infill Notice By-law


Page 1 of 1

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1	(Hinder/obstruct/attempt to hinder/attempt to obstruct) any person (exercising power/performing duty)	4.4 (a)	\$295
2	(Make/participate in/assent to/ acquiesce to) provision of false information in (statement/application/document)	4.4 (b)	\$295
3	Fail to submit (Declaration Form/ Revised Declaration Form)	4.4 (c)	\$295
4	Fail to erect and display information notice	4.4 (d)	\$295
5	Fail to erect and display required No. of information notices	4.4 (e)	\$295
6	(Erect and display/cause to be erected and displayed) information notice without first obtaining a template from the Chief Building Official	4.4 (f)	\$295
7	(Erect and display/cause to be erected and displayed) information notice contrary to template	4.4 (g)	\$295
8	Erect and display information notice and complaint with By-law provisions	4.4 (h)	\$295
9	Fail to maintain information notice	4.4 (i)	\$295
10	Produce/cause to be produced) information notice with information template not prepared by Chief Building Official	4.4 (j)	
11	(Produce/cause to be produced) information notice not compliant with By-law provisions	4.4 (k)	\$295
12	Remove Information notice	4.4 (l)	\$295
13	Be a (Director/Officer) of a corporation and knowingly concur with actions taken contrary to subsections 4 (a-l) (by/on behalf of corporation)	4.4 (m)	\$455

Note: The general penalty sections for the offences created above are Section 4.2 and 4.3 of the City of Hamilton Infill Notice By-law 21-207, a copy of which has been filed and Section 61 of the Provincial Offences Act, R.S.O. 1990, c.P.33.



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Building Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	May 3, 2022
SUBJECT/REPORT NO:	Appointment By-law under the <i>Building Code Act, 1992</i> (PED22099) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Jorge M. Caetano (905) 546-2424 Ext. 3931
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the draft By-law attached as Appendix "A" to Report PED22099, respecting the appointment of a Chief Building Official, Deputies and Inspectors, which has been prepared in a form satisfactory to the City Solicitor, be approved and enacted; and
- (b) That By-law 22-041, being a by-law respecting the Appointments of a Chief Building Official, Deputies and Inspectors be repealed.

EXECUTIVE SUMMARY

The attached By-law is required to appoint the new Chief Building Official in accordance with section 3 of the *Building Code Act, 1992*. This is due to the retirement and hiring of a new Director within the Building Division.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Not applicable.

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OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Appointment By-law under the *Building Code Act, 1992* (PED22099)
(City Wide) - Page 2 of 2**

Staffing: Not applicable.

Legal: The recommendation has no legal implications.

HISTORICAL BACKGROUND

The Council of the City of Hamilton must appoint a Chief Building Official, Deputy Chief Building Officials and Inspectors for the purpose of enforcement of the *Building Code Act, 1992*. The attached By-law reflects staff changes within the Building Division and will replace the existing By-law 22-041.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Approval of this recommendation will not alter or contravene any City Policy or legislated requirements.

RELEVANT CONSULTATION

Legal Services has been consulted.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The proposed By-law reflects a staff change due to the retirement and hiring of a new Director within the Building Division since By-law 22-041 came into effect. All persons named under the By-law have achieved the required qualifications as mandated by the *Building Code Act, 1992*.

Additionally, all of By-law 22-041 is being replaced for ease of reference.

ALTERNATIVES FOR CONSIDERATION

Not applicable.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED22099 – Proposed Appointment By-law

Authority: Item , Planning Committee
Report
CM:

Bill No.

CITY OF HAMILTON

BY-LAW NO. 22 -

Respecting

**THE APPOINTMENTS OF A CHIEF BUILDING OFFICIAL,
DEPUTIES AND INSPECTORS AND TO REPEAL BY-LAW 22-041**

WHEREAS section 3 of the *Building Code Act, 1992*, S.O. 1992, c. 23 (the "*Building Code Act, 1992*") provides for the appointment of a Chief Building Official and Inspectors, and section 77 of the *Legislation Act, 2006*, S.O. 2006, c. 21, Schedule F. (the "*Legislation Act, 2006*") provides for the appointment of Deputies;

AND WHEREAS section 23.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25 (the "*Municipal Act, 2001*") authorizes a municipality to delegate its powers and duties;

AND WHEREAS Council deems it necessary to provide for the appointment of a Chief Building Official, Deputy Chief Building Officials, to assist in carrying out the duties of the Chief Building Official, and Inspectors;

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

1. (a) The following person is appointed Chief Building Official and Inspector for the purposes of the *Building Code Act, 1992*:

Alan Shaw
- (b) The Chief Building Official has all the power and duties of such office assigned by statute and under by-laws of the City of Hamilton, including any by-law of the former area municipalities comprising the City that remains in force.
2. (a) The following persons are appointed Deputy Chief Building Officials and Inspectors for the purposes of the *Building Code Act, 1992*:
 - (i) Jorge M. Caetano;
 - (ii) Bob Nuttall;

- (iii) Dio Ortiz, P. Eng.; and
 - (iv) Wai Shing George Wong
 - (b) As directed by the Chief Building Official or when the Chief Building Official is absent, the Deputies listed in subsection (a) may perform and have all the powers and duties of the Chief Building Official.
 - (c) For the purposes of this section, "absent" includes when the Chief Building Official is ill or unavailable for any reason, or when the office is vacant.
3. The Chief Building Official is authorized to carry out the administrative function of appointing Inspectors, including the function of revoking such appointments, under section 3 of the *Building Code Act, 1992*, subject to the following conditions:
- (a) the Chief Building Official maintains an up-to-date list of Inspectors; and
 - (b) prior to their appointment, each candidate for appointment hold the necessary legislated qualifications for an Inspector.
4. The appointments made under the authority of this by-law shall terminate at the earliest of one of the following dates:
- (a) the date the person appointed ceases to be an employee of the City of Hamilton;
 - (b) the date this by-law is repealed or amended to delete the person's name from the by-law; or
 - (c) the date the person's name is deleted from the list of Inspectors maintained by the Chief Building Official under section 3 of this by-law.
5. City of Hamilton By-law No. 22-041 is repealed.
6. This by-law comes into force on May 30, 2022.

PASSED this day of , 2022.

F. Eisenberger
Mayor

A. Holland
City Clerk



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	May 3, 2022
SUBJECT/REPORT NO:	Application for a Zoning By-law Amendment for Lands Located at 9270 Haldibrook Road, Glanbrook (PED22073) (Ward 11)
WARD(S) AFFECTED:	Ward 11
PREPARED BY:	Aminu Bello (905) 546-2424 Ext. 5264
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Zoning By-law Amendment Application ZAA-22-006, by Fothergill Planning and Development Inc. on behalf of Schiedel Ranch Holdings Inc., (Owner)**, for a change in zoning from Agriculture (A1) Zone to the Agriculture (A1,118) Zone and Agriculture (A1, 770) Zone, in order to prohibit construction of a single detached dwelling and a residential care facility, and to recognize a reduced front yard setback, reduced lot area and an increased Gross Floor Area for Accessory Buildings as required by the condition of Consent approval, for the lands known as 9270 Haldibrook Road, as shown on Appendix "A" attached to Report PED22073, be **APPROVED** on the following basis:

- (i) That the draft By-law attached as Appendix "B" to Report PED22073, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law be added to Schedule "C" of Zoning By-law No. 05-200;
- (iii) The proposed modifications in zoning are consistent with the Provincial Policy Statement (2020), conform to the Greenbelt Plan (2017) and comply with the Rural Hamilton Official Plan.

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OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 9270 Haldibrook Road, Glanbrook (PED22073) (Ward 11) - Page 2 of 12

EXECUTIVE SUMMARY

On December 9, 2021, the Applicant received conditional approval of Consent application GL/B-21:107 (see Appendix “C” attached to Report PED22073) to sever a 1.01 ha lot containing a dwelling that is surplus to a farm operation and retain a 33.14 ha agricultural parcel containing an existing sod farm operation. The proposed amendment addresses Condition Nos. 6 and 10 of Consent for Severance GL/B-21:107 facilitating the severance of a surplus farm dwelling as a result of a farm operation consolidation and the addition of special exceptions to the Agriculture (A1) Zone as follows:

Retained Agricultural Parcel

- Prohibit construction of a single detached dwelling and residential care facility, shown on Appendix “A” attached to Report PED22073; and,
- Permit a reduced minimum lot area of 32 hectares.

Severed Surplus Farm Dwelling Parcel

- Recognize the existing 6 metre front yard setback; and,
- Increase the aggregate Gross Floor Area for all Accessory Buildings to a maximum of 325 square metres.

The proposed amendment is required to satisfy the lot creation policies of the Provincial Policy Statement (PPS), the Greenbelt Plan (2017) and the Rural Hamilton Official Plan by ensuring that an additional dwelling cannot be built on the retained agricultural parcel and is supported by staff.

Alternatives for Consideration – See Page 11

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an Application for an amendment to the Zoning By-law.

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 9270 Haldibrook Road, Glanbrook (PED22073) (Ward 11) - Page 3 of 12

HISTORICAL BACKGROUND

Consent for Severance Application GL/B-21:107

On December 9, 2021, the Committee of Adjustment approved Consent Application GL/B-21:107 with conditions to permit the severance of a 1.01 hectare parcel containing a surplus farm dwelling from a 34.15 hectare agricultural parcel at 9270 Haldibrook Road as shown on Appendix “D” attached to Report PED22073. The retained 33.14 hectare agricultural parcel is part of a farm operation consolidation that includes approximately 305 hectares of owned and 568 hectares of leased agriculture land by Schiedel Ranch Holdings Inc. In order to prevent any future residential construction on the subject lands, a final and binding approval of a Zoning By-law Amendment Application is required under Condition No. 10 of Consent Application GL/B-21:107 (refer to Appendix “C” attached to Report PED22073).

Report Fact Sheet

Application Details	
Applicant/Owner:	Fothergill Planning & Development Inc. on behalf of Schiedel Ranch Holdings Inc.
File Number:	ZAA-22-006
Type of Application:	Zoning By-law Amendment
Proposal:	Change in zoning from the Agriculture (A1) Zone to the Agriculture (A1, 118) Zone and Agriculture (A1, 770) Zone to prohibit construction of a single detached dwelling and residential care facility and recognize a reduced lot area on the retained lands and to recognize a reduced front yard and increased maximum Gross Floor Area for all Accessory Buildings, on the severed 1.01 ha rural residential lot for lands at 9270 Haldibrook Road.
Property Details	
Municipal Address:	9270 Haldibrook Road, Glanbrook
Lot Area:	34.15 hectares. Proposed severed rural residential lot at 9270 Haldibrook Road ± 1.01 hectares. Proposed retained agricultural parcel at 9270 Haldibrook Road ± 33.14 hectares.

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 9270 Haldibrook Road, Glanbrook (PED22073) (Ward 11) - Page 4 of 12

Property Details	
Servicing:	The subject lands are serviced by private services (separate well and septic services).
Existing Use:	Agriculture
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
Greenbelt Plan:	The proposal conforms to the Greenbelt Plan (2017).
Rural Hamilton Official Plan Existing:	"Agriculture" in Schedule "D" – Rural Land Use Designations.
Zoning Existing:	Agriculture (A1) Zone.
Zoning Proposed:	Agriculture (A1, 118) Zone and Agriculture (A1, 770) Zone.
Modifications Proposed:	<p>Modifications requested by the Applicant:</p> <p>Retained Parcel</p> <ul style="list-style-type: none"> • Notwithstanding Section 12.1.1, a single detached dwelling and residential care facility are prohibited; and, • Notwithstanding Section 12.1.3.1 a), the minimum lot area shall be 32 hectares instead of the required 40.4 hectares. <p>Severed Parcel</p> <ul style="list-style-type: none"> • Notwithstanding Section 12.1.3.3 d), the minimum front yard setback shall be 6 metres instead of the required 15.0 metres; and, • Notwithstanding Section 4.8.1.2 b), the aggregate Gross Floor Area of all Accessory Buildings shall not exceed 325 square metres.
Processing Details	
Received:	November 3, 2021
Deemed Complete:	November 23, 2021
Notice of Complete Application:	Sent to five property owners within 120 metres of the subject property on December 6, 2021.
Public Notice Sign:	Posted December 8, 2021 and updated with Public Meeting date on March 29, 2022.

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 9270 Haldibrook Road, Glanbrook (PED22073) (Ward 11) - Page 5 of 12

Processing Details	
Notice of Public Meeting:	Sent to five property owners within 120 metres of the subject property on April 7, 2022.
Public Consultation:	As per the approved Council guidelines, circulation to the surrounding property owners was previously provided through the Committee of Adjustment Consent Applications. No comments were received.
Public Comments:	No public comments were received on the proposal.
Processing Time:	173 days from the date of receipt of Applications.

BACKGROUND

EXISTING LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands:	Agriculture	Agriculture (A1) Zone
Surrounding Land Uses:		
North	Agriculture, single detached dwellings and portion of a tree stand	Agriculture (A1) Zone and Conservation/Hazard Land-Rural (P6) Zone
East	Agriculture and single detached dwelling	Agriculture (A1) Zone
West	Agriculture and single detached dwelling	Agriculture (A1) Zone
South	Agriculture, single detached dwelling	N/A (outside City of Hamilton jurisdiction – Haldimand County)

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 9270 Haldibrook Road, Glanbrook (PED22073) (Ward 11) - Page 6 of 12

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the PPS. The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal (OLT) (formerly Ontario Municipal Board) approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (e.g. efficiency of land use, balanced growth and environmental protection) are reviewed and discussed in the Official Plan analysis below.

As the Application for a change in zoning complies with the Rural Hamilton Official Plan (RHOP), it is staff's opinion that the Application is:

- Consistent with Section 3 of the *Planning Act*,
- Consistent with the PPS; and,
- Conforms to the Greenbelt Plan (2017).

Rural Hamilton Official Plan (RHOP)

The subject lands are designated "Greenbelt Protected Countryside" on Schedule "A" - Provincial Plans and "Agriculture" on Schedule D - Rural Land Use Designations of the RHOP. The following policies, amongst others, apply to the proposal.

"F.1.14.2.8 An existing farm dwelling that is a residence surplus to a farming operation as a result of a farm consolidation may be severed provided all of the following conditions are met:

All Lands

- (a) In all cases where surplus farm dwellings are to be severed the following shall apply:
 - (i) The farm consolidation shall have been completed prior to the time of Application;
 - (ii) The farm dwelling shall be determined to be surplus to the farm operation for no reason other than the farm dwelling is surplus to the needs of the farm consolidation. Farm dwellings that

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 9270 Haldibrook Road, Glanbrook (PED22073) (Ward 11) - Page 7 of 12

have been determined to be surplus to a farm operation prior to December 16, 2004 and prior to the acquisition of the additional farm parcel(s), or as a result of changing agricultural operations, are deemed not to be surplus farm dwellings for the purposes of Section F.1.14.2.8.

- (iii) The proposed surplus farm dwelling:
 - (1) Shall have been built on or before December 16, 2004; and,
 - (2) Shall be habitable on the date of the application for the surplus farm dwelling severance and shall meet the City's standards for occupancy without requiring substantial demolition and new construction;
- (iv) The surplus dwelling lot shall be a minimum of 0.4 hectares (1 acre), or such larger area as may be required by Section C.5.1, Private Water and Wastewater Services of this Plan. The maximum size of the surplus dwelling lot shall be the size required for servicing in accordance with Section C.5.1, with as little acreage as possible taken out of agricultural production;
- (v) A private water well and private sewage disposal system shall be provided in accordance with Section C.5.1, Private Water and Wastewater Services of this Plan;
- (vi) The shape and dimension of the surplus farm dwelling shall:
 - (1) Not impair agricultural operations on the retained land; and,
 - (2) Generally not exceed a depth of 122 metres (400 feet);
- (vii) The surplus dwelling lot shall not include barns or other farm buildings which are not suitable to be used as accessory structures to a residential use prescribed by the Zoning By-law, and no such buildings or structures shall be used for industrial or commercial purposes; and,

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OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 9270 Haldibrook Road, Glanbrook (PED22073) (Ward 11) - Page 8 of 12

- (viii) Where a barn or other farm building exists within the immediate vicinity of the surplus residence, the City may require demolition of the barn;

F.1.14.2.8 Land Not Merged in Title

- (c) In cases of a farm dwelling made surplus as a result of acquisition as part of a farm operation that does not result in the merging in title of parcels of land, applications for severance of the surplus dwelling shall comply with the following conditions:
- (i) The parcels of land comprising the consolidated farm operation shall generally be a minimum of 38.4 hectares (95 acres) in total in the Agriculture and Rural designations and 14.2 hectares (35 acres) in the Specialty Crop designation;
 - (ii) The parcel of land from which the surplus dwelling is severed shall generally be a minimum of 8.1 hectares (20 acres) in size for lands designated Specialty Crop on Schedule D – Rural Land Use Designations, or 16.2 hectares (40 acres) in size for lands designated Agriculture or Rural on Schedule D – Rural Land Use Designations.”

The Applicant has proposed to retain the existing accessory building (i.e. Quonset hut) located at the northwest portion of the proposed lot severance. Staff are satisfied that the existing Quonset hut is suitable for an accessory use and will function as an accessory building to a single detached dwelling.

Based on the policies above, staff find that the Consent for Severance Application (GL/B-21:107) complied with the RHOP through imposing a condition of restricting construction of a single detached dwelling and residential care facility on the subject lands. Based on the foregoing, this application satisfies Policy F.14.2.8 (c) and complies with the RHOP.

City of Hamilton Zoning By-law No. 05-200

The subject lands are currently zoned Agriculture (A1) Zone in City of Hamilton Zoning By-law No. 05-200. Permitted uses in the Agriculture (A1) Zone include Agriculture, Single Detached Dwelling and Residential Care Facility. Section 12.1.3.1 a) of the Zoning By-law establishes a Minimum Lot Area of 40.4 ha.

The purpose of the Zoning By-law Amendment is to add a site specific exception to the Agriculture (A1, 118) Zone to prohibit the construction of a single detached dwelling and

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 9270 Haldibrook Road, Glanbrook (PED22073) (Ward 11) - Page 9 of 12

residential care facility, as well as to recognize the reduced lot area. The proposed Agriculture (A1, 770) Zone includes modifications to recognize the existing 6 metre front yard setback and to increase the aggregate Gross Floor Area for all Accessory Buildings to a maximum of 325 square metres. The site-specific zoning modifications to accommodate the proposal are outlined in the Report Fact Sheet and discussed in detail in Appendix "E" attached to Report PED22073.

RELEVANT CONSULTATION

Departments and Agencies		
	• Grand River Conservation Authority	No Comment.
	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	As a condition of approval Hamilton Water requires a Scoped Hydrogeological Report completed by a qualified professional.	A Scoped Hydrogeological Report is required as a Condition No. 5 of Consent Application GL/B-21:107.
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	9270 Haldibrook Road will continue to be used for the lands proposed for severance. 9350 Haldibrook Road has been assigned to the retained lands upon issuance of final certificate of Consent to Sever application GL/B-21:107.	Noted.
Forestry & Horticulture Section, Environmental Services Division, Public Works Department	No impacts to municipal tree assets are anticipated through this application. No Landscape Plan required.	Noted.

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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 9270 Haldibrook Road, Glanbrook (PED22073) (Ward 11) - Page 10 of 12

Departments and Agencies		
	Comment	Staff Response
Landscape Architectural Services, Strategic Planning Division, Public Works Department	Cash-in-lieu of parkland dedication is requested, if applicable.	Noted.
Waste Management Division, Public Works Department	The proposed single detached dwelling on the proposed severed lot is eligible for curbside municipal waste collection service.	Noted.

Public Consultation

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 5 property owners within 120 m of the subject lands on December 6, 2021. A Public Notice sign was posted on the property on December 8, 2021 and updated with the Public Meeting date on March 29, 2022. Finally, the Notice of the Public Meeting was mailed to five property owners within 120 m of the subject lands on April 7, 2022.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

- (1) The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the lot creation policies of the PPS (2020) and conforms to the Greenbelt Plan (2017);
 - (ii) It complies with the lot creation policies of the Rural Hamilton Official Plan; and,
 - (iii) The proposed amendment satisfies Condition Nos. 6 and 10 of Consent for Severance application GL/B-21:107 which was approved by the Committee of Adjustment on December 9, 2021, attached as Appendix "C" to Report PED22073.

- (2) The policies of the PPS and Greenbelt Plan (2017) indicate that an existing residence may be severed as surplus to a farming operation consolidation. It was found through the Consent for Severance Application process that the Application was consistent with the PPS and conforms to the Greenbelt Plan in effect at the time of the Application. As per Policy 2.3.1 of the PPS, the intent of the plan is to

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 9270 Haldibrook Road, Glanbrook (PED22073) (Ward 11) - Page 11 of 12

protect agricultural areas. The restriction of development of the subject lands is consistent with that policy. The Greenbelt Plan supports and permits Agricultural Uses on lands designated within the Plan. Staff are of the opinion that the application is consistent with the PPS and conforms to the Greenbelt Plan (2017) as it restricts the development of a single detached dwelling and residential care facility on the subject lands to preserve the existing farm practice.

The proposed lot on which the existing dwelling is located is appropriately sized to manage private sewage and water services and preserves the existing sod farm operation through the above mentioned land use restrictions on the retained agricultural parcel, therefore staff support the proposed Zoning By-law Amendment.

- (3) The following modifications to Zoning By-law No. 05-200 are required to fulfil Conditions Nos. 6 and 10 of Consent for Severance Application GL/B-21:107:

Agriculture (A1, 118) Zone

- Prohibit the use of Single Detached Dwelling and Residential Care Facility; and,
- Permit a minimum lot size of 32 hectares.

Agriculture (A1, 770) Zone

- Recognize the existing 6 metre front yard setback; and,
- The aggregate Gross Floor Area of all Accessory Buildings shall not exceed 325 square metres.

The modifications are discussed in detail in Appendix “E” attached to Report PED22073.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment be denied, the conditional approval of Consent Application GL/B-21:107 will lapse, and the applicant will not be able to sever the surplus dwelling from the property. The use of the property would continue to be regulated by the Agriculture (A1) Zone in Zoning By-law No. 05-200.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 9270 Haldibrook Road, Glanbrook (PED22073) (Ward 11) - Page 12 of 12

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED22073 – Location Map

Appendix "B" to Report PED22073 – Amendment to Zoning By-law No. 05-200

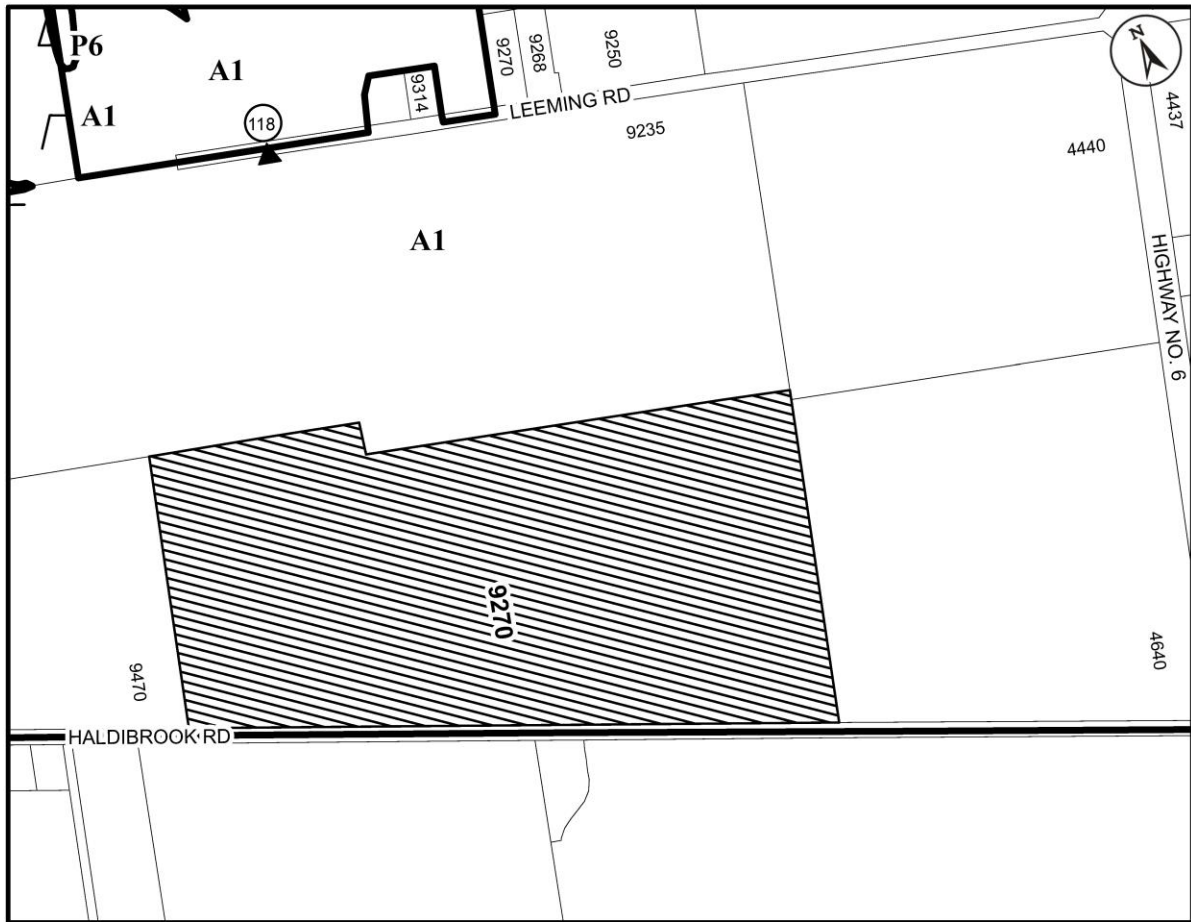
Appendix "C" to Report PED22073 – Notice of Decision for GL/B-21:107

Appendix "D" to Report PED22073 – Land Severance Sketch

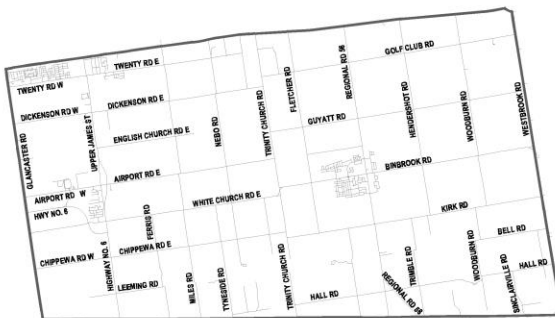
Appendix "E" to Report PED22073 – Site Specific Zoning Modification - Table

AB:sd

Appendix "A" to Report PED22073
Page 1 of 1



● Site Location



Key Map - Ward 11

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAA-22-066

Date:
November 26, 2021

Appendix "A"

Scale:
N.T.S

Planner/Technician:
AB/NB

Subject Property

9270 Haldbrook Road, Glanbrook (Ward 11)



Change in zoning from Agricultural (A1) Zone to modified Agricultural (A1-XX) Zone

Appendix “B” to Report PED22073**Page 1 of 3**

Authority: Item ,
Report (PED22073)
CM:
Ward: 11

Bill No.**CITY OF HAMILTON****BY-LAW NO.**

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 9270 Haldibrook Road, Flamborough**

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

WHEREAS, THE City of Hamilton is the lawful successor of the former Municipalities identified in Section 1.7 of By-law No. 05-200;

WHEREAS, the first stage of Zoning By-law, being By-law No. 05-200 came into force and effect on the 25th day of May 2005;

WHEREAS, the Council of the City of Hamilton, in adopting Item X of Report 22-XX of the Planning Committee, at its meeting held on the XX day of XX 2022, which recommended that Zoning By-law No. 05-200 be amended as hereinafter provided;

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

1. That Map Nos. 201 and 209 of Schedule “A” to Zoning By-law No. 05-200 are amended by changing the zoning from the Agriculture (A1) Zone to the Agriculture (A1, 118) Zone and Agriculture (A1, 770) Zone for the lands attached as Schedule “A” to this By-law.
2. That Schedule “C” Special Exceptions is amended by modifying special exception, 118 with the following:
 - a) Adding reference to “9350 Haldibrook Road” and “Map 201, 209” to the Property Address and Map Number table as follows:

Property Address	Map Numbers
9350 Haldibrook Road	201, 209

- b) Adding subsection e) as follows:
 - “e) The following regulations shall also apply for the property located at 9350 Haldibrook Road:

Appendix “B” to Report PED22073

Page 2 of 3

- i) Notwithstanding Subsection 12.1.3.1 a), the minimum lot area shall be 32.0 hectares.”
3. That Schedule “C” Special Exceptions of By-law No. 05-200 is amended by adding an additional exception, as follows:
- “770. Within the lands zoned Agriculture (A1, 770) Zone, and identified on Map Nos. 201 and 209 of Schedule “A” Zoning Maps and described as 9270 Haldibrook Road, the following special provisions shall apply:
- i) Notwithstanding Section 12.1.3.3 (d), the minimum front yard setback shall be 6 metres; and,
 - ii) Notwithstanding Section 4.8.1.2 (b), the aggregate Gross Floor Area of all Accessory Buildings shall not exceed 325 square metres.”
4. 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*.
5. That this By-law No. 22-XXX shall come into force and deemed to come into force in accordance with Subsection 34(21) of the *Planning Act*, either upon the date of passage of the By-law, or as otherwise provided by the said Subsection.

PASSED this _____ , 2022

F. Eisenberger
Mayor

A. Holland
City Clerk

Appendix "B" to Report PED22073
Page 3 of 3



<p>This is Schedule "A" to By-law No. 22-</p> <p>Passed the day of, 2022</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
--	---

<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 5px 0 0 0;">Map forming Part of By-law No. 22-_____</p> <p style="margin: 5px 0 0 0;">to Amend By-law No. 05-200 Map RU201, 209</p>		<p>Subject Property</p> <p>9270 and 9350 Haldibrook Road, Glanbrook (Ward 11)</p> <ul style="list-style-type: none"> Change in Zoning from Agriculture (A1) Zone to Agriculture (A1, 118) Zone Change in Zoning from Agriculture (A1) Zone to Agriculture (A1, 770) Zone
<p>Scale: N.T.S</p>	<p>File Name/Number: ZAA-22-006</p>	
<p>Date: March 2, 2022</p>	<p>Planner/Technician: AB/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		



Committee of Adjustment
Hamilton City Hall
71 Main Street West, 5th floor
Hamilton, ON L8P 4Y5
Telephone (905) 546-2424
ext. 4221, 3935
Fax (905) 546-4202

COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENTLAND SEVERANCE

APPLICATION NO. GL/B-21:107
SUBMISSION NO. B-107/21

APPLICATION NUMBER: GL/B-21:107

SUBJECT PROPERTY: 9270 Haldibrook Rd., Glanbrook

APPLICANT(S): Agent Fothergill Planning & Development
Owner Schiedel Ranch Holdings Inc.

PURPOSE OF APPLICATION: To permit the creation of a new non-farm parcel of land for residential purposes.

Severed lands:
123.6m[±] x 82m[±] and an area of 1.01ha[±]

Retained lands:
745m[±] x 404m[±] and an area of 33ha[±]

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

1. The proposal does not conflict with the intent of the Rural Hamilton Official Plan.
2. The proposal does not contravene Zoning By-law requirements.
3. The Committee considers the proposal to be in keeping with development in the area.
4. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
5. The submissions made regarding this matter affected the decision by supporting the granting of the application.

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)

GL/B-21: 107
 PAGE 2

4. The existing right-of-way at the subject property is approximately 20 metres. Approximately 8 metres are to be dedicated to the right-of-way on Haldibrook Road (this will allow for existing utility poles to be within the City's right-of-way), as per the Council Approved Rural Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network, 4.5.2. Collector Roads (Haldibrook Road) are to be 36.0 metres.
 A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening.
5. Given the proposed lot size meets the minimum requirements, as a condition of approval Hamilton Water requires a Scoped Hydrogeological Report completed by a qualified professional. This report would include but not necessarily be limited to:
 - a. the applicant shall forward the Ministry of Environment Water Well Record for the existing well to Source Protection Planning for our review. If the Water Well Record can not be located OR if the well is more than 10 years old, it shall be inspected by a licensed water well contractor for its condition and its sustainable pumping rate verified to demonstrate that the existing well can continue to support the dwelling. Any improvements to the condition of the well suggested by the water well contractor shall be implemented and associated documentation shall be forwarded to Source Protection Planning for review. Find licensed water well contractors here: <https://www.ontario.ca/page/find-licenced-well-contractors>
 - b. The water well contractor or other qualified professional (P.Eng, P.Geo) shall obtain water quality samples from the onsite well. Parameters to be analyzed shall be at minimum, e. coli, total coliforms, general chemistry, major ions, nutrients, and metals. Find licensed laboratories here: <https://www.ontario.ca/page/listlicensed-laboratories>.
 - c. A revised site/local area plan shall indicate the location of the well and septic system components (tank(s) and leaching bed) and demonstrate that the locations conform with minimum clearance distances within Part 8 of the Ontario Building Code. A reserve area bed shall also be delineated to conform to Rural Hamilton Official Plan requirements.
6. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
7. The owner shall submit survey evidence that the lands to conveyed/retained, including the location of any existing structure(s) and permitted yard encroachments conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
8. The owner shall demolish all or an appropriate portion of any buildings straddling the proposed property line, to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.
9. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the satisfaction of the Planning and Economic Development Department (Building Division – Building Engineering Section).
10. The applicant shall submit and receive final and binding approval of a Zoning Bylaw Amendment Application for the subject lands, in order to prevent any future residential development on the retained farm lot, to the satisfaction of the Manager, Development Planning Heritage & Design.

GL/B-21: 107
PAGE 3

- 11. The owner shall demolish the existing barn and two Quonset huts (accessory structure) on the lands to be conveyed to the satisfaction of the Planning and Economic Development Department.
- 12. That a Tree Management Plan must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees.

DATED AT HAMILTON this 9 day of December, 2021.

D. Smith (Chairman)

D. Serwatak

L. Gaddy

M. Dudzic

B. Charters

M. Switzer

M. Smith

N. Mleczko

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS December 16, 2021.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (December 16, 2022) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS January 5, 2022

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be conveyed will remain as **9270 Haldibrook Road (Glanbrook)** and the lands to be retained will be assigned the address of **9350 Haldibrook Road (Glanbrook)**.

We ask that the following be noted to the applicants:
That the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's Sign By-law, in a manner that is clearly visible from the road.

SKETCH FOR BUILDING LOCATION

SCALE 1:1000 METRIC

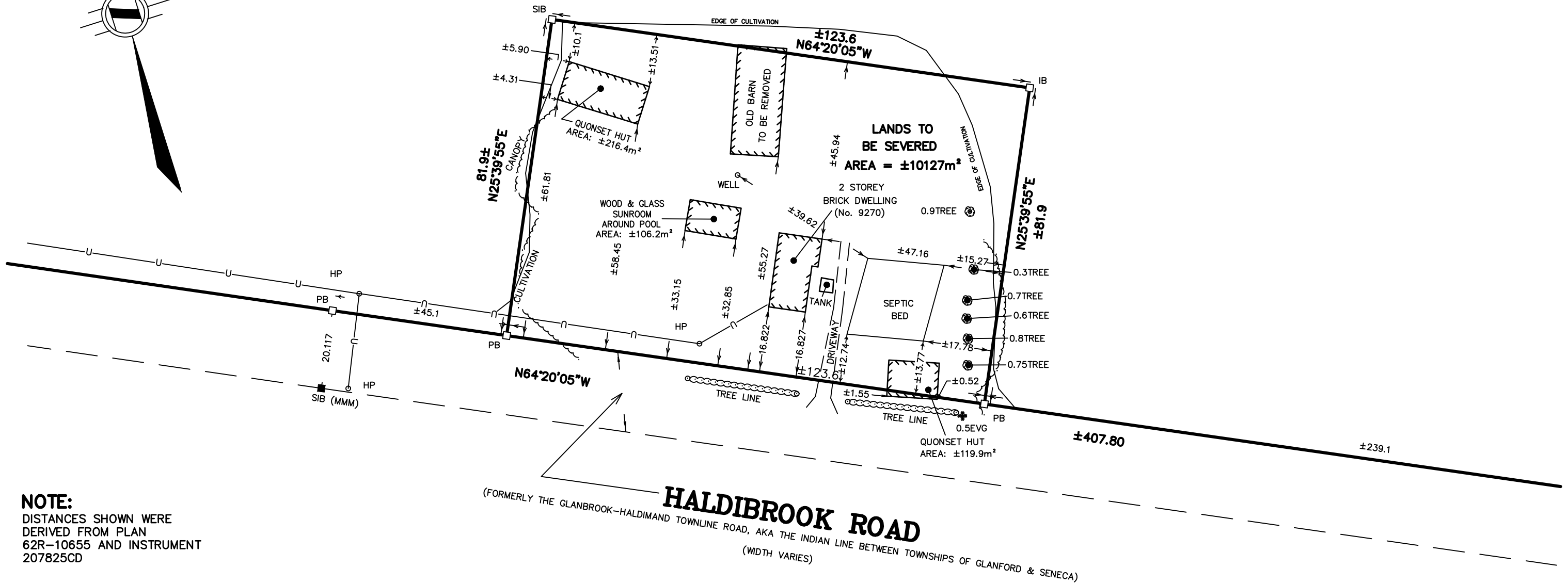
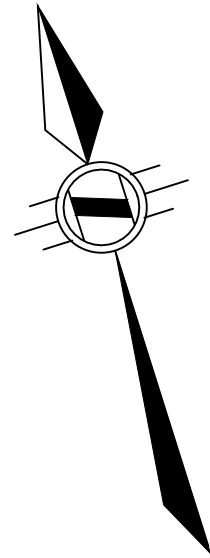
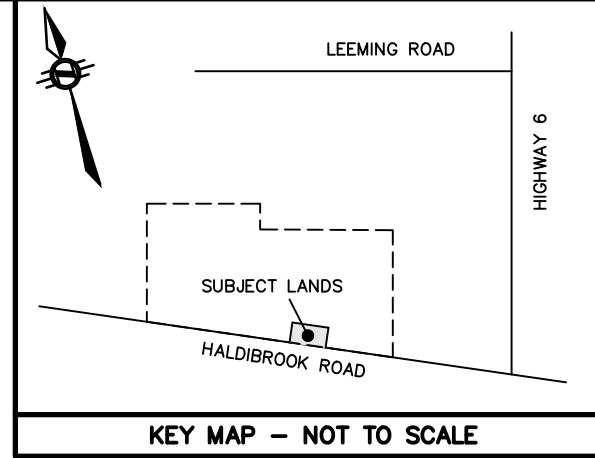


S.D. McLAREN, O.L.S. - 2021

LOT 4

LANDS TO BE RETAINED
 AREA = ±331428m²

CONCESSION



NOTE:
 DISTANCES SHOWN WERE DERIVED FROM PLAN 62R-10655 AND INSTRUMENT 207825CD

NOTE:
 LANDS ARE PART OF LOTS 3 & 4, CONCESSION 8, GEOGRAPHIC TOWNSHIP OF GLANFORD IN THE CITY OF HAMILTON.

HALDIBROOK ROAD
 (FORMERLY THE GLANBROOK-HALDIMAND TOWNLINER ROAD, AKA THE INDIAN LINE BETWEEN TOWNSHIPS OF GLANFORD & SENECA)
 (WIDTH VARIES)

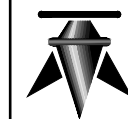
CAUTION:

- A) THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLEBLOCK.
- B) THIS SKETCH IS PROTECTED BY COPYRIGHT ©

OCTOBER 19, 2021
 DATE

METRIC NOTE:

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048



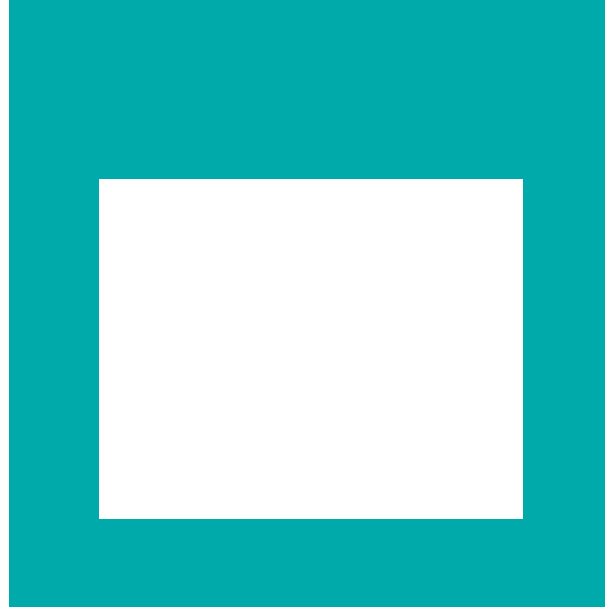
A.T. McLaren Limited
 LEGAL AND ENGINEERING SURVEYS

69 JOHN STREET SOUTH, SUITE 230
 HAMILTON, ONTARIO, L8N 2B9
 PHONE (905) 527-8559 FAX (905) 527-0032

Drawn KM	Checked SDM	Crew Chief DW	Scale 1:1000	Dwg.No. 36751-S2
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ZONING BY-LAW AMENDMENT MODIFICATION CHART			
Provision	Required	Requested Amendment	Analysis
Section 12.1.1 – Permitted Uses	Residential Care Facility Single Detached Dwelling are permitted.	Prohibit use of Residential Care Facility and Single Detached Dwelling.	<p>Restricting construction of a single detached dwelling and residential care facility on the remnant agricultural parcel implements the policy direction under the Provincial Policy Statement, 2020, Greenbelt Plan, 2017 and Rural Hamilton Official Plan.</p> <p>Therefore, staff are of the opinion that the modification can be supported.</p>
12.1.3.1 a) – Minimum Lot Area	40.4 hectares	32 hectares	<p>The remnant agricultural parcel size is maximized by following the existing limits of the cultivated land and treed areas. The intent of the minimum lot area requirement is viewed to be met by virtue of the farm consolidation operation.</p> <p>Therefore, staff are of the opinion that the modification can be supported.</p>
12.1.3.3 (d) – Minimum Front Yard	15 metres	6 metres	<p>The proposed reduction in the front yard setback recognizes the minimum distance from the future road widening required along Haldibrook Road and siting of the existing single detached dwelling.</p> <p>Therefore, staff are of the opinion that the modification can be supported.</p>

ZONING BY-LAW AMENDMENT MODIFICATION CHART			
Provision	Required	Requested Amendment	Analysis
Section 4.8.1.2 b) – Gross Floor Area of Accessory Structures	The aggregate Gross Floor Area of all Accessory Buildings shall not exceed 200 square metres, or 5% lot coverage, whichever is the lesser.	Shall not exceed 325 square metres.	<p>The requested modification recognizes the existing accessory buildings, and the removal of the existing agricultural-related building (i.e. barn and removal of the east Quonset hut that encroaches onto the public right-of-way). The retained accessory buildings (i.e. west Quonset Hut and sunroom pool enclosure) are appropriately sized for the lot and are subordinate to the existing single detached dwelling.</p> <p>Therefore, staff are of the opinion that the modification can be supported.</p>



WELCOME TO THE CITY OF HAMILTON

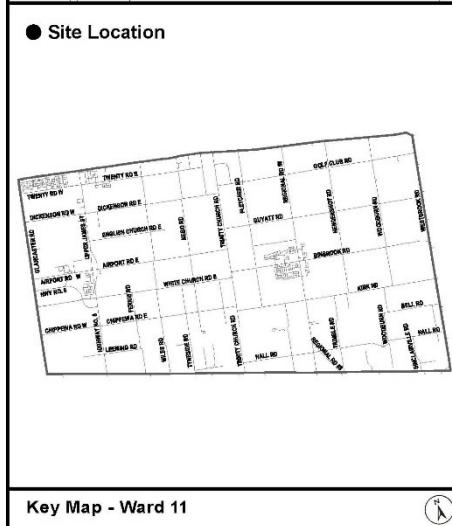
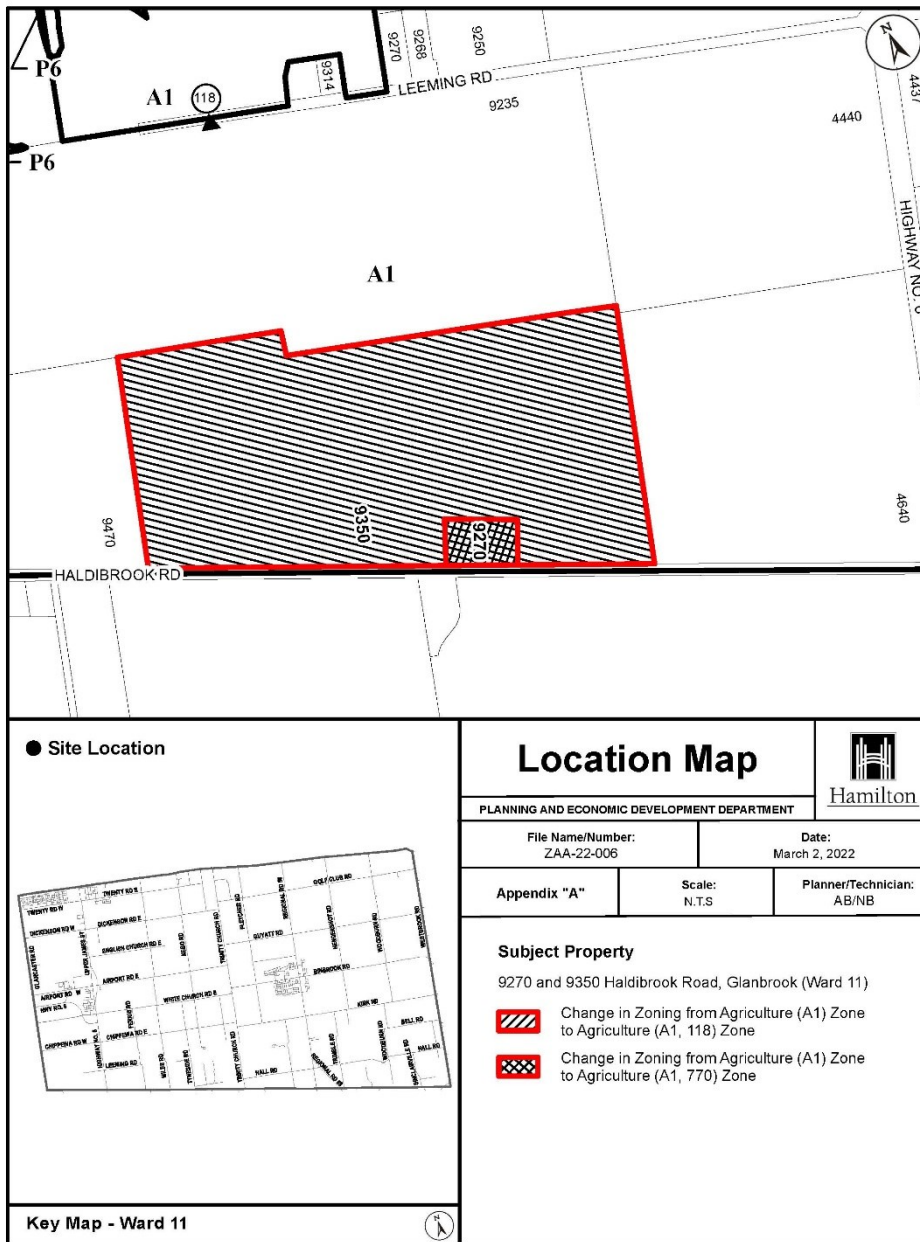
PLANNING COMMITTEE

May 3, 2022

PED22073 – (ZAA-22-006)

Application for a Zoning By-law Amendment for Lands Located at
9270 Haldibrook Road, Glanbrook

Presented by: Aminu Bello



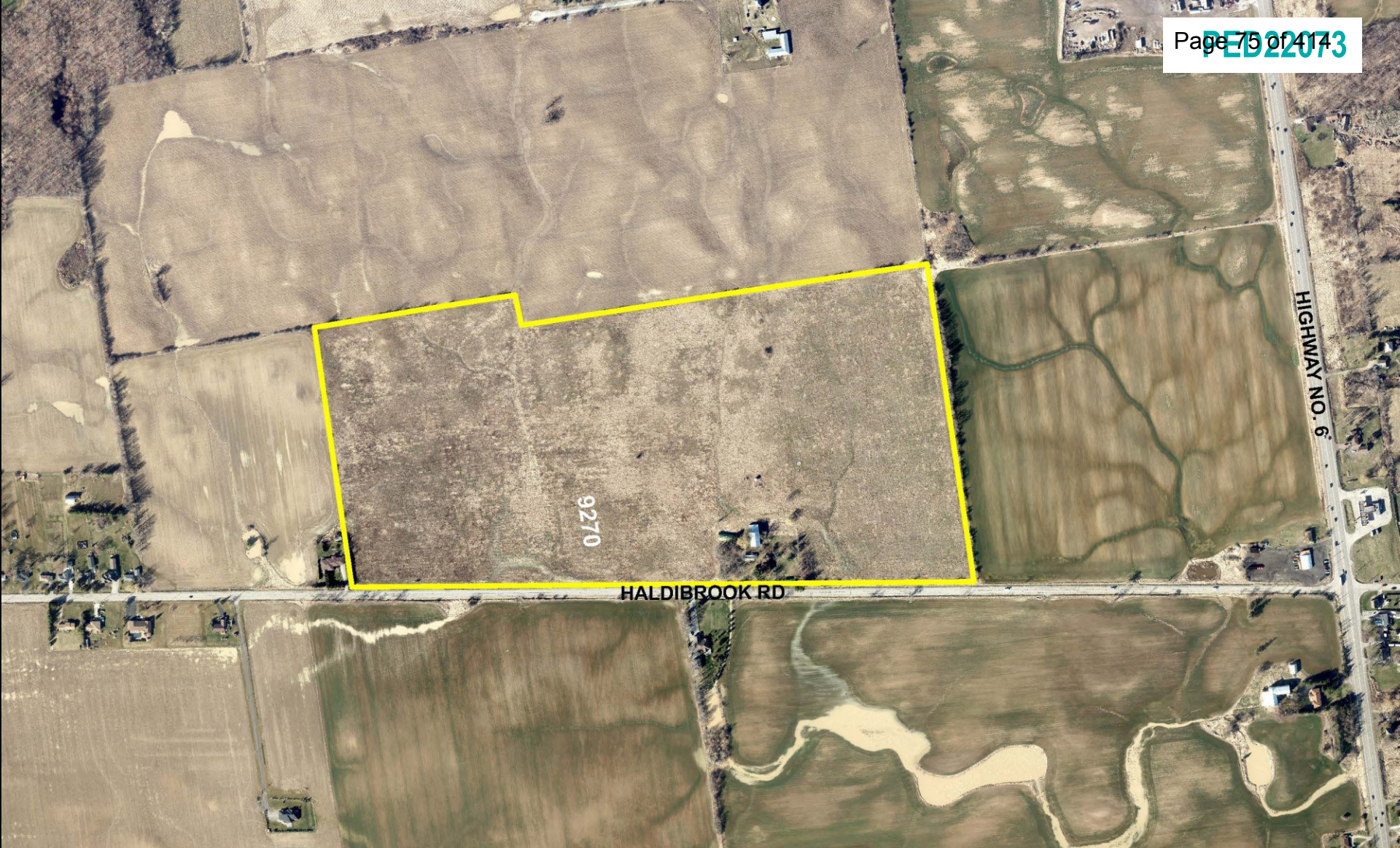
Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: ZAA-22-006	Date: March 2, 2022
Appendix "A"	Scale: N.T.S.
Planner/Technician: AB/NB	

Subject Property
 9270 and 9350 Haldbrook Road, Glanbrook (Ward 11)

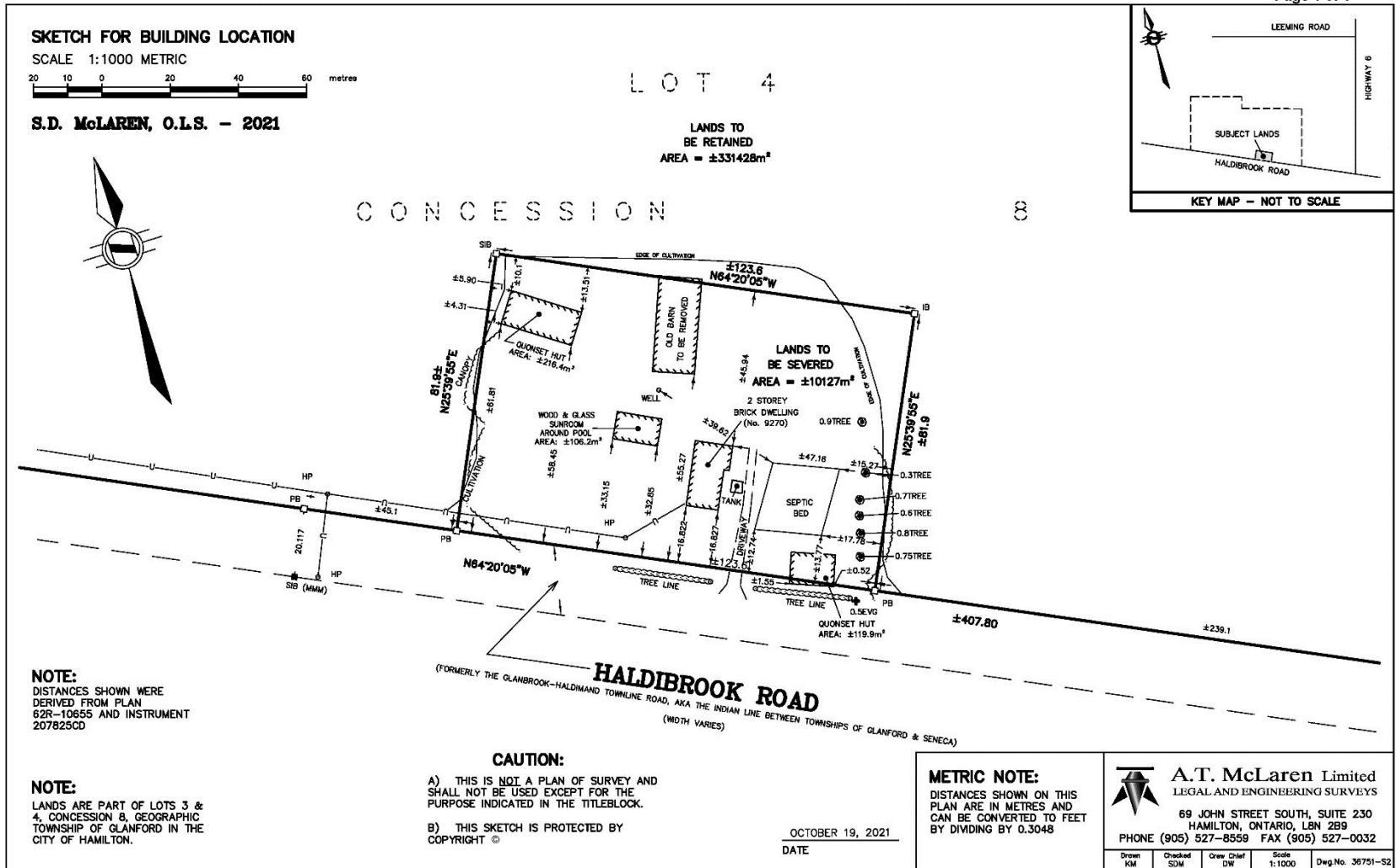
- Change in Zoning from Agriculture (A1) Zone to Agriculture (A1, 118) Zone
- Change in Zoning from Agriculture (A1) Zone to Agriculture (A1, 770) Zone



SUBJECT PROPERTY



9270 Haldibrook Road, Hamilton





Subject lands viewed from Haldibrook Road looking northwest



View from the west portion of the subject from Haldibrook Road



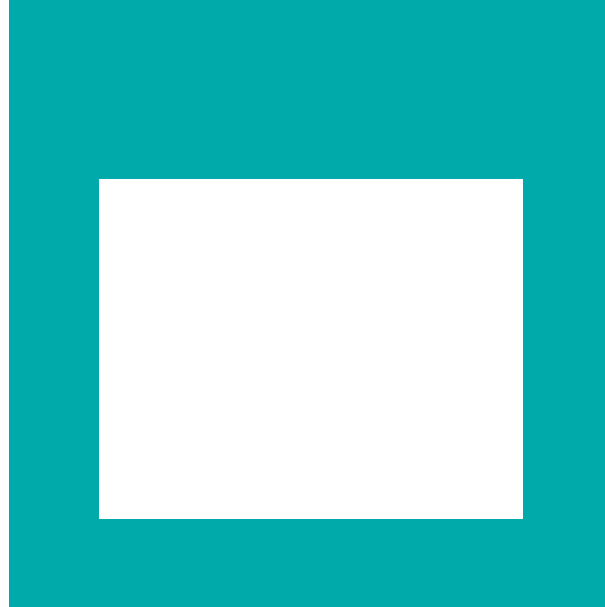
View from the central portion of the subject from the Haldibrook Road looking northwest



View from the central portion of the subject from the Haldibrook Road looking north



Subject lands viewed from Haldibrook Road looking east



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	May 3, 2022
SUBJECT/REPORT NO:	Zoning By-law Amendment Application for Lands Located at 1640 Trinity Church Road, Glanbrook (PED22087) (Ward 11)
WARD(S) AFFECTED:	Ward 11
PREPARED BY:	Charlie Toman (905) 546-2424 Ext. 5863
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Zoning By-law Amendment Application ZAA-22-010, by Harvinder Wallace (Owner)**, for a change in zoning from Agriculture (A1) Zone, Conservation/Hazard Land-Rural (P7) Zone and Conservation/Hazard Land-Rural (P8) Zone to the Agriculture (A1, 118) Zone, Conservation/Hazard Land-Rural (P7, 773) Zone and Conservation/Hazard Land-Rural (P8, 773) Zone to prohibit development of a single detached dwelling and a residential care facility, as required by the conditions of Consent approval, as shown on Appendix “A” attached to Report PED22087, be **APPROVED** on the following basis:

- (i) That the draft By-law attached as Appendix “B” to Report PED22087, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law be added to Schedule “C” of Zoning By-law No. 05-200;
- (iii) That the proposed modifications in zoning are consistent with the Provincial Policy Statement, 2020, conform to the Greenbelt Plan and comply with Rural Hamilton Official Plan.

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**SUBJECT: Zoning By-law Amendment Application for Lands Located at 1640
Trinity Church Road, Glanbrook (PED22087) - Page 2 of 12**

EXECUTIVE SUMMARY

On July 22, 2021, the Applicant received conditional approval of Consent Application GL/B-21:19 (see Appendix “C” attached to Report PED22087) to sever a 1 ha lot containing a dwelling that is surplus to the Applicant’s farm operation for the lands located at 1640 Trinity Church Road. The purpose of the Zoning By-law Amendment Application is to satisfy Condition Nos. 5, 6 and 8 of the Consent Application by adding special exceptions to the Agriculture (A1) Zone, to:

- Prohibit development of a single detached dwelling and residential care facility, shown as Blocks 1, 2 and 3 on Appendix “B” attached to Report PED22087; and,
- Recognize a reduced lot area of 35.8 hectares.

The proposed amendments are required to satisfy the lot creation policies of the Provincial Policy Statement (PPS), the Greenbelt Plan (2017) and the Rural Hamilton Official Plan by ensuring that an additional dwelling cannot be built on the retained farm parcel. Staff are in support of the proposed Zoning By-law Amendment Application.

Alternatives for Consideration – See Page 12

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting prior to considering an Application for an amendment to the Zoning By-law.

HISTORICAL BACKGROUND

Consent for Severance Application GL/B-21:19

On July 22, 2021, the Committee of Adjustment approved Consent Application GL/B-21:19 with conditions, to permit the severance of a 1 ha parcel containing a detached dwelling from a 36.8 ha agricultural lot located at 1640 Trinity Church Road. The Applicant owns a 90 ha farm nearby at 1511 Nebo Road and the dwelling at 1640 Trinity Church Road had become surplus to their operation. A condition of the Consent approval required final and binding approval of a Zoning By-law Amendment Application in order to prevent any future residential development on the retained farm lot (refer to Appendix “C” attached to Report PED22087).

**SUBJECT: Zoning By-law Amendment Application for Lands Located at 1640
Trinity Church Road, Glanbrook (PED22087) - Page 3 of 12**

Report Fact Sheet

Application Details	
Applicant/Owner:	Harvinder Wallace
File Number:	ZAA-22-010
Type of Application:	Zoning By-law Amendment
Proposal:	Change in zoning from Agriculture (A1) Zone, Conservation/Hazard Land-Rural (P7) Zone and Conservation/Hazard Land-Rural (P8) Zone to the Agriculture (A1, 118) Zone, Conservation/Hazard Land-Rural (P7, 773) Zone and Conservation/Hazard Land-Rural (P8, 773) Zone to prohibit development of a single detached dwelling and residential care facility on the retained lands and to recognize the reduced lot area of the retained agricultural parcel.
Property Details	
Municipal Address:	1640 Trinity Church Road
Lot Area:	± 36.8 ha. Proposed retained rural residential lot at 1640 Trinity Church Road ± 1 ha. Proposed severed agricultural parcel at 1640 Trinity Church Road ± 35.8 ha.
Servicing:	The dwelling is serviced by private and separate well and septic services.
Existing Use:	Agriculture
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
Greenbelt Plan:	The proposal conforms to the Greenbelt Plan (2017).
Rural Hamilton Official Plan Existing:	"Agriculture" on Schedule "D" – Rural Land Use Designations
Zoning Existing:	Agriculture (A1) Zone, Conservation/Hazard Land-Rural (P7) Zone and Conservation/Hazard Land-Rural (P8) Zone

SUBJECT: Zoning By-law Amendment Application for Lands Located at 1640 Trinity Church Road, Glanbrook (PED22087) - Page 4 of 12

Documents	
Zoning Proposed:	Agriculture (A1, 118) Zone, Conservation/Hazard Land-Rural (P7, 773) Zone and Conservation/Hazard Land-Rural (P8, 773) Zone
Modifications Proposed:	<p>Modifications requested by the Applicant:</p> <ul style="list-style-type: none"> • Notwithstanding Section 12.1.1, for the property known as 1640 Trinity Church Road, single detached dwellings and residential care facility are prohibited; and, • Notwithstanding Section 12.1.3.1a), for the property known as 1640 Trinity Church Road, the minimum lot area shall be 35.8 hectares instead of the required 40.4 hectares.
Processing Details	
Received:	August 23, 2021
Deemed Complete:	September 22, 2021
Notice of Complete Application:	Sent to 15 property owners within 120 metres of the subject property on January 21, 2021.
Public Notice Sign:	Sign Posted: January 26, 2021 and updated on April 6, 2022.
Notice of Public Meeting:	Sent to 15 property owners within 120 metres of the subject property on April 14, 2022.
Public Consultation:	As per the approved Council guidelines, circulation to the surrounding property owners was previously provided through the Committee of Adjustment Consent Application. At that time, no comments were received.
Public Comments:	No public comments were received on the proposal.
Processing Time:	239 days from the date of receipt of Applications.

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**SUBJECT: Zoning By-law Amendment Application for Lands Located at 1640
Trinity Church Road, Glanbrook (PED22087) - Page 5 of 12**

BACKGROUND

EXISTING LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands:	Agriculture	Agriculture (A1) Zone, Conservation/Hazard Land- Rural (P7) Zone and Conservation/Hazard Land- Rural (P8) Zone

Surrounding Land Uses:

North	Agriculture and woodlands	Conservation/Hazard Land- Rural-Rural (P7) Zone and Conservation/Hazard Land- Rural (P8) Zone
East	Agriculture and single detached dwelling	Agriculture (A1) Zone and Conservation/Hazard Land- Rural-Rural (P7) Zone and Conservation/Hazard Land- Rural (P8) Zone
West	Agriculture	Agriculture (A1) Zone and Conservation/Hazard Land- Rural (P7) Zone and Conservation/Hazard Land- Rural (P8) Zone
South	Agriculture, single detached dwelling and supportive housing	Agriculture (A1) Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the PPS. The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The mechanism for

**SUBJECT: Zoning By-law Amendment Application for Lands Located at 1640
Trinity Church Road, Glanbrook (PED22087) - Page 6 of 12**

the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal (formerly Ontario Municipal Board) approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (e.g. efficiency of land use, balanced growth and environmental protection) are reviewed and discussed in the Official Plan analysis below.

As the Application for a change in zoning complies with the RHOP, it is staff's opinion that the Application is:

- Consistent with Section 3 of the *Planning Act*,
- Consistent with the PPS; and,
- Conforms to the Greenbelt Plan (2017).

Rural Hamilton Official Plan (RHOP)

The subject lands are designated "Greenbelt Protected Countryside" on Schedule "A" - Provincial Plans and "Agriculture" on Schedule "D" - Rural Land Use Designations of the RHOP. The following policies, amongst others, apply to the proposal.

- "F.1.14.2.8 (a) In all cases where surplus farm dwellings are to be severed the following shall apply:
- (i) The farm consolidation shall have been completed prior to the time of Application;
 - (ii) The farm dwelling shall be determined to be surplus to the farm operation for no reason other than the farm dwelling is surplus to the needs of the farm consolidation. Farm dwellings that have been determined to be surplus to a farm operation prior to December 16, 2004 and prior to the acquisition of the additional farm parcel(s), or as a result of changing agricultural operations, are deemed not to be surplus farm dwellings for the purposes of Section F.1.14.2.8.;
 - (iii) The proposed surplus farm dwelling:
 - (1) Not impair agricultural operations on the retained land; and,
 - (2) Generally, not exceed a depth of 122 metres (400 feet);

**SUBJECT: Zoning By-law Amendment Application for Lands Located at 1640
Trinity Church Road, Glanbrook (PED22087) - Page 7 of 12**

- (iv) The surplus dwelling lot shall be a minimum of 0.4 hectares (1 acre), or such larger area as may be required by Section C.5.1, Private Water and Wastewater Services of this Plan. The maximum size of the surplus dwelling lot shall be the size required for servicing in accordance with Section C.5.1, with as little acreage as possible taken out of agricultural production;
- (v) A private water well and private sewage disposal system shall be provided in accordance with Section C.5.1, Private Water and Wastewater Services of this Plan;
- (vi) The shape and dimensions of the surplus farm dwelling lot shall:
 - (1) Not impair agricultural operations on the retained land; and,
 - (2) Generally, not exceed a depth of 122 metres (400 feet);
- (vii) The surplus dwelling lot shall not include barns or other farm buildings which are not suitable to be used as accessory structures to a residential use prescribed by the Zoning By-law, and no such buildings or structures shall be used for industrial or commercial purposes; and,
- (viii) Where a barn or other farm building exists within the immediate vicinity of the surplus residence, the City may require demolition of the barn.

Lands Not Merged in Title

- (c) In cases of a farm dwelling made surplus as a result of acquisition as part of a farm operation that does not result in the merging in title of parcels of land, Applications for severance of the surplus dwelling shall comply with the following conditions:
 - (i) The owner and operator of the farm maintains an existing dwelling on land that is also part of the consolidated farm operation;
 - (ii) The parcels of land comprising the consolidated farm operation shall generally be a minimum of 38.4 hectares (95 acres) in total in the Agriculture and Rural designations and 14.2 hectares (35 acres) in the Specialty Crop designation; (OPA 30)

**SUBJECT: Zoning By-law Amendment Application for Lands Located at 1640
Trinity Church Road, Glanbrook (PED22087) - Page 8 of 12**

- (iii) The parcel of land from which the surplus dwelling is severed shall generally be a minimum of 8.1 hectares (20 acres) in size for lands designated Specialty Crop on Schedule D – Rural Land Use Designations, or 16.2 hectares (40 acres) in size for lands designated Agriculture or Rural on Schedule D – Rural Land Use Designations; and,
- (iv) Prior to granting of final consent, one of the following conditions shall be met for the retained farm parcel as a result of a surplus farm dwelling severance:
 - (1) The land owner shall apply for and receive final approval to rezone the farm parcel to prohibit the construction of a dwelling unit; or,
 - (2) The land owner shall grant in favour of the City, a restrictive covenant which prohibits the construction of any dwelling unit.”

Based on the policies above, staff found that the Consent Application (GL/B-21:19) complied with the RHOP subject to the retained agricultural parcel being rezoned to restrict development of a single detached dwelling and residential care facility. Staff note that at 35.8 hectares, the retained agricultural parcel complies with Section F1.14.2.8 c) ii) which requires a minimum lot area of 16.2 hectares.

Based on the forgoing, this Application satisfies Policy F.1.14.2.8 (c) and complies with the RHOP.

Airport Influence Area Policies

The subject lands are identified as Airport Influence Area on Schedule “F” Airport Influence Area, Primary Airport Zoning Regulation Area and between the 30-35 Noise Exposure Forecast Contours on Appendix “D” – Noise Exposure Forecast Contours and Primary Zoning Regulation Area. The following policies, amongst others, apply to the proposed development.

- “B.3.6.3.2 Development of noise *sensitive land uses*, in the vicinity of provincial highways, parkways, arterial roads, collector roads, truck routes, railway lines, railway yards, airports or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines standards.”

**SUBJECT: Zoning By-law Amendment Application for Lands Located at 1640
Trinity Church Road, Glanbrook (PED22087) - Page 9 of 12**

	Locational Criteria	Requirements
1	28 NEF and greater, but less than 35 NEF	a) All new <i>development</i> of residential and other <i>sensitive land uses</i> , including <i>infill development</i> and <i>redevelopment</i> , shall be prohibited; b) New land uses which may cause a potential aviation hazard shall be prohibited; and, c) All <i>development</i> Applications approved prior to approval of this Plan may proceed.

The proposal is to facilitate the severance of an existing dwelling that is surplus to the Applicant's farm operation by rezoning the retained farm parcel to restrict new residential development. The rezoning Application will not result in the development of any new sensitive land uses. As such, the proposal complies with Policy B.3.6.3.2.

Cultural Heritage

The surplus farm dwelling on the subject lands is a circa 1896 farm house which is included in the City's Inventory of Heritage Buildings. The following policies, amongst others, apply to the proposal.

- “3.4.2.1 The City of Hamilton shall, in partnership with others where appropriate:
- (a) Protect and conserve the tangible cultural heritage resources of the City, including archaeological resources, built heritage resources, and cultural heritage landscapes for present and future generations.”

The proposal will facilitate the retention of this built heritage resource and as such complies with this policy.

Therefore, the proposal complies with the RHOP.

City of Hamilton Zoning By-law No. 05-200

The subject lands are currently zoned Agriculture (A1) Zone, Conservation/Hazard Land-Rural (P7) Zone and Conservation/Hazard Land-Rural (P8) Zone under City of Hamilton Zoning By-law No. 05-200. Permitted uses under the Agriculture (A1) Zone include Agriculture and a Single Detached Dwelling. Section 12.1.3.1 a) of the Zoning By-law establishes a minimum lot area of 40.4 ha.

**SUBJECT: Zoning By-law Amendment Application for Lands Located at 1640
Trinity Church Road, Glanbrook (PED22087) - Page 10 of 12**

The purpose of the Zoning By-law Amendment is to add a site specific exception to the Agriculture (A1) Zone, Conservation/Hazard Land-Rural (P7) Zone and Conservation/Hazard Land-Rural (P8) Zone to prohibit the development of a single detached dwelling and residential care facility and to recognize the reduced lot area of the retained agricultural lot as identified in Appendix "B" attached to Report PED22087.

RELEVANT CONSULTATION

Departments and Agencies		
	<ul style="list-style-type: none"> • Niagara Peninsula Conservation Authority; • Canada Post; and, • Alectra. 	No Comment
	Comment	Staff Response
Development Engineering Approvals Section, Planning and Economic Development Department	<p>Given the proposed lot size meets the minimum requirements, as a condition of approval Hamilton</p> <p>Water requires a Scoped Hydrogeological Report completed by a qualified professional.</p>	A scoped Hydrogeological Report is required as a condition of the Consent Application GL/B-21:19.
Growth Planning Section, Planning and Economic Development Department	The existing address of 1640 Trinity Church Road will continue to be used for the lands proposed for severance through Consent to Sever Application GL/B-21:19, and the preliminary address of 1800 Trinity Church Road has been assigned to the retained lands. 1800 Trinity Church Road will become final upon issuance of the final certificate of Consent to Sever Application GL/B-21:19.	Noted.
Forestry & Horticulture Section, Public Work Department	There are municipal tree assets on site although it is determined that no impacts are anticipated through this Application. No Landscape Plan required.	Noted.
Landscape Architectural Services, Public Works Department	Cash-in-lieu of parkland dedication is requested, if applicable.	Noted.

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**SUBJECT: Zoning By-law Amendment Application for Lands Located at 1640
Trinity Church Road, Glanbrook (PED22087) - Page 11 of 12**

Public Consultation

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 15 property owners within 120 m of the subject lands on January 21, 2022 and the Applicant posted a public notice sign on the property on January 26, 2022. No public comments were received on the Application.

The Public Notice sign was updated with the Public Meeting date on April 6, 2022. Finally, the Notice of Public Meeting was mailed to 15 property owners within 120 m of the subject lands on April 14, 2022.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

- (1) The proposed Zoning By-law Amendment has merit and can be supported for the following reasons:
 - (a) The proposed amendment is consistent with the lot creation policies of the PPS (2020) and conforms to the Greenbelt Plan (2017);
 - (b) It complies with the lot creation policies of the RHOP;
 - (c) The requested modification has merit as it complies with the minimum lot area established under Section F.1.14.2.8 c) ii) of the RHOP; and,
 - (d) The proposed amendment satisfies Condition Nos. 5, 6 and 8 of Consent for Severance Application GL/B-21:19 which was approved by the Committee of Adjustment on December 9, 2021 (see Appendix "C" attached to Report PED22087).

- (2) The policies of the PPS and Greenbelt Plan (2017) indicate that an existing residence may be severed as surplus to a farming operation consolidation. It is the opinion of Staff that the Application is consistent with the PPS and conforms to the Greenbelt Plan (2017) by restricting the development of a single detached dwelling and residential care facility on the retained lands. The proposed lot severance is appropriately sized to manage private sewage and water services and preserves the existing farming operation of the Applicant.

Staff support the proposed Zoning By-law Amendment.

**SUBJECT: Zoning By-law Amendment Application for Lands Located at 1640
Trinity Church Road, Glanbrook (PED22087) - Page 12 of 12**

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment be denied, the conditional approval of Consent Application GL/B-21:19 will lapse, and the Applicant will not be able to sever the surplus dwelling from the property.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

APPENDICES AND SCHEDULES ATTACHED

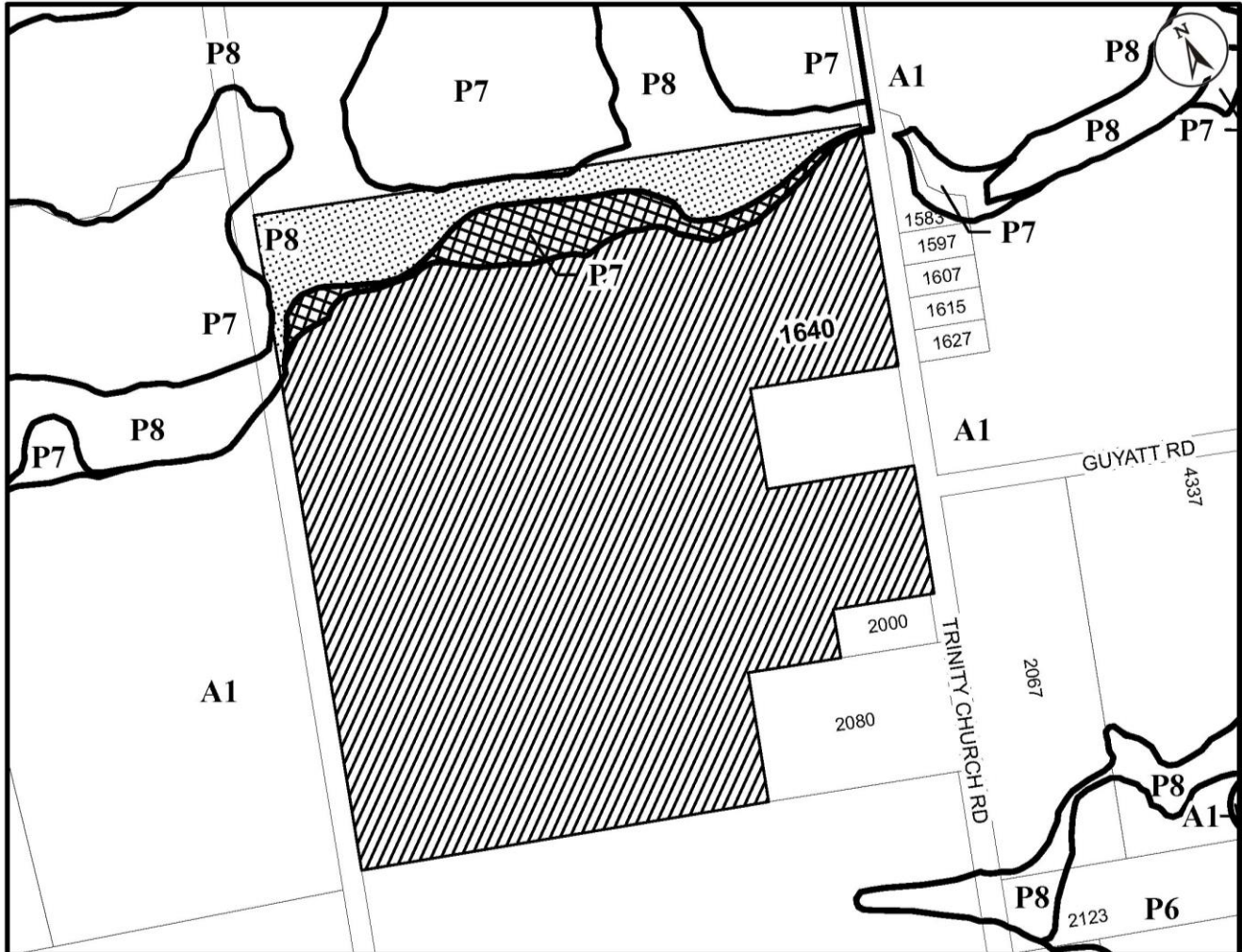
Appendix “A” to Report PED22087 – Location Map

Appendix “B” to Report PED22087 – Amendment to Zoning By-law No. 05-200

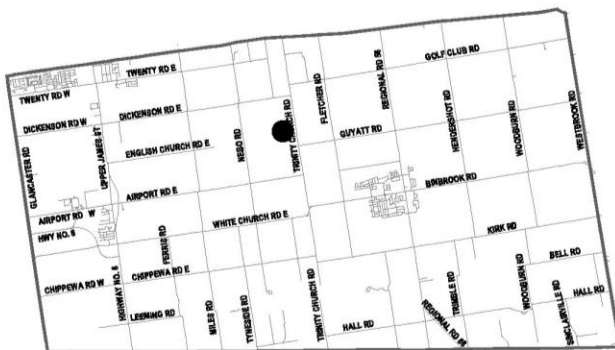
Appendix “C” to Report PED22087 – Notice of Decision for GL/B-21:19

CT:sd

Appendix "A" to Report PED22087
Page 1 of 1



● Site Location



Key Map - Ward 11

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAA-22-010

Date:
March 29, 2022




Appendix "A"

Scale:
N.T.S

Planner/Technician:
CT/NB

Subject Property

1640 Trinity Church Road

-  Block 1 – Change in Zoning from Agriculture (A1) Zone to Agriculture (A1, 118) Zone
-  Block 2 – Change in Zoning from Conservation/Hazard Land-Rural (P7) Zone to Conservation/Hazard Land-Rural (P7, 773) Zone
-  Block 3 - Change in Zoning from Conservation/Hazard Land-Rural (P8) Zone to Conservation/Hazard Land-Rural (P8, 773) Zone

Appendix “B” to Report PED22087

Page 1 of 4

Authority: Item ,
Report (PED22XXX)
CM:
Ward: 11

Bill No.

CITY OF HAMILTON

BY-LAW NO.

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at
1640 Trinity Church Road, Glanbrook**

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

WHEREAS, the City of Hamilton is the lawful successor of the former Municipalities identified in Section 1.7 of By-law No. 05-200;

WHEREAS, the first stage of Zoning By-law, being By-law No. 05-200 came into force and effect on the 25th day of May 2005; and

AND WHEREAS the Council of the City of Hamilton, in adopting Item XX of Meeting XX-XXX of the Planning Committee at its meeting held on the XX day of XXXXX, 2022, which recommended that Zoning By-law No. 05-200, be amended as hereinafter provided; and,

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

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

1. That Map No. 192 of Schedule “A” to Zoning By-law No. 05-200 is amended by changing the zoning from the Agriculture (A1) Zone to the Agriculture (A1, 118) Zone, and from the Conservation/Hazard Land-Rural (P7) Zone and Conservation/Hazard Land-Rural (P8) Zone to the Conservation/Hazard Land-Rural (P7, 773) Zone and Conservation/Hazard Land-Rural (P8, 773) Zone, the extent and boundaries of which are shown on Schedule “A” annexed hereto and forming part of this By-law.

Appendix “B” to Report PED22087
Page 2 of 4

2. That Schedule “C” Special Exceptions is amended by modifying special exception, 118 with the following:

a) Adding reference to “1640 Trinity Church Road” and “Map 192” to the Property Address and Map Number table as follows:

Property Address	Map Number
1640 Trinity Church Road	192

b) Adding subsection e) as follows:

“e) The following regulations shall also apply for the property located at 1640 Trinity Church Road:

i) Notwithstanding Subsection 12.1.3.1 a), the minimum lot area shall be 35.8 hectares.”

3. That Schedule “C” Special Exceptions of By-law No. 05-200 is amended by adding an additional exception, as follows:

“773. Within the lands zoned Conservation/Hazard Land-Rural (P7, 773) Zone and Conservation/Hazard Land-Rural (P8, 773) Zone on Map No. 192 of Schedule “A” Zoning Maps and described as 1640 Trinity Church Road, the following special provisions shall apply:

- i) Notwithstanding Section 12.1.1, a single detached dwelling and residential care facility shall be prohibited; and,
- ii) Notwithstanding Section 12.1.3.1 a), the minimum lot area shall be 35.8 hectares.

4. 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*.

5. That this By-law No. 22-XXX shall come into force and deemed to come into force in accordance with Subsection 34(21) of the *Planning Act*, either upon the date of passage of the By-law, or as otherwise provided by the said Subsection.

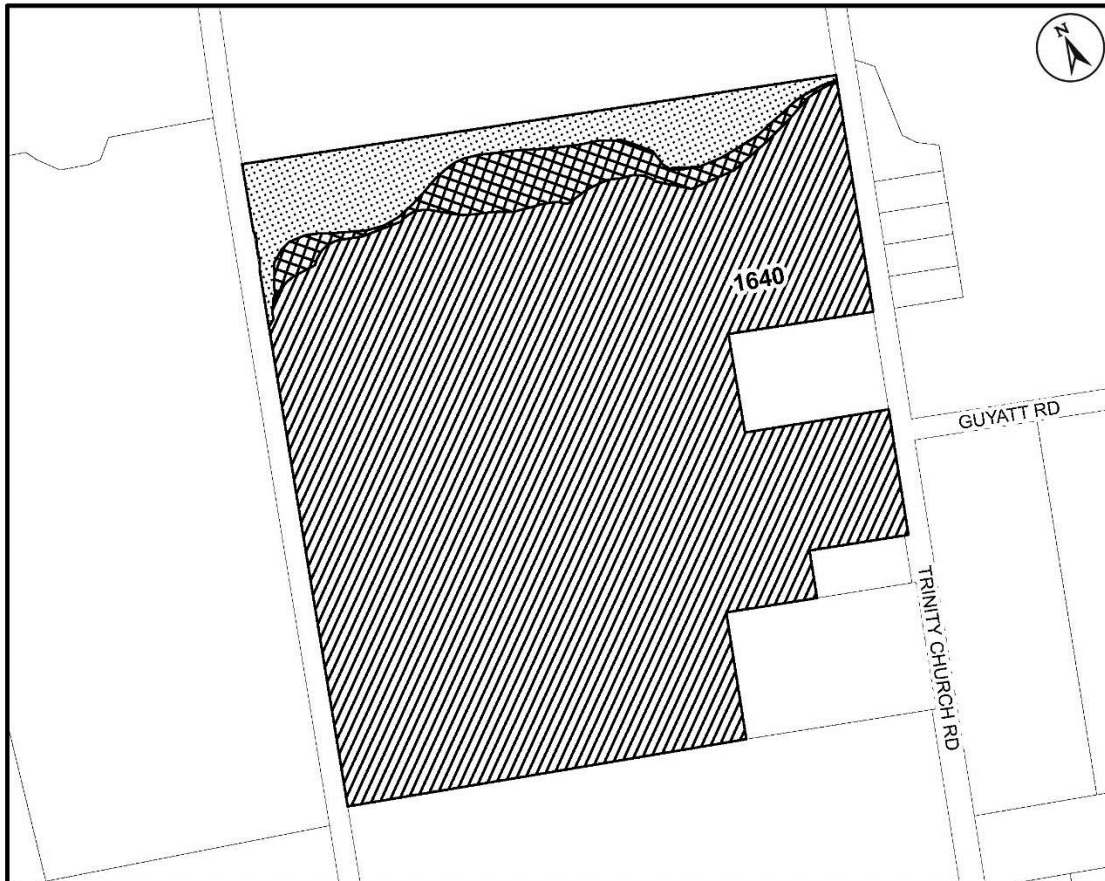
PASSED and Enacted this _____, 2022


Appendix "B" to Report PED22087

Page 3 of 4

F. Eisenberger
Mayor

A. Holland
City Clerk



This is Schedule "A" to By-law No. 22- Passed the day of, 2022		----- Mayor ----- Clerk
<h2>Schedule "A"</h2> Map forming Part of By-law No. 22-_____ to Amend By-law No. 05-200 Map 192		Subject Property 1640 Trinity Church Road <div style="display: flex; gap: 10px;"> <div style="width: 20px; height: 10px; border: 1px solid black; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px);"></div> <div>Block 1 – Change in Zoning from Agriculture (A1) Zone to Agriculture (A1, 118) Zone</div> </div> <div style="display: flex; gap: 10px;"> <div style="width: 20px; height: 10px; border: 1px solid black; background: repeating-linear-gradient(-45deg, transparent, transparent 2px, black 2px, black 4px);"></div> <div>Block 2 – Change in Zoning from Conservation/ Hazard Land-Rural (P7) Zone to Conservation/ Hazard Land-Rural (P7, 773) Zone</div> </div> <div style="display: flex; gap: 10px;"> <div style="width: 20px; height: 10px; border: 1px solid black; background: radial-gradient(circle, black 1px, transparent 1px); background-size: 4px 4px;"></div> <div>Block 3 - Change in Zoning from Conservation/ Hazard Land-Rural (P8) Zone to Conservation/ Hazard Land-Rural (P8, 773) Zone</div> </div>
Scale: N.T.S	File Name/Number: ZAA-22-010	 Hamilton
Date: March 29, 2022	Planner/Technician: CT/VS	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		



Committee of Adjustment
Hamilton City Hall
71 Main Street West, 5th floor
Hamilton, ON L8P 4Y5
Telephone (905) 546-2424
ext. 4221, 3935
Fax (905) 546-4202

COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENTLAND SEVERANCE

APPLICATION NO. GL/B-21:19
SUBMISSION NO. B-19/21

APPLICATION NUMBER: GL/B-21:19

SUBJECT PROPERTY: 1640 Trinity Church Rd., Glanbrook

APPLICANT(S): Owner Harvinder Wallace

PURPOSE OF APPLICATION: To convey a parcel of land containing an existing farm dwelling, being declared surplus as a result of farm consolidation and to retain a parcel of land for agricultural purposes and to become part of the farming operation contained on the non-abutting farm property known as 1511 Nebo Rd.

Re-application of previous severance GL/B-19:35.

Severed lands:
75.7m[±] x 132.1m[±] and an area of 1ha[±]

Retained lands:
382.61m[±] x 562.35m[±] and an area of 35.8ha[±]

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

1. The proposal does not conflict with the intent of the Rural Hamilton Official Plan.
2. The proposal does not contravene Zoning By-law requirements.
3. The Committee considers the proposal to be in keeping with development in the area.
4. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
5. The submissions made regarding this matter affected the decision by supporting the granting of the application, with amendments.

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)

2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Building Engineering Section).
5. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
6. The owner shall submit survey evidence that the lands to be retained, including the location of any existing structure(s), parking and landscaping, conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
7. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the satisfaction of the Planning and Economic Development Department (Building Division –Building Engineering Section).
8. The applicant shall submit and receive final and binding approval of a Zoning By-law Amendment Application for the subject lands, in order to prevent any future residential development on the retained farm lot, to the satisfaction of the Manager, Development Planning Heritage & Design.
9. To the satisfaction of Director, Hamilton Water, the applicant shall provide a revised site plan that includes the delineation of a reserve leaching bed area to conform to Rural Hamilton Official Plan requirements. A reserve leaching bed is simply a duplication of the proposed leaching bed area placed elsewhere on the property in case it needs to be relocated in the future.
10. The existing right-of-way at the subject property is approximately 20.0 metres. Approximately 4.5 metres are to be dedicated to the right-of-way on Trinity Church Road, as per the Council Approved Rural Official Plan: Schedule C-1 -Future Right-of-Way Dedications. Trinity Church Road (Golf Club Road to White Church Road/ Binbrook Road East) is to be 30.480 metres. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s). Should you require any further information, please contact tplanning@hamilton.ca. (Transportation Planning)
11. The Owner shall submit a survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine any easements on the property. All easements shall be registered on title.

DATED AT HAMILTON this 22 day of July, 2021.

D. Smith (Chairman)

D. Serwatak

N. Mleczko

GL/B-21:19
PAGE 3

M. Dudzic

M. Smith

M. Switzer

T. Lofchik

B. Charters

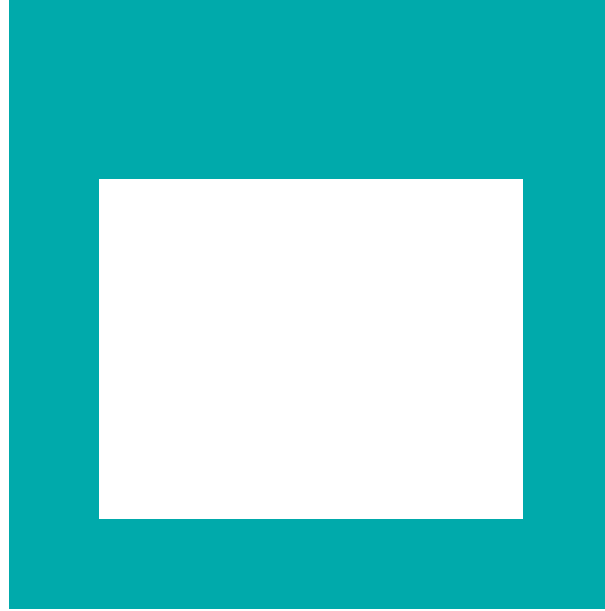
THE DATE OF GIVING OF THIS NOTICE OF DECISION IS July 22, 2021.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE
OF THIS NOTICE OF DECISION (July 22, 2022) OR THE APPLICATION SHALL BE
DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING
APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **August 18 , 2021**

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

NOTE: Based on this application being approved and all conditions being met, the
owner / applicant should be made aware that the lands to be conveyed (existing
residential dwelling) will remain as 1640 Trinity Church Road (Glanbrook), and the lands
to be retained (farm land) will be assigned the address of 1800 Trinity Church Road
(Glanbrook).

That the Owner agrees to physically affix the municipal numbers or full addresses to either
the buildings or on signs in accordance with the City's Sign By-law, in a manner that is
clearly visible from the road.



WELCOME TO THE CITY OF HAMILTON

PLANNING COMMITTEE

May 3, 2022

PED22087 – (ZAA-22-010)

Zoning By-law Amendment Application for Lands Located at
1640 Trinity Church Road, Glanbrook

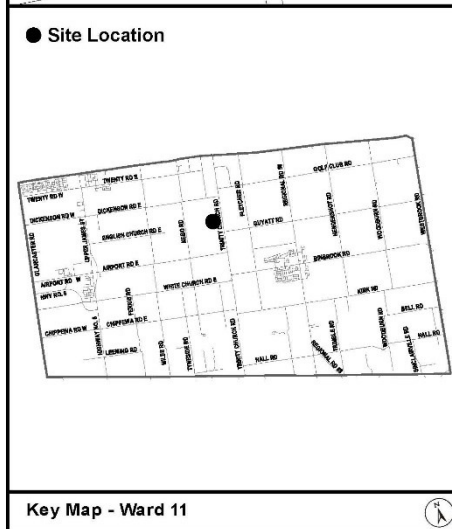
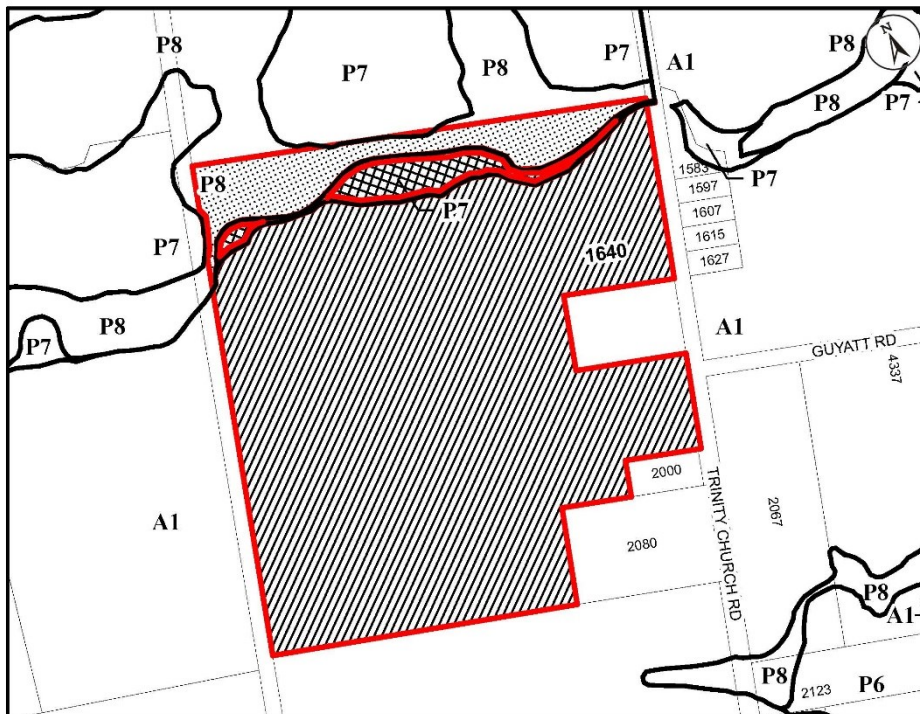
Presented by: Charlie Toman



SUBJECT PROPERTY



1640 Trinity Church Road, Glanbrook



Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT Hamilton

File Name/Number: ZAA-22-010	Date: March 29, 2022
Appendix "A"	Scale: N.T.S.
Planner/Technician: CT/NB	

Subject Property
 1640 Trinity Church Road

- Block 1 – Change in Zoning from Agriculture (A1) Zone to Agriculture (A1, 118) Zone
- Block 2 – Change in Zoning from Conservation/ Hazard Rural Land (P7) Zone to Conservation/ Hazard Rural Land (P7, 773) Zone
- Block 3 - Change in Zoning from Conservation/ Hazard Rural Land (P8) Zone to Conservation/ Hazard Rural Land (P8, 773) Zone



View of existing dwelling looking west from Trinity Church Road



View of site looking north-west from Trinity Church Road



View of site looking north on Trinity Church Road in front of the subject lands



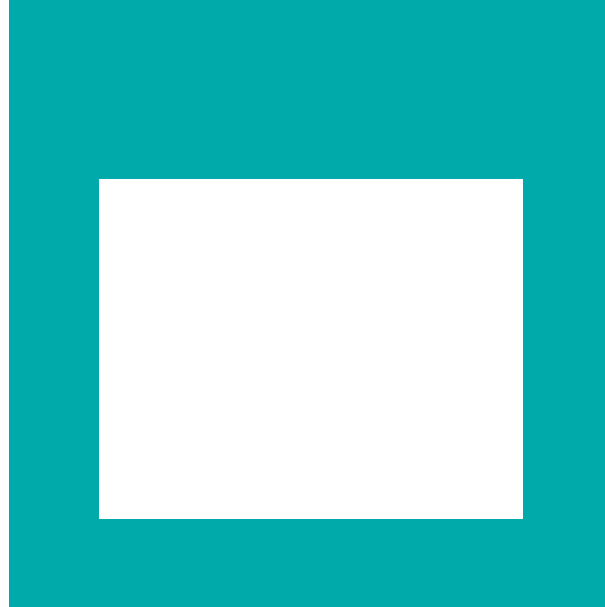
View of site looking south from Trinity Church Road



View of looking southeast from the front of the site on Trinity Church Road



View looking east from Trinity Church Road in front of the subject lands



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	May 3, 2022
SUBJECT/REPORT NO:	Appeal of Draft Plan of Subdivision Application 25T-201806 for Lands Located at 140 Garner Road East, Ancaster (PED22096) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	E. Tim Vrooman (905) 546-2424 Ext. 5277
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

Council Direction:

In accordance with Subsections 51(34) of the *Planning Act*, a Draft Plan of Subdivision Application may be appealed by the Applicant to the Ontario Land Tribunal (OLT) after 120 days if Council has not made a decision on the Application.

A motion to direct staff to advise the Planning Committee on matters relating to appeals of Council's non-decision, pursuant to the *Planning Act*, was passed by City Council on May 18, 2010. This Information Report has been prepared in accordance with Council's policy for staff to advise the Planning Committee and City Council of appeals for non-decision to the OLT.

The following information is provided to Planning Committee with regards to Draft Plan of Subdivision Application 25T-201806 for lands located at 140 Garner Road East, which has been appealed by the current proponent for non-decision.

The appeal of the Draft Plan of Subdivision Application, filed with the OLT on December 13, 2021 by Patrick J. Harrington, counsel for ONE Properties Limited Partnership, was received by the City Clerk's Office on February 1, 2022, 1,307 days after the receipt of the initial Application by MHBC Planning c/o Gerry Tchisler, on behalf of Lea Silvestri

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Appeal of Draft Plan of Subdivision Application 25T-201806 for Lands Located at 140 Garner Road East, Ancaster (PED22096) (Ward 12) – Page 2 of 4

Holdings. The lands were subsequently sold to Ontario Holdings Inc. in 2021 who subsequently filed the appeal (refer to Appendix “C” attached to Report PED22096).

Background:

The subject property is municipally known as 140 Garner Road East (refer to Appendix “A” attached to Report PED22096). The original Applicant, MHBC Planning c/o Gerry Tchisler, on behalf of Lea Silvestri Holdings (Owner), applied for a Draft Plan of Subdivision (Application No. 25T-201806) in 2018.

The Applicant later submitted Consent and Minor Variance Applications AN/B-20:17 and AN/A-20:58, which were approved by the Committee of Adjustment on July 9, 2020, to permit the conveyance of a vacant parcel of land for a future business park (the subject lands) and to retain a parcel of land containing an existing single detached dwelling and agricultural lands (adjacent lands to the west).

The subject lands were subsequently purchased by Ontario Holdings Inc., c/o AIMCo Realty Investors LP (Alberta Investment Management Company). The appellant, ONE Properties Limited Partnership, manages the subject lands on behalf of the current owner.

The current owner submitted a Request for Formal Consultation (Application No. FC-20-067) with a development concept which differed from the original Application, which was reviewed by the Development Review Team on August 26, 2020.

The current owner also submitted Permit Application No. A/F,C,A/21/15 in 2021 to the Hamilton Conservation Authority (HCA) for the relocation of a watercourse and the removal of a locally significant wetland and the creation of a new wetland feature in a regulated area associated with Ancaster Creek. The Application was heard by the Board of Directors on June 3, 2021 and refused as the proposed development does not conform to the requirements of Section 3.1.7 of the Hamilton Conservation Authority’s Planning and Regulation Policies and Guidelines (October, 2011) as they relate to the implementation of Ontario Regulation 161/06 (HCA’s Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses) made under the *Conservation Authorities Act*, R.S.O. 1990. The decision was appealed by the proponent to the OLT on June 18, 2021. This matter is addressed separately as part of the HCA permit process.

The subject property is generally rectangular in shape. It has a lot area of 35.27 hectares and frontages along Garner Road East broken up with six single detached residential parcels fronting Garner Road East. The subject lands are vacant agricultural land, containing actively cropped fields, with natural features located throughout the property. Core Areas (Significant Woodland, unevaluated wetland, and a watercourse)

SUBJECT: Appeal of Draft Plan of Subdivision Application 25T-201806 for Lands Located at 140 Garner Road East, Ancaster (PED22096) (Ward 12) – Page 3 of 4

and Linkages (wooded areas) have been identified within and adjacent to the subject property. The property is traversed along the east side by a headwater tributary of Ancaster Creek, which flows through a small locally significant wetland northerly towards 328 Garner Road East. The property is bounded by Highway No. 6 to the east, a Hydro One Network Inc. high voltage transmission corridor to the south, and the retained parcel of land containing an existing single detached dwelling and agricultural lands to the west.

The original Application was submitted on July 5, 2018 and was deemed to be complete on November 8, 2018. The details of the proposal are outlined below.

Urban Hamilton Official Plan and Hamilton Zoning By-law No. 05-200

The subject lands are identified as “Employment Areas” on Schedule E – Urban Structure and designated “Airport Employment Growth District” on Schedule E-1 – Urban Land Use Designations in Volume 1 of the UHOP. The subject lands are further designated “Airport Prestige Business” in the Airport Employment Growth District Secondary Plan and located within the Site Specific Policy “H” area.

The subject property is currently zoned Airport Prestige Business (M11, 26, H57) Zone, in Hamilton Zoning By-law No. 05-200, as shown on Appendix “A” attached to Report PED22096.

Draft Plan of Subdivision Application

The Draft Plan of Subdivision Application, 25T-201806, consists of 14 blocks for a range of employment uses (Blocks 1-14), two open space blocks (Blocks 15-16), a wetland open space block (Block 17), a storm water management block (Block 18), a future development block (Block 19), a 0.3 m reserve block (Block 20), and a public roadway network (Streets ‘A’, ‘B’, ‘C’, and ‘D’) (refer to Appendix “B” attached to Report PED22096).

The following issues/concerns were raised through circulation of the original Application in 2018:

- The integration of the existing parcel fabric with the collector and local road and block pattern envisioned in the AEGD Secondary Plan and Transportation Master Plan and the suitability of some proposed blocks for the development of employment uses;
- Road right-of-way dedications along Garner Road East, curvature of the planned Collector Road (particularly the 90° bend in Street ‘B’ as shown on Appendix “B”

SUBJECT: Appeal of Draft Plan of Subdivision Application 25T-201806 for Lands Located at 140 Garner Road East, Ancaster (PED22096) (Ward 12) – Page 4 of 4

attached to Report PED22096), and dedication of daylighting triangles at the proposed intersections with Garner Road East;

- Frequency and location of road and land accesses to Garner Road East and spacing from the Highway No. 6 interchange;
- The development does not maintain the 30 m setback from the locally significant wetland and the information provided in the submitted reports has not demonstrated that the development will not result in negative impacts on the Core Areas and Linkages located within and adjacent to the subject property, including the Significant Woodland, unevaluated wetland and watercourse;
- The conservation and protection of adjacent cultural heritage resources;
- Appropriate zoning for Employment Supportive Centre uses and Natural Open Spaces;
- Stormwater management design and water and wastewater servicing constraints; and,
- Ministry of Transportation (MTO) setbacks from Highway No. 6.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 32 property owners within 120 m of the subject lands on November 20, 2018.

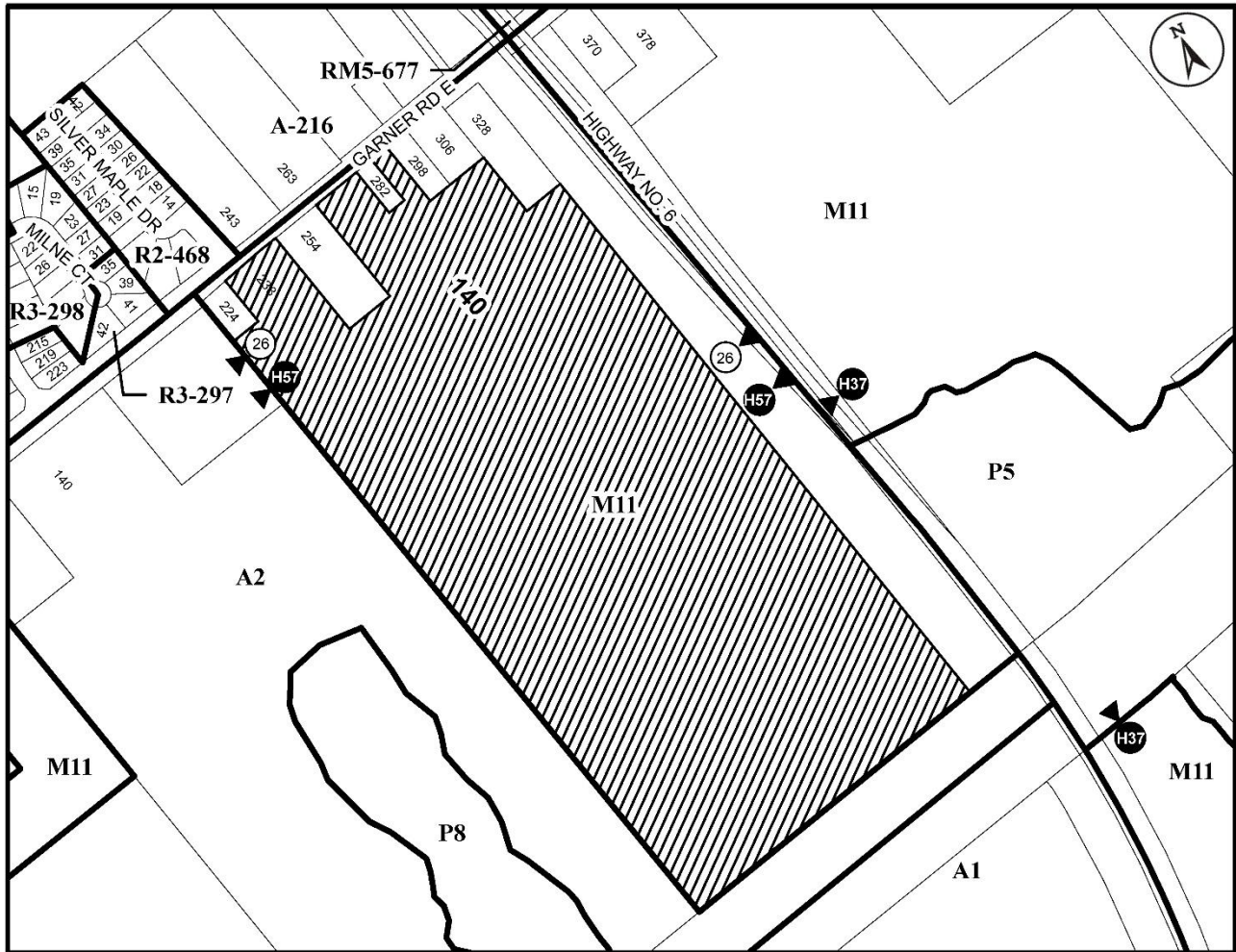
To date staff have received a total of four written submissions by residents, two requesting additional information and two providing comments and concerns with the development. Issues raised by the public relate to traffic along Garner Road, types of land use proposed, noise generation, odour, property values, and open bodies of standing water.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED22096 – Location Map
 Appendix “B” to Report PED22096 – Draft Plan of Subdivision
 Appendix “C” to Report PED22096 – Letter of Appeal

TV:sd

Appendix "A" to Report PED22096
Page 1 of 1



● Site Location

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
25T-201806

Date:
March 8, 2022

Appendix "A"

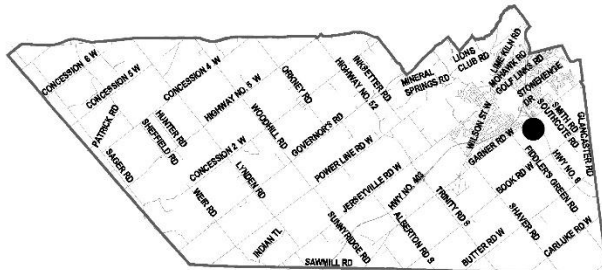
Scale:
N.T.S

Planner/Technician:
TV/NB

Subject Property



140 Garner Road East, Ancaster



Key Map - Ward 12



Appendix “C” to Report PED22096
Page 1 of 16



Patrick J. Harrington
 Direct: 416.865.3424
 E-mail: pharrington@airdberlis.com

February 1, 2022

VIA E-MAIL & COURIER

Our File No. 164511

City of Hamilton
 Office of the City Clerk
 City Hall
 71 Main St. W, 1st Floor
 Hamilton, ON L8P 4Y5

Attention: Andrea Holland, City Clerk
 Via email: clerk@hamilton.ca

Dear Ms. Holland,

Re:	Appeal:	<i>Planning Act, s. 51(34)</i>
	Property Address:	140 Garner Road East
	Municipality:	City of Hamilton
	Appellant(s):	ONE Properties Limited Partnership
	City File No.:	25T-201806
	Subject:	Draft Plan of Subdivision Application – Appeal of Council’s Non-Decision

We are counsel to ONE Properties Limited Partnership (“ONE Properties”). On behalf of our client, our firm filed the attached appeal directly with the Ontario Land Tribunal on December 13, 2021. We subsequently determined that the appeal package was not copied to the City of Hamilton.

Please find enclosed the appeal as filed. As this appeal was originally sent directly to the Tribunal, our firm cheque in the amount of \$1,100, payable to the Minister of Finance, is already in the Tribunal’s possession.

We apologize for any confusion this may have caused. Please contact the undersigned if you have any questions.

Yours truly,

AIRD & BERLIS LLP

Patrick J. Harrington
 PJH/np

Encl.

- c. M. Johnston & S. Manchia, UrbanSolutions
 S. Savelli, ONE Properties Limited Partnership
 S. Robichaud, City of Hamilton
 M. Barrett, Aird and Berlis LLP

Appendix “C” to Report PED22096
Page 2 of 16



Patrick J. Harrington
 Direct: 416.865.3424
 E-mail: pharrington@airdberlis.com

December 13, 2021

VIA E-MAIL AND COURIER

Our File No. 164511

Ontario Lands Tribunal
 655 Bay Street, Suite 1500
 Toronto, ON M5G 1E5

Dear Sir or Madame,

Re:	Appeal:	<i>Planning Act, s. 51(34)</i>
	Property Address:	140 Garner Road East
	Municipality:	City of Hamilton
	Appellant(s):	ONE Properties Limited Partnership
	City File No.:	25T-201806
	Subject:	Draft Plan of Subdivision Application – Appeal of Council’s Non-Decision

We are counsel to ONE Properties Limited Partnership (“ONE Properties”). Please accept this cover letter and the attached A1 Appeal form as our client’s appeal to the Ontario Land Tribunal (the “Tribunal”) on the basis of Council of the City of Hamilton’s (the “City”) failure to render a decision in respect of our client’s draft plan of subdivision application within the required statutory timeframe.

The site at issue is 35.27 hectares in size and is known municipally known as 140 Garner Road East in the former Town of Ancaster (the “Site”). The site is currently owned by Ontari Holdings Inc. on behalf of AIMCo Realty Investors LP. A predecessor in title filed a draft plan of subdivision application with the City in 2018. ONE Properties is now the proponent of this subdivision application on behalf of the site owner. The application proposes develop a prestige business park on the Site. The proposed business park would include 14 development blocks (providing for a range of employment and employment supportive uses), a storm water management block, a wetland open space block, and four roadways (the “Application”). The Application was deemed complete by the City on November 20, 2018.

The Application Meets the Criteria under Subsection 51(24) of the *Planning Act*

The Application meets the criteria for approval of a draft plan of subdivision under subsection 51(24) of the *Planning Act*, by:

- addressing matters of provincial interest;
- implementing the employment policies in the City’s Official Plan;
- ensuring that all requirements have been met to confirm that the lands are suitable for the proposed development;
- ensuring the adequacy of the capacity of the proposed road network and connections to the existing transportation system

December 13, 2021

Page 2

- providing lots that range in size to accommodate a range of employment uses and buildings;
- addressing the conservation of natural resources and flood control through the preparation of a Stormwater Management Plan and Environmental Impact Study;
- ensuring that the Site is adequately serviced; and
- designing the Application to address energy efficiency and conservation.

The Application is Consistent with the 2020 Provincial Policy Statement

The Application supports the growth objectives in Policies 1.1.1, 1.1.3, 1.3.1 and 1.7.1 of the 2020 PPS by locating an employment development within an existing urban area in the City on a site designated for employment growth. The proposal would contribute to a range and mix of employment and ancillary uses to meet the long-term and annual employment needs of the City. Furthermore, the development proposed by the Application has been designed with appropriate buffers and setbacks from surrounding environmental features in order to ensure that adequate separation is provided.

The Application is also consistent with Policy 1.3.2 of the 2020 PPS, which requires planning authorities to protect employment areas in proximity to major goods movement corridors for employment uses that require those locations. The project ensures that the necessary infrastructure capacity is provided to support the development and provides for employment uses in close proximity to Highway 403, a major goods movement corridor. By supporting and optimizing the use of existing infrastructure, the Application is consistent with the transportation and servicing requirements in Policy 1.6 of the 2020 PPS.

With respect to the Natural Heritage Policies of the 2020 PPS (Policy 2.1), the Application provides for appropriate mitigation methods and strategies that will ensure that the natural heritage features in and around the Site will be enhanced.

The Application Conforms to the 2020 Growth Plan for the Greater Golden Horseshoe

The Application conforms with the 2020 Growth Plan by contributing to economic development and employment opportunities. The proposal provides development blocks of varying sizes that will accommodate new prestige business uses and stimulate economic growth around the Hamilton International Airport (the “Airport”), while at the same time requiring mitigation measures to enhance the natural heritage features and functions in and around the Site.

The Application Conforms to the City’s Official Plan and the Airport Employment Growth District Secondary Plan

The Site is within the City’s urban boundary and within a built up area. The Site is designated *Employment Areas* and *Airport Employment Growth District* in the Urban Hamilton Official Plan (“UHOP”).

The proposed development is expected to generate more than 1,000 employees (or 50 jobs per hectare), which will assist in achieving the City’s greenfield employment density target as set out in Policies A.2.3.2 and A.2.3.3 of the UHOP.

**Appendix “C” to Report PED22096
Page 4 of 16****December 13, 2021****Page 3**

Studies related to noise impacts, environmental assessments, a Stormwater Management Plan and Functional Servicing Report have been prepared to address Policies B.3.6.3.19.d), C.2.7.5, C.2.7.6 and Section C.5.4 of the UHOP.

With respect to Policy C.4.8.6, related to restrictions on land uses in the vicinity of the Airport, it has been determined that the proposed development will not pose a potential aviation hazard and would meet the requirements of the Noise Exposure Forecast as set out in the UHOP.

Finally, the Application conforms with the UHOP's policies and goals for employment areas in Sections E.2.6 and E.5.0 by permitting the development of a future business park that will accommodate a range of employment uses and jobs in proximity to the Airport, as well as Highway 403 and an existing bus transit route.

Related Appeal under the Conservation Authorities Act

On June 18, 2021, ONE Properties filed a related appeal under subsection 28(15) of the *Conservation Authorities Act*, in respect of the Hamilton Conservation Authority's refusal of an application for permission to relocate a local wetland on the Site (OLT File No. 21-001567). This appeal is currently scheduled for a first Case Management Conference on February 8, 2022.

ONE Properties hereby requests that the within *Planning Act* appeal be consolidated with its *Conservations Authority Act* appeal. Both appeals concern the same development project on the same Site. The matters should be consolidated for efficiency and ease of administration.

The undersigned will be representing ONE Properties on the within appeal and would be pleased to answer any questions that the Tribunal may have. We have enclosed our firm cheque in the amount of \$1,100.00 for the Tribunal's appeal fee. We look forward to hearing from the Tribunal.

Yours truly,

AIRD & BERLIS LLP



Patrick J. Harrington

PJH/MTB

- c. M. Johnston & S. Manchia, UrbanSolutions
S. Savelli, ONE Properties Limited Partnership
S. Robichaud, City of Hamilton
M. Barrett, Aird and Berlis LLP

Encl.



Appendix “C” to Report PED22096
Page 5 of 16



Ontario Land Tribunal

655 Bay Street, Suite 1500, Toronto, ON M5G 1E5
 Tel: 416-212-6349 | 1-866-448-2248
 Web Site: olt.gov.on.ca

Appeal Form (A1)

Municipal/Approval Authority Date Stamp	Receipt Number (OLT Office Use Only)	Date Stamp – Appeal Received by OLT
	OLT Case Number (OLT Office Use Only)	

Please complete this Appeal Form by following the instructions in the companion document titled “Appeal Form Instructions”. Please read **both** documents carefully to ensure you submit the correct information and complete this form correctly.

There are guides available for review on the Tribunal's [website](#) for different appeal types to assist you in filing an appeal.

Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal) prior to completing this Appeal Form. Relevant portions of the applicable legislation should also be reviewed before submitting this form. Your appeal must be filed with the appropriate authority within the appeal period as set out in the notice of the decision and applicable legislation.

Section 1 – Contact Information (Mandatory)

Applicant/Appellant/Objector/Claimant Information			
Last Name:		First Name:	
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation): ONE Properties Limited Partnership			
Email Address:			
Daytime Telephone Number:		Alternative Telephone Number:	
	ext.		
Mailing Address			
Unit Number:	Street Number:	Street Name:	P.O. Box:

Appendix "C" to Report PED22096
Page 6 of 16

City/Town:	Province:	Country:	Postal Code:

**Appendix “C” to Report PED22096
Page 7 of 16**

Representative Information			
<input type="checkbox"/> I hereby authorize the named company and/or individual(s) to represent me			
Last Name: Harrington		First Name: Patrick	
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation): Aird & Berlis LLP			
Email Address: pharrington@airdberlis.com			
Daytime Telephone Number: 416 865 3424		Alternative Telephone Number: 416 627 1224	
ext.		ext.	
Mailing Address			
Unit Number: 1800	Street Number: 181	Unit Number: 1800	Street Number: 181
City/Town: Toronto	Province: ON	City/Town: Toronto	Province: ON
<p>Note: If your representative is not licensed under the <i>Law Society Act</i>, please confirm that they have your written authorization, as required by the OLT <i>Rules of Practice and Procedure</i>, to act on your behalf and that they are also exempt under the Law Society’s by-laws to provide legal services. Please confirm this by checking the box below.</p>			
<input type="checkbox"/> I certify that I understand that my representative is not licensed under the <i>Law Society Act</i> and I have provided my written authorization to my representative to act on my behalf with respect to this matter. I understand that my representative may be asked to produce this authorization at any time along with confirmation of their exemption under the Law Society’s by-laws to provide legal services.			

Location Information	
Are you the current owner of the subject property?	Yes X No
Address and/or Legal Description of property subject to the appeal:	
140 Garner Road East	
Municipality:	
City of Hamilton	
Upper Tier (Example: county, district, region):	

Appendix “C” to Report PED22096
Page 8 of 16

Language Requirements

Do you require services in French? Yes No

To file an appeal, please complete the section below. Complete one line for each appeal type

Subject of Appeal		Type of Appeal (Act/Legislation Name)	Reference (Section Number)
Example	Minor Variance	<i>Planning Act</i>	45(12)
1	Draft Plan of Subdivision - Failure to make a decision on the application	<i>Planning Act</i>	51(34)
2			
3			
4			
5			

Section 2 – Appeal Type (Mandatory)

Please select the applicable type of matter

Select	Legislation associated with your matter	Complete Only the Section(s) Below
<input checked="" type="checkbox"/>	Appeal of <i>Planning Act</i> matters for Official Plans and amendments, Zoning By-Laws and amendments and Plans of Subdivision, Interim Control By-laws, Site Plans, Minor Variances, Consents and Severances	3A
<input type="checkbox"/>	Appeal of <i>Development Charges Act, Education Act, Aggregate Resources Act, Municipal Act</i> matters	3A
<input type="checkbox"/>	Appeal of or objection to <i>Ontario Heritage Act</i> matters under subsections 29, 30.1, 31, 32, 33, 40.1 and 41	3A
<input type="checkbox"/>	Appeal of <i>Planning Act</i> (subsections 33(4), 33(10), 33(15), 36(3)), <i>Municipal Act</i> (subsection 223(4)), <i>City of Toronto Act</i> (subsection 129(4)) and <i>Ontario Heritage Act</i> (subsections 34.1(1), 42(6)) matters	3A & 3B
<input type="checkbox"/>	Appeal of <i>Clean Water Act, Environmental Protection Act, Nutrient Management Act, Ontario Water Resources Act, Pesticides Act, Resource Recovery and Circular Economy Act, Safe Drinking Water Act, Toxics Reduction Act, and Waste Diversion Transition Act</i> matters	4A
<input type="checkbox"/>	Application for Leave to Appeal under the <i>Environmental Bill of Rights, 1993</i>	4B

**Appendix “C” to Report PED22096
Page 9 of 16**

<input type="checkbox"/>	Appeal under the <i>Niagara Escarpment Planning and Development Act (NEPDA)</i>	5
<input type="checkbox"/>	Appeal of <i>Conservation Authorities Act, Mining Act, Lakes and Rivers Improvement Act, Assessment Act, and Oil, Gas and Salt Resources Act</i> matters	6
<input type="checkbox"/>	Legislation not listed above	Contact OLT before filing your appeal

Section 3A – Planning Matters

Appeal Reasons and Specific Information

Number of new residential units proposed:

None

Municipal Reference Number(s):

25T-201806

List the reasons for your appeal:

Please see the attached cover letter.

Has a public meeting been held by the municipality? Yes No

For appeals of Official Plans, Official Plan Amendments, Zoning By-laws and Zoning By-law Amendments, please indicate if you will rely on one or more of the following grounds:

A: A decision of a Council or Approval Authority is:

- Inconsistent with the Provincial Policy Statement issued under subsection 3(1) of the *Planning Act*
- Fails to conform with or conflicts with a provincial plan
- Fails to conform with an applicable Official Plan

And

B: For a non-decision or decision to refuse by council:

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<input type="checkbox"/> Consistency with the provincial policy statement, issued under subsection 3(1) of the <i>Planning Act</i>
<input type="checkbox"/> Conformity with a provincial plan
<input type="checkbox"/> Conformity with the upper-tier municipality’s Official Plan or an applicable Official Plan
If it is your intention to argue one or more of the above grounds, please explain your reasons:

Oral/Written submissions to council
Did you make your opinions regarding this matter known to council?
<input type="checkbox"/> Oral submissions at a public meeting of council
<input type="checkbox"/> Written submissions to council
<input checked="" type="checkbox"/> Not applicable

Related Matters
Are there other appeals not yet filed with the Municipality?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there other matters related to this appeal? (For example: A consent application connected to a variance application).
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please provide the Ontario Land Tribunal Case Number(s) and/or Municipal File Number(s) for the related matters:
Ontario Land Tribunal Case No. OLT 21-001567 – Appeal of Refusal of Permission under s. 28(15) of the <i>Conservation Authorities Act</i>

Section 3B – Other Planning Matters

Appeal Specific Information (Continued)
Date application submitted to municipality if known (yyyy/mm/dd):
Date municipality deemed the application complete if known (yyyy/mm/dd):
Please briefly explain the proposal and describe the lands under appeal:

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There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 3B Checklist\(s\)](#) located [here](#) and submit all documents listed.

Section 4A – Appeals under Environmental Legislation

Appeal Specific Information

Outline the grounds for the appeal and the relief requested:

Reference Number of the decision under appeal:

Portions of the decision in dispute:

Date of receipt of Decision or Director's Order (yyyy/mm/dd):

Applying for Stay? Yes No

If Yes, outline the reasons for requesting a stay: (Tribunal's Guide to Stays can be viewed [here](#))

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There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 4A Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

Section 4B – Environmental Application for Leave to Appeal

Are you filing an Application for Leave to Appeal under the *Environmental Bill of Rights, 1993*? Yes No

Identify the portions of the instrument you are seeking to appeal:

Identify the grounds you are relying on for leave to appeal. Your grounds should include reasons why there is good reason to believe that no reasonable person, having regard to the relevant law and to any government policies developed to guide decisions of that kind could have made the decision; and why the decision could result in significant harm to the environment:

Outline the relief requested:

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 4B Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

Section 5 – Appeal regarding Development Permit Application under the *Niagara Escarpment Planning and Development Act*

Appeal Specific Information

Development Permit Application File No:

Address or legal description of the subject property:

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Reasons for Appeal: Outline the nature and reasons for your appeal. Specific planning, environmental and/or other reasons are required. (The Niagara Escarpment Plan is available on the Niagara Escarpment Commission’s website (www.escarpment.org))

Section 6 – Mining Claim and Conservation Matters

Appeal Specific Information

List the subject Mining Claim Number(s) (for unpatented mining claims) and accompanying Townships, Areas and Mining Division(s) where mining claims are situated. List all “Filed Only” Mining Claims, if appropriate: (This is to be completed for *Mining Act* appeals only.)

List the Parcel and the Property Identifier Numbers (PIN), if rents or taxes apply to mining lands, if appropriate (mining claims only):

Provide the date of the Decision of the Conservation Authority or the Provincial Mining Recorder, as appropriate:

Provide a brief outline of the reasons for your application/appeal/review. If other lands/owners are affected, please include that information in the outline being provided below:

Respondent Information

Conservation Authority:

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Contact Person:			
Email Address:			
Daytime Telephone Number:		Alternative Telephone Number:	
		ext.	
Mailing Address or statement of last known address/general area they were living and name of local newspaper if address is not available			
Unit Number:	Street Number:	Street Name:	P.O. Box:
City/Town:	Province:	Country:	Postal Code:
There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the Section 6 Checklist(s) located here and submit all documents listed on the checklist.			

Section 7 – Filing Fee

Required Fee

Please see the attached link to view the [OLT Fee Chart](#).

Total Fee Submitted: **\$ 1,100**

Payment Method	<input type="checkbox"/>	Certified Cheque	<input type="checkbox"/>	Money Order	<input checked="" type="checkbox"/>	Lawyer’s general or trust account cheque
	<input type="checkbox"/>	Credit Card				

If you wish to pay the appeal fee(s) by credit card, please check the box above and OLT staff will contact you by telephone to complete the payment process upon receipt of the appeal form. **DO NOT INCLUDE YOUR CREDIT CARD INFORMATION ON THIS FORM. YOU WILL BE CONTACTED TO COMPLETE YOUR PAYMENT OVER THE PHONE.**

If a request for a fee reduction is being requested, please pay the minimum filing fee for each appeal and complete/submit the [Fee Reduction request form](#).

Request for Fee Reduction form is attached (if applicable – see Appeal Form Guide for more information)


Section 8 – Declaration (Mandatory)

Declaration

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I solemnly declare that all the statements and the information provided, as well as any supporting documents, are true, correct and complete.

By signing this appeal form below, I consent to the collection of my personal information.

Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
Patrick Harrington		2021/12/13

Personal information or documentation requested on this form is collected under the authority of the *Ontario Land Tribunal Act* and the legislation under which the proceeding is commenced. All information collected is included in the Ontario Land Tribunal (OLT) case file and the public record in this proceeding. In accordance with the *Freedom of Information and Protection of Privacy Act* and section 9 of the *Statutory Powers Procedure Act*, all information collected is available to the public subject to limited exceptions.

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator at OLT.Coordinator@ontario.ca or toll free at 1-866-448-2248 as soon as possible.

Section 9 – Filing Checklists (Mandatory)

Filing/Submitting your form and documentation

You must file your Appeal Form with the appropriate authority(s) by the filing deadline.

If the completed Section is:	Refer to the relevant checklist and submit all documents listed on the checklist when filing your Appeal Form.
Section 3B	Review the Section 3B Checklist(s) and attach all listed documents.
Section 4A	Review the Section 4A Checklist(s) and attach all listed documents.
Section 4B	Review the Section 4B Checklist(s) and attach all listed documents.

If the completed Section is:	You must file with the following:
Section 3A	<p style="text-align: center;">Municipality or the Approval Authority/School Board</p> <p style="text-align: center;">*If you are filing under the <i>Ontario Heritage Act</i>, including under s. 34.1(1), please carefully review the specific section of that legislation to determine if your appeal needs to be filed with the Tribunal in addition to the Municipality or Approval Authority.</p>
Section 3A & 3B or Section 4A or	<p style="text-align: center;">Ontario Land Tribunal</p> <p style="text-align: center;">655 Bay Street, Suite 1500 Phone: 416-212-6349 1-866-448-2248</p>

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Section 4B or Section 6	Toronto, ON M5G 1E5 Website: www.olt.gov.on.ca	
Section 5	<p align="center">For the Areas of: Dufferin County (Mono) Region of Halton Region of Peel Region of Niagara City of Hamilton</p> <p align="center">File with: NIAGARA ESCARPMENT COMMISSION 232 Guelph Street, 3rd Floor Georgetown, ON L7G 4B1 Phone: 905-877-5191 Fax: 905-873-7452 Website: www.escarpment.org Email: necgeorgetown@ontario.ca</p>	<p align="center">For the Areas of: Bruce County Grey County Simcoe County Dufferin County (Mulmur, Melancthon)</p> <p align="center">File with: NIAGARA ESCARPMENT COMMISSION 1450 7th Avenue Owen Sound, ON N4K 2Z1 Phone: 519-371-1001 Fax: 519-371-1009 Website: www.escarpment.org Email: necowensound@ontario.ca</p>

NOTE: Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal).

NOTE: Relevant portions of the applicable legislation should be reviewed before submitting this form. Please ensure that a copy of this Appeal Form is served in accordance with the requirements of the applicable legislation.

From: Hailey Van Sickle
Sent: Sunday, May 1, 2022 4:26 PM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: 140 Garner Rd E

Hi there,

Can my letter be added to the public record for Item 10.1 of the May 3, 2022 Planning Committee Agenda with respect to **140 Garner Rd E**, Ancaster.

I, whole heartily support the HCA's denial of permit to the developers. We are rapidly expanding our urban footprint and it is affecting our lands in a negative way. Why would you want to pave over a marsh that contains such an important ecosystem? Two different appeals is unfair to our marsh defenders and HCA's. Residents of the area need to be notified on this matter so they can be apart of the OLT appeals. This application is over 3 years old and the ownership of the land has changed and the concerns of the city fell on deaf developer ears. A no urban expansion has been voted on by residents and should be upheld! Lastly, this entire thing needs to be stopped as the city has declared a "climate emergency" since the original application - this should speak enough for itself!

Thank you,
Hailey Van Sickle

From: P Grove
Sent: Sunday, May 1, 2022 4:30 PM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: Planning Committee

Hello

I would like this letter to be added to the public record for Item 10.1 of the May 3, 2022 Planning Committee Agenda with respect to 140 Garner Rd E, Ancaster.

I would like to ask that the City of Hamilton Planning Committee do everything in it's power to support the protection of the HCA (and indeed all of our green spaces and surrounding wetlands).

I ask that the city support the HCA's denial of a permit to the developers who want to appeal a decision regarding 140 Garner Rd East.

Also, please make sure that the process going forward remains entirely transparent to the public and to those living in the vicinity of the proposed development.

I feel that this very late appeal to the previous decision is cynical and done in poor faith. I would like to see our City doing whatever you can to prevent this appeal from succeeding. When our green spaces and wetlands are gone, they're gone. They are our greatest and most precious resource. Please defend them.

Thank you.
Kind regards,
Paula Grove
Hamilton

From: Neal Bonnor
Sent: Sunday, May 1, 2022 4:35 PM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: 140 Garner Rd E, Ancaster

Ms Kelsey,

Please add my letter to the public record for Item 10.1 of the May 3, 2022 Planning Committee Agenda with respect to 140 Garner Rd E, Ancaster.

Specifically, I ask that the city planning committee to do the following:

- formally support the Hamilton Conservation Authority (HCA)'s denial of a permit to the developers;
- oppose the consolidation of the two appeals as unfair to marsh defenders including the HCA;
- oppose consolidation as it will remove Hamiltonian's rights for public consultation on a development proposal which would have a negative impact on the headwaters of Ancaster Creek;
- ensure all nearby residents know about and can apply to be part of the Ontario Land Tribunal (OLT) appeal[s];
- tell the OLT the earlier development application was abandoned and can't be appealed because:
 - the application is over three years old (over 1300 days from application to filing the appeal);
 - since the application, the ownership of the land has changed;
 - since the application, Committee of Adjustment has severed the property into two parcels;
 - the extensive city concerns about the application were not answered by the developers;
 - the public has been excluded from commenting on the new development proposal;
 - the city has declared a climate emergency since the original application;
 - the city has protected food lands by a no urban boundary expansion decision.

Thanks,
Neal Bonnor

From: Harriet Woodside
Sent: Sunday, May 1, 2022 4:36 PM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: Re:140 Garner Rd East, Ancaster

To the City of Hamilton Planning Committee,

Please add this letter to the public record for item 10.1 of the May 3, 2022 Planning Committee Agenda.

I am opposed to AIMCo's appeal to overturn the Conservation Authority's denial of their plan to pave Garner Marsh.

While there are many reasons why I feel you should deny this appeal, I'll focus on my concern that people near the land under dispute, and all of us, have not had enough time to inform themselves/ourselves and apply to be part of the OLT appeal. There has been a great deal of citizen support to maintain the Garner Marsh area in its current state. What kind of democracy do we live in if those affected and concerned are not able to take part in the appeal process? This feels like manipulation to me.

I'm counting on the Planning Committee to consider the importance of hearing all sides of this debate and to not be bulldozed, and I do mean bulldozed, by business people.

Thank you.

Harriet Woodside

From: Laurel Imeson
Sent: Sunday, May 1, 2022 4:40 PM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: 140 Garner Rd

Hello,

I ask that this letter be added to the public record for Item 10.1 of the May 3, 2022 Planning Committee Agenda with respect to 140 Garner Rd E, Ancaster.

We must save all wetlands in Ontario including the Garner Marsh. I call on the city planning committee to do the following:

Formally support the HCA's denial of a permit to the developers. This was the correct decision in the first place.

Oppose the consolidation of the two appeals as unfair to marsh defenders including the HCA

Oppose consolidation as it will remove Hamiltonian's rights for public consultation on a development proposal which would have a negative impact on the headwaters of Ancaster creek

Ensure all nearby residents know about and can apply to be part of the OLT appeal[s]

Tell the OLT the earlier development application was abandoned and can't be appealed because:

- the application is over three years old (over 1300 days from application to filing the appeal)
- since the application, the ownership of the land has changed
- since the application, Committee of Adjustment has severed the property into two parcels
- the extensive city concerns about the application were not answered by the developers
- the public has been excluded from commenting on the new development proposal
- the city has declared a climate emergency since the original application
- the city has protected food lands by a no urban boundary expansion decision

Sincerely,
Laurel Imeson

From: Kevin Butter
Sent: Sunday, May 1, 2022 4:42 PM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: Regarding saving farms

To whom it may concern.

I'm a 5th generation farmer in the Ancaster area. I've watched duff corners Tilden into Upper James, the meadowlands turn into an absolute traffic mess. The infrastructure can not handle any more development!!! What will your grand children eat what will the environment be like in 70 years. Let that sink in. I miss the small town atmosphere I grew up with. I'm at the point of leaving. So if you drive all the local farmers away what are you left with. If you want a Toronto in Hamilton good luck and send out the info so we can vacate. Please think of the future not tomorrow but 10 years from now. Thanks for taking the time to read this. We don't need any more industrial parks but not corn fields and less stop lights !!

From: Dennis/Patricia Baker

Sent: Sunday, May 1, 2022 5:20 PM

To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>

Subject: Item 10.1, May 3 2022 Planning Committee Agenda re. 140 Garner Rd E, Ancaster

Dear Ms Kelsey, would you please add my comments below to the public record for item 10.1, May 3,2022 Planning Committee Agenda with respect to 140 Garner Rd. E, Ancaster.

As long time members of the Hamilton Conservation Foundation we would like the city planning committee to support the HCA in denying a permit to the developers wishing to build a warehouse on this land.

We do not understand how the two appeals can be consolidated - the earlier application is over three years old and was abandoned, ownership has changed and the property now consists of two parcels. None of the city's concerns were replied to by the developers which we find insulting to the city. The public has not been allowed to comment on the latest proposal by the developers. Please ensure these comments are relayed to the OLT.

The city has decided to freeze the urban boundary and this flies application flies in the face of that decision. OLT must be made aware of this and that Hamilton has also declared a climate emergency. We need as much of our wetlands as possible to cope with this emergency. This proposal will have a disastrous impact on the headwaters of Ancaster Creek and the surrounding area.

Yours truly,
Dennis and Patricia Baker

From: Margaret Tremblay

Sent: Sunday, May 1, 2022 5:25 PM

To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>

Subject: Item 10.1 Apr.28, 2022 Planning Committee Agenda re 140 Garner Rd. E Ancaster

Dear Ms Kelsey,

I would like to ask that my letter be added to the public record for item 10.1 of the Apr.28, 2022 Planning Committee Agenda re 140 Garner Rd. E. Ancaster.

I respectfully request that the consolidation of the two appeals by developers, ie HCA's permit denial and the city of Hamilton's failure to render a decision be opposed. Since the development application was abandoned, it cannot be appealed as it is over three years old. I am also very concerned that the city's concerns about the application were not answered by the developers and that the public is effectively excluded from commenting on the new development proposal. Hamiltonians have a right to conduct public consultation on a matter affecting the headwaters of Ancaster Creek, a right that is being taken away by this consolidation of the developers' appeals. The city needs to ensure that residents near the affected area can apply to the Ontario Land Tribunal appeals.

Respectfully,
Margaret Tremblay

From: Janice Melnyk
Sent: Sunday, May 1, 2022 5:42 PM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: SAVE OUR WETLANDS

Lisa, please let residents know about any OLT appeals in the future, also there should be no consolidation of appeals....stop the greedy developers from ruining our next generations!! Please address this letter for public record item 10.1 of Apr 28/22 planning committee agenda re 140 Garner Rd E, Ancaster Thanks Janice Melnyk

From: Ingrid Harris
Sent: Sunday, May 1, 2022 5:43 PM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: save the marsh

please prevent the destruction of this crucial wildlife area.

1. formally support the HCA's denial of a permit to the developers
2. oppose the consolidation of the two appeals as unfair to marsh defenders including the HCA
3. oppose consolidation as it will remove Hamiltonian's rights for public consultation on a development proposal which would have a negative impact on the headwaters of Ancaster creek
4. ensure all nearby residents know about and can apply to be part of the OLT appeal[s]
5. tell the OLT the earlier development application was abandoned and can't be appealed because:
 - the application is over three years old (over 1300 days from application to filing the appeal)
 - since the application, the ownership of the land has changed
 - since the application, Committee of Adjustment has severed the property into two parcels
 - the extensive city concerns about the application were not answered by the developers
 - the public has been excluded from commenting on the new development proposal
 - the city has declared a climate emergency since the original application
 - the city has protected food lands by a no urban boundary expansion decision

thank you for helping save this area from developers.

Dr Ingrid Harris

From: janwillem jansen
Sent: Sunday, May 1, 2022 6:09 PM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: Re: Illegimate Gardner Marsh appeal

To the City Planning Commitee:

Please add this letter to the public record for item 10.1 of the May 3, 2022Planning Committee Agenda with regard to 140 Garner Rd. E., Ancaster.

The proposed appeal by the developers to the OLT is outrageous and should not be permitted. The one appeal considering a more than 3 years old and abandoned application to the HCA can never be consolidated with a new one to the City. The land has in the meantime been sold and divided and moreover, citizens should be enabled to be consulted on a environmentally important issue such as impact on headwaters of local streams. As the City has declared climate emergency, an attack from third parties on our precious remaining biospheres should never be permitted. I am with you in this fight !
Thank you.

Jan W. Jansen

From: Richard Johnson
Sent: Sunday, May 1, 2022 6:08 PM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: AIMCO Appeal to Ontario Land Tribunal

Hello Ms.Kelsey:

Please add this letter of concern to the public record for item 10.1 of the May 3, 2022 Planning Committee Agenda with respect to 140 Garner Rd. E., Ancaster. As a local resident of Hamilton, I am deeply concerned about the attempts of the local developer to destroy the wetlands of the Garner marsh in Ancaster. As a community, we cannot afford to allow development which destroys our local sensitive environment and threatens the future of our natural wetlands. It is abundantly clear that this developer is willing to pave over our natural resources to simply further personal interests.

As a caring citizen of Hamilton, I call on the city planning committee to do the following in the interest of maintaining and preserving the Garner marsh and in fact, all of our locally sensitive wetlands. Firstly, it is imperative that the planning committee makes it publicly clear that it supports the Hamilton Conservation Authority's refusal to grant a permit to the applying developer; the planning committee is dutifully bound to make this refusal clear to all. Secondly, the planning committee must oppose any attempts by the developer to consolidate two clearly distinct appeals as they have nothing to do with each other and will take away the rights of all Hamiltonians for public consultation and additionally would have a pronounced negative impact on the Ancaster Creek headwaters. Thirdly, it is incumbent on the planning committee to advise all nearby residents that they can apply to be part of the Ontario Land Tribunal appeals process; being shut out from this critical process is not acceptable in any way, shape or form! Fourthly, it is absolutely necessary to tell the Ontario Land Tribunal that the earlier development application to the City of Hamilton in 2018 was abandoned by the developer and cannot be appealed because: (i) the application is over 3 years old (ii) since the abandonment of the original application, the ownership of the land has changed (iii) since the application, Committee of Adjustment has severed the property into two land parcels (iv) there was no attempt by the land developer to contact the City regarding the many concerns expressed by the City about the application (v) there has been no opportunity provided for public input on the new development proposal (vi) since the 2018 developer application, the City of Hamilton has declared a climate emergency and (vii) the City of Hamilton has officially by council vote to oppose urban sprawl to protect our prime agricultural lands beyond current city boundaries to maintain our food producing lands. Hamiltonians need the planning committee for the City of Hamilton to do all in it's power to make it clear that Hamiltonians want to preserve and protect their natural environment. Thank you for your kind attention in this matter.

Sincerely,

Rick Johnson

From: Elizabeth Seymour
Sent: Sunday, May 1, 2022 6:14 PM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: AIMCo proposal

Ms Kelsey, I write to add my opposition to the attempts being made by AIMCo to move ahead with their plan to develop wetlands and to prevent public consultation on the matter. The HCA had already denied the permit, serious concerns were noted by the city, and the developer did not act within the allowable timeframe. Citizens have amply demonstrated their opposition to further development on sensitive land and climate change continues to require that we save and respect our wetlands and waterways. Please do not allow AIMCo to proceed.

Liz Seymour
Ancaster

From: Juanita Lepage
Sent: Sunday, May 1, 2022 6:20 PM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: Marsh planning

Hi Lisa,

I am asking that this letter be added to the public record for Item 10.1 of the May 3, 2022 Planning Committee Agenda with respect to 140 Garner Rd E, Ancaster.

I am asking the city to continue to make decisions that support the health of our marshlands and environment and deny any appeal that would allow developers to destroy marshland at 140 Garner Rd. e.

Thank you,

Juanita Lepage, resident of Hamilton

From: Lyn Folkes
Sent: Sunday, May 1, 2022 6:31 PM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: For crying out loud!

Please add my letter to the public record for Item 10.1 of the May 3, 2022 Planning Committee Agenda with respect to 140 Garner Rd E, Ancaster.

The province is using technicalities to undermine the authority of our City Council decisions - it's just unbelievable how low they will stoop to destroy our beloved province! I have never been so offended by a provincial government in my entire life. The act of excluding the public from consultations is extremely cowardly and arrogant. We are the taxpayers who live in Hamilton and our voice needs to be heard FIRST! I'm so insulted that it makes me sick, and to treat good Ontarians like this during the pandemic is completely unconscionable!

I can't say this any clearer than the people who wrote the following from "Save Our Streams":

"Specifically, [I] call on the city planning committee to do the following to formally support the HCA's denial of a permit to the developers

1. oppose the consolidation of the two appeals as unfair to marsh defenders including the HCA
2. oppose consolidation as it will remove Hamiltonian's rights for public consultation on a development proposal which would have a negative impact on the headwaters of Ancaster creek
3. ensure all nearby residents know about and can apply to be part of the OLT appeal[s]
4. tell the OLT the earlier development application was abandoned and can't be appealed because:
 - the application is over three years old (over 1300 days from application to filing the appeal)
 - since the application, the ownership of the land has changed
 - since the application, Committee of Adjustment has severed the property into two parcels
 - the extensive city concerns about the application were not answered by the developers
 - the public has been excluded from commenting on the new development proposal
 - the city has declared a climate emergency since the original application
 - the city has protected food lands by a no urban boundary expansion decision"

Nothing else needs to be added and the developer should not be given an appeal!

Sincerely and with much concern for our municipal government and all Hamilton residents,
Lyn and Rick Folkes

From: Aileen McMillan
Sent: Sunday, May 1, 2022 6:40 PM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: RE: Bill 109 / AIMCO developer / OLT

I am a Hamilton citizen asking that you add my concerns to the public record for Item 10.1 of the May 3 2022 planning committee agenda with respect to 140 Garner Rd E Ancaster.

As a supporter of several organizations trying to protect our natural habitats, wetlands and farm lands, I am devastated to hear of the plan AIMCO is trying to push through for building a warehouse on the wetlands at 140 Garner Rd East. The HCA has already denied the application previously and this decision needs to stand. There are unused industrial areas in the city where such as warehouse could be built without harming valuable lands.

I understand there are several factors why this permit should be denied:

- Application is over 3 years old and land ownership has changed since the application was submitted
- The property has since been severed into 2 parcels
- The developer has not addressed concerns raised with regard to the application

I am one of the citizens who submitted my clear vote for No Rural Expansion/Save our Farmlands. In this application it seems citizens are not afforded the opportunity present concerns and comments about it. That opportunity should be not be withheld from concerned citizens.

It is so very clear from the multitude of studies and reporting that we in Hamilton and all around the world are facing devastating climate changes which have become an emergency to address. This application is anything BUT what should be done to preserve and protect lands such as this. The almighty buck is not so almighty when you no longer have a sustainable world to live in!

Thank you for hearing my concerns and please allow them to be included in the decision to prevent this catastrophic plan from proceeding.

Aileen McMillan

From: Caroline Fehr
Sent: Sunday, May 1, 2022 6:41 PM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: Beautiful Conservation Areas

Dear Ms, Kelsey

The Hamilton Conservation Areas are vital to the community. More people than ever have purchased memberships. Please support the the HCA as it fights against the seizure of properties by developers. They are not playing fair and their actions oppose the will of the majority of Hamiltonians.

The OLT know that their earlier development application was abandoned and can't be appealed because:

- the application is over three years old (over 1300 days from application to filing the appeal)
- since the application, the ownership of the land has changed
- since the application, Committee of Adjustment has severed the property into two parcels
- the extensive city concerns about the application were not answered by the developers
- the public has been excluded from commenting on the new development proposal
- the city has declared a climate emergency since the original application
- the city has protected food lands by a no urban boundary expansion decision

Sincerely

Caroline Fehr

From: David Wallis
Sent: Sunday, May 1, 2022 6:44 PM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: letter to be added to public record RE: 140 Garner Road East

Hi Lisa,

Would you be able to add my letter to the list of Public outrage/frustration over the development of 140 Garner Road East and the developer's absolute disregard for public input, councils direction on behalf of it's constituents and the lack of respect for the community.

I will be voting in accordance to my absolute displeasure of the OLT and it's rubber stamping to developers.

Thank you.
David Wallis
Ancaster, ON

Lisa Kelsey
Legislative Coordinator
Planning Committee
City of Hamilton
71 Main St. W. Hamilton, ON
Lisa.Kelsey@hamilton.ca

Re: Appeal against the City of Hamilton failure to render a decision on the development application with the statutory timeframe of 120 days pertaining to the Garner Marsh

Dear Lisa:

Please record this letter as a formal statement in support of the HCA's *denial* of a permit to the developers regarding the Garner Marsh. Allowing the two appeals to be consolidated would be unfair to those who defend the marsh, including the HCA in that would remove Hamiltonian's rights for public consultation on a development proposal that has been assessed to have a negative impact on the headwaters of Ancaster creek.

Residents and other stakeholders have the right to know about and apply to be part of the OLT appeal[s] Moreover, the earlier development application was abandoned and can't be appealed for a number of reasons:

- the application is over three years old (over 1300 days from application to filing the appeal);
- since the filing, ownership of the land has changed and the Committee of Adjustment severed the property into two parcels.
- there are extensive concerns about the application that were not answered by the developers
- the public has been excluded from commenting on the new development proposal
- a climate emergency has been declared by the city since the original application
- the city has protected food lands by a no urban boundary expansion decision

Sincerely,

Yvonne Pigott

From: Marjorie Middleton
Sent: Sunday, May 1, 2022 7:31 PM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: 140 Garner Rd E, Ancaster.

Please add my letter to the public record for Item 10.1 of the May 3, 2022 Planning Committee Agenda with respect to 140 Garner Rd E, Ancaster.

I call on the city planning committee to do the following:

(If possible put some of these into your own words rather than copy/paste)

1. formally support the HCA's denial of a permit to the developers
2. oppose the consolidation of the two appeals as unfair to marsh defenders including the HCA
3. oppose consolidation as it will remove Hamiltonian's rights for public consultation on a development proposal which would have a negative impact on the headwaters of Ancaster creek
4. ensure all nearby residents know about and can apply to be part of the OLT appeal[s]
5. tell the OLT the earlier development application was abandoned and can't be appealed because:
 - the application is over three years old (over 1300 days from application to filing the appeal)
 - since the application, the ownership of the land has changed
 - since the application, Committee of Adjustment has severed the property into two parcels
 - the extensive city concerns about the application were not answered by the developers
 - the public has been excluded from commenting on the new development proposal
 - the city has declared a climate emergency since the original application
 - the city has protected food lands by a no urban boundary expansion decision

Your sincerely
Marjorie Middleton

From: Erin Davis

Sent: Sunday, May 1, 2022 7:47 PM

To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>; SaveOurStreamsHamilton@gmail.com

Subject: Re Garner Marsh

Hi Lisa,

It has come to my attention that there is some issue with the Garner rd development paving over hamiltons most significant headwaters/ Marsh.

Im writing to you to call on the city planning committee to do the following:

1. oppose the consolidation of the two appeals as unfair to marsh defenders including the HCA
2. formally support the HCA's denial of a permit to the developer.
3. oppose consolidation as it will remove Hamiltonian's rights for public consultation on a development proposal which would have a negative impact on the headwaters of Ancaster creek
4. ensure all nearby residents, and agencies, and concerned citizens know about and can apply to be part of the OLT appeal[s]
5. tell the OLT the earlier development application was abandoned and can't be appealed because:
 - the application is over three years old (over 1300 days from application to filing the appeal)
 - since the application, the ownership of the land has changed
 - since the application, Committee of Adjustment has severed the property into two parcels
 - the extensive city concerns about the application were not answered by the developers
 - the public has been excluded from commenting on the new development proposal
 - the city has declared a climate emergency since the original application
 - the city has protected food lands by a no urban boundary expansion decision
6. tell the OLT that the developer needs to start over again as they failed to followup within 120days.

ThNk you
Erin Davis

From: Leanna Nigro
Sent: Sunday, May 1, 2022 7:55 PM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: Protect the Garner Marsh

Dear Lisa Kelsey,

It has recently come to my attention that the Garner Marsh could possibly be paved over and the developer, who abandoned the plan more than 3 years ago, is now asking the OLT to consolidate two entirely different issues which are 1) the HCA's permit denial and 2) the City of Hamilton's failure to render a decision - into a whole new appeal which will be lengthy and complicated and **will entirely exclude Hamiltonians from our right to provide comments and input for this development application at the municipal level.** If consolidated, the application will be handled by the provincial land tribunal only with no public consultation. We can't let that happen.

I'm asking the city planning committee to do the following; support the HCA's denial of a permit to the developers. Oppose the consolidation of the two appeals as unfair to marsh defenders including the HCA, and oppose consolidation since it removes Hamiltonians rights! Our rights for public consultation on a development proposal which will have a negative impact on the headwaters of Ancaster creek!

The city planning committee needs to tell the OLT that the earlier development application was abandoned and can't be appealed because:

- the application is over three years old (over 1300 days from application to filing the appeal)
- since the application, the ownership of the land has changed
- since the application, Committee of Adjustment has severed the property into two parcels
- the extensive city concerns about the application were not answered by the developers
- the public has been excluded from commenting on the new development proposal
- the city has declared a climate emergency since the original application
- the city has protected food lands by a no urban boundary expansion decision

I'm asking that my letter be added to the public record for Item 10.1 of the May 3, 2022 Planning Committee Agenda with respect to 140 Garner Rd E, Ancaster.

Thank you for you time and attention.

Sincerely,

Leanna Nigro

From: Stan Nowak
Sent: Sunday, May 1, 2022 7:58 PM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Cc: saveourstreamshamilton@gmail.com
Subject: 140 Garner Road East, Ancaster
Importance: High

Dear Ms. Kelsey:

Since the election of the Ontario PC government back in 2018, it has been more than obvious that the Ford government overwhelmingly supports development over the stewardship of our endangered green spaces and ecosystems. A microcosm of this attitude has been - and continues to be - the eventual fate of the Ancaster wetlands and the threat of on Garner Road in Ancaster. Recent legislation has tilted the scales radically in favour of the developers at the expense of preserving our natural environment. After much publicity and public outcry, the Hamilton Conservation Authority did the right thing and denied a building permit for the wetlands.. But now, AIMCo's next option is to head to the Ontario Land Tribunal with not one, but two separate appeals! The OLT, has historically been pro-development, so the odds do not seem to favour the preservation of those vital wetlands! Therefore, I humbly ask that this letter be added to the public record for Item 10.1 of the May 3, 2022 Planning Committee Agenda with respect to the property at 140 Garner Road East in Ancaster, which I wholeheartedly support in preserving and conserving. .

Specifically, I respectfully call on the City Planning Committee to act on the the following:

- formally support and re-enforce the HCA's denial of a permit to the developers;
- oppose the consolidation of the two appeals as unfair to pro-marsh defenders, including the HCA, as it will remove our rights as Citizens for public consultation on a development proposal which would have a negative impact on the headwaters of Ancaster Creek; The fact that we, the public have been excluded from commenting on the new proposal further underscores the current government's desire to expedite 'the process' by bypassing 'due process'!
- inform that all nearby residents know about and can apply to be part of the OLT appeal[s];
- enlighten the OLT that the earlier development application was abandoned and can't be appealed because the status of this application for development has changed substantially since its original submission; it is now over three years old - more than 1,300 days from application to appeal.. Since this application, the ownership of the property has changed and the City's Committee of Adjustment has severed the property into two parcels. Many concerns also remain that were not adequately addressed by the developers. There are still many unanswered questions about this whole process!

Since the original application, the City of Hamilton has declared a climate emergency and, most recently, has acted by supporting a 'no urban boundary expansion' thereby agreeing to work towards safeguarding our rural agricultural lands from future development..

Despite some PC MPPs insistence that the City (and anyone who isn't PC) is against growth and development, the truth is that the City (and most of us 'marsh defenders) is pro-smart development striving to strike an equitable balance between our meeting housing needs and ensuring our overall civic health needs, which must include being sensitive towards the conservation of our delicate eco-systems and green environment! . .

Trusting the City of Hamilton to do what is right, I remain sincerely and respectfully,

Stan Nowak

From: Liz Koblyk
Sent: Sunday, May 1, 2022 8:04 PM

To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>

Cc: SaveOurStreamsHamilton@gmail.com

Subject: Please add to public record, item 10.1, with respect to 140 Garner Road East, Ancaster

Dear Ms. Kelsey,

Please add this letter to the public record for Item 10.1 of the Planning Committee Agenda with respect to 140 Garner Rd E, Ancaster.

I'm a ward 13 resident who would like to register my support of the Conservation Authority's denial of a permit to those who want to develop the marshland in question. The consolidation of appeals seems to be a process irregularity that risks undermining Hamiltonians' rights for proper public consultation on a project with negative impacts, at a time when the City has formally declared a climate emergency.

I ask that the City ensure that all nearby residents know about the appeals and can be part of the OLT appeals. I also hope that the appeals do not proceed, and ask the City to inform the OLT that the earlier development application can't be appealed as it was abandoned for more than 3 years by the applicant. The property has since been parcelled, and the applicants have yet to address the City's significant concerns.

Thanks to you and your colleagues for working to ensure that the City continues to act in accordance with the declaration of climate emergency, and with the City's recent decision to protect local food security with the no urban boundary expansion decision.

With thanks,

Liz Koblyk

From: M Cameron
Sent: Sunday, May 1, 2022 8:14 PM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: Garner Marsh/Wetlands

City Planning Committee

I understand there has been an appeal by developers of the denial of a 2018 application to the HCA to build on or pave the Rymal wetlands at the head of Ancaster Creek. The argument seems to be that a decision was not made on the original application within the 120 day time limit. The appeal cannot be valid as the City raised concerns in response to the original application apparently within the original time frame and received no response.

3 ½ years later the appeal on this apparently abandoned application has been raised. The land has been divided and sold. How can the appeal of the original application be valid when the application was abandoned?

Can OLT consider the issue which now includes the HCA denial of permit as well as the development application?

Is it reasonable to exclude citizens of Hamilton from input on this issue?

I wish to support the HCA denial of the permit to developers and oppose the consolidation of the two issues – permit and application. The wetlands in question are very important to Hamiltonians. Living in the lower city, I personally have an interest in the areas that will be impacted by any loss of or impairment of the wetlands in question. Many Hamiltonians do not understand how important these areas are to their wellbeing. I strongly feel their rights and mine deserve protection.

I trust the Planning Committee and the City of Hamilton will do all possible to block this appeal/application.

Marlene Cameron

May 1, 2022
City of Hamilton, Ontario, Canada
City Planning Committee
Attention: Lisa Kelsey

Re: Letter to be added to the public record for item 10.1 of the May 3, 2022, Planning Committee Agenda with respect to 140 Garner Road East, Ancaster, Ontario, Canada

Dear Planning Committee:

Please accept this letter as my opposition to the proposed development of the above-mentioned property due to the negative impacts on the core areas and linkages located within and adjacent to the subject property, including the significant woodland, unevaluated wetland and watercourse.

In 2018 the original owner of the property submitted a warehouse development application to the City of Hamilton who raised several issues and concerns with the application along with the Hamilton Conservation Authority who denied their permit to pave the marsh. It has come to my attention that on February 1, 2022, the developer has submitted an appeal to the Ontario Land Tribunal (OLT) asking them to consolidate two very different issues to:

1. Overturn the HCA's permit denial; and
2. The city of Hamilton's failure to render a decision on the development application within the statutory timeframe of 120 days.

This consolidation of the two appeals is unfair to marsh defenders that will entirely exclude Hamiltonians from their right to provide comments and input for this development application at the municipal level which will have a negative impact on the headwaters of the Ancaster creek. All Hamiltonians should have the right to know about and be able to apply to be part of the OLT appeal(s).

The appeal should be denied due to:

1. The application is over 3 years old (over 1300 days from application file date);
2. The ownership of the land has changed, and the property has been severed into two parcels by the Committee of Adjustment; and
3. The city has declared a climate emergency and has protected food lands.

Thanking you in advance for including this letter in the public record for Item 10.1 of the May 3, 2022 Planning Committee Agenda to **140 Garner Rd. E., Ancaster, Ontario.**

Sincerely,

Lisa Hutchinson

Sent: Sunday, May 1, 2022 8:28 PM

Subject: Re: Save our streams

To the City Planning Committee, c/o Lisa Kelsey,

Please add my letter of appeal to the public record for item 10, I of the May 3th, 2022 Planning Committee Agenda with respect to 140 Garner Road East, Ancaster:

I once again wish to state my support of the Hamilton Conservation Area's decision to deny a permit to the developers who want to pave over significant wetlands at 140 Garner Road East in Ancaster, part of the city of Hamilton.

In response to the appeal to have the area in question paved over to build warehousing, the original application was denied, as it would very negatively impact the core areas and linkages located within the property, including woodland, wetland, and a significant watercourse of the City of Hamilton.

There was no immediate reply from the developers, but now, it seems, after 3 1/2 years, they are appealing the HCA's decision with the OLT. At the hearing, the City of Hamilton is to have no input concerning the environmental impact of such a development on our community.

The developers seem to have a total disregard for our environmental issues and the city at large.

Gudrun Boehm-Johnson

From: Kathy ROUNG
Sent: Sunday, May 1, 2022 9:20 PM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: Please add to public record for item 10.1 -meeting

Hello. I would like this added to the public record for item 10.1 of the May 3/22 Planning Committee agenda with respect to 140 Garner Road East, Ancaster.

I am requesting that the City Planning Committee formally support the Hamilton Conservation Authority's denial of a permit to the developers of this address and oppose the merging of 2 appeals as unfair to those trying to protect this watershed and to the HCA. Please ensure that residents know about and can apply to be a part of the OLT appeal. Please also tell the OLT that the initial development application was abandoned over 2 yrs ago, and can't be appealed for a variety of reasons including the time limitations, environmental concerns that have not been addressed satisfactorily, etc.

Thank you very much.

Kathy ROUNG, resident of Flamborough in the Greater Hamilton area

From: Peter Appleton
Sent: Sunday, May 1, 2022 9:18 PM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: Save our Marsh

Lisa

I ask you to formally support the HCA's denial of a permit to the developer.
I ask you to oppose the consolidation of the two appeals as unfair to marsh defenders including the HCA
Please oppose consolidation as it will remove Hamiltonian's rights for public consultation on a development proposal which would have a negative impact on the headwaters of Ancaster creek

It is imperative to ensure all nearby residents know about and can apply to be part of the OLT appeal[s]

Make sure you tell the OLT the earlier development application was abandoned and can't be appealed because:

- the application is over three years old (over 1300 days from application to filing the appeal)
- since the application, the ownership of the land has changed
- since the application, Committee of Adjustment has severed the property into two parcels
- the extensive city concerns about the application were not answered by the developers
- the public has been excluded from commenting on the new development proposal
- the city has declared a climate emergency since the original application
- the city has protected food lands by a no urban boundary expansion decision

Thank you

Peter Appleton

From: Mike Gill

Sent: Sunday, May 1, 2022 9:59 PM

To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>

Subject: Addition to the Public Record regarding 140 Garner Rd. E, Ancaster

Hello Lisa. Please add my letter below to the public record for Item 10.1 of the May 3, 2022 Planning Committee Agenda with respect to 140 Garner Rd E, Ancaster. Thank you.

The Hamilton Conservation Authority denied a permit to the developers intent on building structures on the property of 140 Garner Rd. E, Ancaster. I add my support to this denial of the permit. The headwaters of Ancaster Creek require protection to ensure the health of the creek which runs through the city in which my family and I live.

I oppose any action that transfers the decision making process regarding the permit and use of the property (140 Garner Rd. E) from the municipal government of Hamilton and its citizens, to the Ontario Land Tribunal. In particular I oppose the consolidation of the issues of the HCA's permit denial and the City of Hamilton's failure to render a decision into a new appeal.

I request that the City Planning Committee informs all residents nearby 140 Garner Rd. E of the developer's appeal. Indeed, all residents of Hamilton should be informed of this appeal since, as I've stated, Ancaster Creek is a significant part of the City of Hamilton.

The natural spring at 140 Garner Rd. is the source of the Ancaster Creek. The Ancaster Creek is a part of the city of Hamilton and as such the headwaters, which are a vital part of the creek, require protection from development.

Michael Gill

From: Lucinda Jenkins
Sent: Sunday, May 1, 2022 10:12 PM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: Public record item 10.1/140 Garner Rd E Ancaster

please add this letter to the public record Planning Committee Agenda on Monday, May 2, 2022

Please note I formally support the HCA's denial of a permit to the developers. Most importantly this marsh is vital to the the continuing existence of the Ancaster Creek. My Uncle's family farmed and held land Stewardship in this area leaving a legacy and conservation to a fourth generation.

I oppose the consolidation that will remove Hamiltonian's rights for public consultation and the complete disregard for the conservation of this land that has been maintained by generations of consciousness land stewards

All neighbouring residents should be informed of and able to participate in the OLT appeal. The provincial government should not be able to over rule the land interests of a municipality particularly where provincial pursuits are only concerned with money and greed. The Ancaster Wetlands should be incorporated into green space and immune to the wants of developers

Cindy Jenkins

Sent: Sunday, May 1, 2022 10:17 PM

Cc: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>

Subject: Re: Action needed!

Hi Lisa. This is Jeff Smith, owner of Kool Stuff Toys in downtown Hamilton. Far too often, greedy developers, who have more money than they know what to do with, are always on the lookout for a way to fatten their's and those that they represent, wallets and bank accounts. They do so, with very little or no concern at all, for how the repercussions of their actions will impact the community and in this case, nature at large. It's time to put nature and the greater good of the community, ahead of this ever growing problem of money talking. Thank you for taking the time to read this.

From: Teodora Filipova
Sent: Sunday, May 1, 2022 11:12 PM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: May 3, 2022 Planning Committee Agenda re 140 Garner Rd E, Ancaster.

To the attention of Lisa Kelsey, to

Please add my letter to the public record for Item 10.1 of the May 3, 2022 Planning Committee Agenda with respect to 140 Garner Rd E, Ancaster.

Specifically, I call on the city planning committee to do the following:

1. formally support the HCA's denial of a permit to the developers
2. oppose the consolidation of the two appeals as unfair to marsh defenders including the HCA
3. oppose consolidation as it will remove Hamiltonian's rights for public consultation on a development proposal which would have a negative impact on the headwaters of Ancaster creek
4. ensure all nearby residents know about and can apply to be part of the OLT appeal[s]
5. Inform OLT that the earlier development application was abandoned and can't be appealed because:
 - the application is over three years old (over 1300 days from application to filing the appeal)
 - since the application, the ownership of the land has changed
 - since the application, Committee of Adjustment has severed the property into two parcels
 - the extensive city concerns about the application were not answered by the developers
 - the public has been excluded from commenting on the new development proposal
 - the city has declared a climate emergency since the original application
 - the city has protected food lands by a no urban boundary expansion decision

Thank you,
Teodora Filipova,
Hamilton, May 1, 2022

From: Julie Palmese
Sent: Sunday, May 1, 2022 11:14 PM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: Please Help Do What's Right

We request that this letter be added to the public record for Item 10.1 of the May 3, 2022 Planning Committee Agenda with respect to 140 Garner Rd E, Ancaster.

We request that you formally support the HCA's denial of a permit to the developers.

We oppose the consolidation of the two appeals as unfair to marsh defenders including the HCA.

We oppose consolidation as it will remove Hamiltonian's rights for public consultation on a development proposal which would have a negative impact on the headwaters of Ancaster creek.

It is important to ensure all nearby residents and all citizens of Hamilton and Ancaster, know about and can apply to be part of the OLT appeal[s].

And to the Ontario Land Tribunal, the earlier development application was abandoned and can't be appealed because:

- the application is over three years old (over 1300 days from application to filing the appeal)
- since the application, the ownership of the land has changed
- since the application, Committee of Adjustment has severed the property into two parcels
- the extensive city concerns about the application were not answered by the developers
- the public has been excluded from commenting on the new development proposal
- the city has declared a climate emergency since the original application
- the city has protected food lands by a no urban boundary expansion decision

Just remember that once a decision is made, we all must live with the consequences. We shouldn't have to write this. Everyone just needs to do their job to preserve the wetlands, in place.

Thank you,

Enrico and Julie Palmese (Ancaster residents)

From: Patricia Cole-Stever
Sent: Sunday, May 1, 2022 11:22 PM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: Opposition to Development of any Sort at Garner Marsh, Ancaster ON

City of Hamilton Planning Committee

I call on you as the City of Hamilton Planning Committee, to oppose any development on or near to the Garner Marsh at 140 Garner Rd, E, Ancaster.

FYI...The City of Hamilton has declared a Climate Emergency!! Farm lands and environmentally sensitive lands were pledged by the City to be protected from urban expansion, therefore, I ask, "how does the Garner Marsh development plan fit into the Climate Emergency Plan?" "Is the City truly committed to protecting itself from devastating expansion such as this, or is a warehouse or two worth the environmental cost?" Please respect the previous decision of the Hamilton Conservation Authority and City staff who denied a permit for development at the Garner Marsh as it is **incredibly inappropriate and devastating, environmentally**, for the entire area and the course of the Ancaster Creek.

I ask the City Planning Committee to oppose the consolidation of the developers two appeals as it is inappropriate for the City to reverse a *decision already made* by the **Hamilton** Conservation Authority. Please keep in mind that the developer **failed to respond** to the City's concerns about their application over **3** years ago regarding setbacks from wetlands and the impacts a development would have on the Garner Marsh and area woodlands and watercourse. Further, the current land owner is not the same as when this incongruent process began in 2018! The developer's effort to consolidate two separate appeals undermines the entire application process and makes a resident question who 'The City' is working for? Is it for the developers or for its residents? The City constantly purports to be open and transparent in its decision-making process. Are we as Hamiltonians expected to support the 'Committee of Adjustment' who allowed for the property in question to be severed into two parcels causing this spirograph of a process to continue or now.... The Planning Committee? Was the Committee of Adjustment open, transparent and public in their revision of the plans for development? To proceed and amalgamate the two appeals is unfair and would cause distrust in the community which you are supposed to serve. I ask the City Planning Committee to ensure that the Ontario Land Tribunal be advised of the hardships this development proposal for 140 Garner Rd, Ancaster has caused to the City due to the age of the application and the change of land ownership.

I ask that the City Planning Committee ensure that those who reside nearby to the Garner Marsh, in particular, be able to have their say. It is incumbent upon the City to make all residents aware of and allow for 'our' participation in City processes for development and further, at Ontario Land Tribunal appeals. Residents of Hamilton must not be removed from consultation process for development proposals, and in this case specifically, that would have an adverse effect on Garner Marsh the headwaters of Ancaster Creek. I ask that the City of

Hamilton Planning Committee ensure that the current process, as it moves to the Ontario Land Tribunal, be 'transparent' and inclusionary of all residents.

In closing, I ask the City to consider what a warehouse(s) will do for the City in the years to come versus leaving the Garner Marsh to exist in its current state.

Best regards to all,
Patricia Cole-Stever

From: Miriam

Sent: Sunday, May 1, 2022 11:30 PM

To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>

Subject: letter to be added to the public record for Item 10.1 of the May 3, 2022 Planning Committee Agenda with respect to 140 Garner Rd E, please

Good day Ms. Kelsey,

Please add my following letter to the public record for Item 10.1 of the May 3, 2022 Planning Committee Agenda with respect to 140 Garner Rd E, Ancaster.

I call on the city planning committee to do the following:

1. formally support the HCA's denial of a permit to the developers. This denial has been well considered and supported;
2. oppose the consolidation of the two appeals as unfair to marsh defenders including the HCA;
3. oppose consolidation as it will remove Hamiltonian's rights for public consultation on a development proposal which would have a negative impact on the headwaters of Ancaster creek. I believe City Council should insist on its obligation, and duty, to represent the people of Hamilton;
4. ensure all nearby residents know about and can apply to be part of the OLT appeal[s]. Sadly not everyone has been informed, but many more will object when they know what is happening;
5. tell the OLT the earlier development application was abandoned and can't be appealed for several reasons, which cannot be ignored:
 - the application is over 3 years old (over 1300 days from application to filing the appeal)
 - since the application, the ownership of the land has changed
 - since the application, Committee of Adjustment has severed the property into two parcels
 - the extensive city concerns about the application were not answered by the developers
 - the public has been excluded from commenting on the new development proposal
 - the city has declared a climate emergency since the original application
 - the city has protected food lands by a no urban boundary expansion decision

Thank you for your consideration.

Miriam Sager

From: Joanne Palangio
Sent: Monday, May 2, 2022 1:01 AM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: Item 10.1 of May 3, 2022 Planning Committee Agenda, 140 Garner Rd. E., Ancaster

Dear Lisa Kelsey,

Please except this letter as part of the public record for Item 10.1 of the May 3, 2022 Planning Committees Agenda, with regards to 140 Garner Rd. E., Ancaster.

The original application for the proposal to the City of Hamilton for Garner Rd. lands, was initiated over three years ago and had significant concerns by the City that were not addressed by the applicant. The developer appears to want to bypass the City's concerns by making a direct appeal to the Ontario Land Tribunal for the same proposal, even though the land has been severed into two parcels and purchased by new owners since the original application.

As this proposal would negatively impact the headwaters of Ancaster Creek, pave over marshland at the Garner Rd. site, and effect the wildlife in the area, it is our belief that the City of Hamilton needs to let the OLT know that these concerns have not been adequately addressed by the developer and the proposal should be denied.

With regards,
Joanne and Ron Palangio

From: Lynn Nielsen
Sent: Monday, May 2, 2022 6:05 AM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: Regarding 140 Garner Rd E

Regarding 140 Garner Rd E

It has come to my attention that AIMCo is appealing on the grounds that there was a failure to make a decision within the statutory time frame of 120 days.

This 1307 days after the original application and after significant changes such as ownership and severing of said land, the city declared a climate emergency and the protection of food lands with no urban boundary decision.

Also, this appeal is a consolidation of two separate issues, the HCAs' permit denial and the City of Hamiltons' failure to make a decision.

This consolidation seems to be a ploy to have the appeal moved out of local hands and into provincial and will prevent public consultation.

I call on the City planning committee to bring the above to the OLTs attention as well as to formally support HCAs' denial of a permit to the developers, to oppose the consolidation of the two appeals, and to ensure nearby residents can apply to be part of the appeals.

I request that this letter be added to the public record for Item 10.1 of the May 3, 2022 Planning Committee Agenda with respect to 140 Garner Rd E, Ancaster.

Sincerely,
Lynn Nielsen

From: Coleman, Daniel

Sent: Monday, May 2, 2022 6:17 AM

To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>

Subject: re: Item 10.1 of the May 3, 2022 Planning Committee Agenda with respect to 140 Garner Rd E, Ancaster.

Dear Lisa Kelsey,

Please add this letter to the public record for Item 10.1 of the May 3, 2022 Planning Committee Agenda with respect to 140 Garner Rd E, Ancaster.

I am active with a group of faculty and staff at McMaster University in the restoration of the flood plain of Coldwater Creek currently used as a parking lot in West Campus known as Parking Lot M. I have researched and written about the Coldwater-Ancaster Creek watershed for some years now and am very concerned to hear that the development company AIMCo, having been denied approval by the Hamilton Conservation Authority to build a warehouse parking lot over the headwater marsh of Ancaster Creek is now submitting a second appeal to the OLT, this one against the City of Hamilton, citing the city's "failure to render a decision on the development application within the statutory timeframe of 120 days." As I understand it, this second appeal was received by the City on February 1, 2022, which is 1,307 days after the original application was submitted.

This move to appeal to the province is simply a cynical move to avoid public input on a development that will have a large impact on the entire Ancaster Creek watershed and which will influence a significant ecosystem in which many Hamiltonians live, not to mention many rare species, plus the overall health of Cootes Paradise. People up and down this watershed have put in millions of public and private funds and volunteer work into efforts to restore this watershed, and allowing the developer to by pass these concerns would seriously harm these efforts and run in the wrong direction.

Please, therefore, add my letter to your package of support for the HCA's denial of the permit to the developer and to oppose the developer's effort to consolidate its appeals as it will remove Hamiltonian's rights for public consultation on a development proposal which would have a negative impact on the headwaters of Ancaster creek. As we all know, the extensive HCA and city concerns about the application were not answered by the developers, and I urge the City and OLT to reject this cynical effort to bypass public consultation on a decision that will significantly affect the future health of people and ecosystems in Ancaster-Hamilton-Cootes Paradise.

Sincerely,

Daniel Coleman

From: Joyce Smith
Sent: Monday, May 2, 2022 6:33 AM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: Garner Rd Marsh

Please add my name for the denial of a permit to the developers of
140 Garner Rd E, Ancaster.

Joyce Smith

From: Craig Cassar
Sent: Monday, May 2, 2022 6:44 AM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: Item 10.1 on the May 3, 2022, Planning Committee Agenda

Hello Lisa,

I'm writing about item 10.1 on the May 3, 2022, Planning Committee Agenda with respect to 140 Garner Rd E, Ancaster. Please add my letter to the public record on this topic

I would like to express my support for the HCA's denial of a development permit on this site and would like the Planning committee to do the same.

I also oppose the consolidation of the two appeals that the developer is making and encourage the Committee to all oppose this step. The consolidation will remove Hamiltonian's rights for public consultation on a development proposal that would have a negative impact on the headwaters of Ancaster creek

Further, I request that the committee:

1) ensure all nearby residents know about and can apply to be part of the OLT appeal[s]

2) tell the OLT the earlier development application was abandoned and can't be appealed because the application is over three years old (over 1300 days from application to filing the appeal); the ownership of the land has changed; the Committee of Adjustment has severed the property into two parcels; the extensive city concerns about the application were not answered by the developer; the public has been excluded from commenting on the new development proposal; the City has declared a climate emergency since the original application; and finally, that the City has protected food lands by a no urban boundary expansion decision.

Thank you
Craig Cassar
Ward 12

From: Bruna Nota
Sent: Monday, May 2, 2022 7:31 AM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: Hamilton Committee of Adjustment vs developers

Dear Ms. Kelsey and distinguished members of the Hamilton planning committee,

Congratulations for continuing to deny permission to the developers to tamper with a most precious wetland both on matters of principles and on matter of due process.

I do not need to repeat the many reasons on either or both counts. Those reasons have been abundantly elucidated by technical and conservationists experts, by elected representatives, and by the many citizens who have deputized, signed petitions on the matter. It is now a matter of ethical and political resolve.

Southern Ontario, the world, really, cannot afford to lose more agricultural land nor natural habitat for a wide variety of essential fauna and flora.

Dear Ms. Kelsey and committee members, ensure that the headwater of the Ancaster creek value is fully preserved for future generations. Do keep the two appeals separate and ensure that full consultation occurs and that all citizens have the opportunity to participate.

In gratitude for all you do and for maintaining your integrity, yours sincerely,

Bruna Nota

May 2, 2022 re: The Garner Marsh appeal for 140 Garner Rd East, Ancaster

Dear members of the Planning Committee,

Thank you for considering my comments below.

Many people did not make the connection between the illegal crop spray that occurred at 140 Garner rd last summer and the fight to save the Marsh itself. Three local Ancaster leaseholder farmers lost millions thanks to the owner's decision to spray herbicide and kill their crops - horseradish, poppies, sunflowers etc. Carrier Hewitson and Ron Book's crops of tomatoes, peppers, eggplant and several other vegetables which they sell at Ottawa street market as one of the few certified local growers, were spared only because the hedgerow-flanked track leading to their field was too narrow for the industrial sprayer to enter. The crops were killed to allow for an archaeological inspection to facilitate the sale of the land with the Garner Marsh to AIMCo. I spoke to the archaeologists when they were in the field. They said they didn't need the field to be sprayed and disked to carry out their work.

I'm sharing this story because the outcome of pressure on local farmers is this: these three farmers have now lost access to farmable land and the Hewitson/Book family have now sold the iconic u-pick Pumpkin Patch farm at 254 Garner rd (in front of the marsh) and have bought a farm in Norfolk county to be able to carry on farming. The Books were original settlers here. Lose-Lose for Hamilton The Spec wrote about it here:

<https://www.thespec.com/news/hamilton-region/2021/07/24/real-estate-firm-wipes-out-ancaster-farmers-crops-amid-pending-land-deal.html>

And here:

<https://www.thespec.com/local-ancaster/news/2021/09/13/ancaster-farming-couple-afraid-of-livelihood-as-developers-seek-to-build-warehouse.html>

Please take a moment to read these news items and understand the human impact of this application.

In 2018 the original owners of 140 Garner Rd E submitted a warehouse development application to the City but the city staff raised several issues and concerns with that original application. Among them was that **"The development does not maintain the 30 m setback from the locally significant wetland and the information provided in the submitted reports has not demonstrated that the development will not result in negative impacts on the Core Areas and Linkages located within and adjacent to the subject property, including the Significant Woodland, unevaluated wetland and watercourse"**

After that no further movement was made on the application and it appears to have been abandoned by the applicant.

Since then the land has been severed and sold and three and a half years have passed. Now the would-be marsh developer has suddenly filed a second appeal to the OLT, this one against the City of Hamilton, citing the city's "failure to render a decision on the development application within the statutory timeframe of 120 days."

Of note is that the appeal of the application was received by the City on February 1, 2022, which is **1,307 days after the application was submitted.**

So the developer's plan is to now, **three and a half years after their original application**, plead their case to the OLT that the City didn't make a decision about their application within the deadline of four months, when it's obvious that their application was abandoned by them long ago.

The developer is now asking the OLT to consolidate these two entirely different issues, 1) the HCA's permit denial and 2) the City of Hamilton's failure to render a decision - into a whole new appeal which will be lengthy and complicated and **will entirely exclude Hamiltonians from our right to provide comments and input for this development application at the municipal level.** If consolidated, the application will be handled by the provincial land tribunal only with no public consultation.

This abusive process demands opposition.

Please ensure that the City adopts the position of defending the Garner marsh, headwaters of

Ancaster Creek and indeed all the headwaters, wetlands, watercourses on the Hamilton mountain... and of course Cootes Paradise.

Please ensure that the City's legal representation vigorously opposes the developer's wish to consolidate the two cases.

Thank you for your consideration

Kind regards

Nancy Hurst, Ancaster



From: Akira Ourique
Sent: Monday, May 2, 2022 7:46 AM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: Garner Marsh

I ask that the letter below be added to the public record for Item 10.1 of the May 3, 2022 Planning Committee Agenda with respect to 140 Garner Rd E. Ancaster.

Hello,

I am a lifelong resident of Hamilton, and live in ward 3. I'm writing today to express my complete objection of any kind of development of Garner Marsh.

Hamilton has always been my home, and part of what I love about this city is its mixed geography. Hamilton encompasses urban, rural, and natural land. Each land type serves a deep and vital set of services to our communities in Hamilton including housing, food production, recreational space, and medicine gathering. Beyond us, non-urban spaces serve the wildlife.

Rural and natural land share a wealth of resources within their biotic and abiotic systems of native plants, animals, fungi, soil profiles, and microclimates. These resources include nesting grounds for birds and small mammals, breeding sites for butterflies, fresh water for amphibians, dappled shade for pawpaw trees, and the list goes on almost endlessly as we continue to learn about our natural world and everything within it.

In the current climate crisis, we need to be doing everything we can to protect natural land and the systems within it. The Hamilton people have overwhelmingly expressed their opposition to urban sprawl, and the development of natural and rural land. We expect our councillors to move with Hamilton in the right direction, and to do our part to reduce harm to the environment. This is why I completely oppose the development of Garner Marsh, for the wildlife, the planet and the people. I ask all councillors to do their part for us, and for the earth. Vote against the development of Garner Marsh.

Thank you for your time.

Akira Ourique

From: Steven van der Woerd
Sent: Monday, May 2, 2022 7:57 AM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: 140 Garner Road East, Ancaster

Please accept this email as our formal objection to the Development Application for this property. We object to the fact that it does not adhere to today's environmental requirements or at least has not been proven so. Protection of headwaters should be prioritized as a first priority. This application is also bypassing local input by process. Local input and agreement is necessary to maintain trust in rules and government and we submit this should not be allowed to proceed in this manner.

Steve and Annette van der Woerd

Sent: Monday, May 2, 2022 8:03 AM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: Item 10.1 of May 3, 2022 Planning Committee Agenda

Hello Ms. Kelsey,

Would you please add my letter to the public record for Item 10.1 of the May 3, 2022 Planning Committee Agenda with respect to 140 Garner Road East?

By way of this letter, I am asking the Planning Committee to tell the Ontario Land Tribunal that the original concerns expressed by the City of Hamilton in 2018 have never been addressed. In the original 2018 Draft Plan of Subdivision Application, eight major issues were highlighted. They covered a variety of shortcomings:

- 3 important Transportation problems which will lead to gridlock on the rural 2-lane roadway of Garner Road East
- Failure to maintain the 30-metre setback from the locally significant wetland; probable negative impacts on the Core areas and linkages including the Significant Woodland, an unevaluated wetland and watercourse. (Note: this 2018 Plan was developed before Hamilton declared its awareness of a Climate Crisis in 2019. This time-worn, outdated plan fails to acknowledge the immediate Climate Emergency and mistakenly sets out to re-locate a wetland – an impossible feat.)
- No respect is shown for the conservation and protection of adjacent cultural heritage resources. Reminder: The Ancaster Sub-watershed is the headwaters for most of Hamilton's drinking water as it flows south over the Escarpment, eventually making its way to Lake Ontario
- Spatial and Zoning issues
- Poor stormwater management design and water servicing constraints – a constant issue in this City of Waterfalls

I extend my sincere thanks and appreciation to the Planning Committee who reviewed this Draft Plan of Subdivision Application in 2018 and found it completely lacking - absolutely nothing has changed in the intervening +1300 days.

One Properties has simply dragged out this excuse for employment lands in the hope that the OLT will solve their problems. Please tell the OLT the story and ensure all nearby residents are informed this time. In 2022, when the environment is top of everyone's mind, neighbours and citizens are much more aware of the impact of development on farmland and need time to make their comments.

Many thanks,
Marie Covert

From: **John Geerts**
Date: Mon, May 2, 2022 at 8:28 AM
Subject: 143 Garner Rd. East Ancaster
To: <Lisa.Kesey@hamilton.ca>

Would like to have this letter added to the public rarord for item 10.1 of the May 3, 2022 planning Committee Agenda

Committee Members This letter is in support of the Hamilton Conservation Authorities denial of the permit the Developers of the Garner Marsh/warehouse Application.

To come three years after the initial application and bypass all city and HCA concerns and proceed directly to the Ontario Land Tribunal is a shirking of responsibility an lack of due diligence by the developer, AIMCO, to seek any solution, compromise, consultation other than the original submitted proposal. Thereby side stepping the whole planning/input process of this planning committee.

I believe that this committee and the HCA are in place to protect our natural resources and environment of which Garner marsh plays a significant role.

Having lived in Hamilton for 63 years I have seen many creek on this escarpment diverted and pave and filled in including the one that ran through my property when our survey was built. The wooded and wetland areas that remain must be preserved in order for us and the environment to survive.

I would hope the city and the HCA as well a citizens oppose the garner Marsh move/development submission to the OLT and with the MPPs responsible for this even being proposed or allowed. Yours truly John Geerts

From: Barbara Davis
Sent: Monday, May 2, 2022 8:53 AM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: Save our stream

I am seconding all the reasons already stated why the headwaters of the Ancaster Creek MUST remain as it is untouched by this unwanted developer

Planning Committee City of Hamilton
% Lisa Kelsey May 2, 2022
Dear Ms Kelsey.

Please add this letter to the public record for Item 10.1 of the May 3 Planning Committee Agenda, with respect to 140 Garner Road E, Ancaster.

I would be grateful if you would remove my name, phone number and email address, included at the bottom. I wish to express my opposition to the renewed effort to overturn the Conservation Authority's denial of their permit to pave the marsh and develop land at 140 Garner Road E, that would result in the destruction of an existing significant woodland, wetland and watercourse there. It is hard to understand why these natural resources are not cared for in the same way that we care about our grandchildren. The protection of our environment is the reason why the City of Hamilton has declared a climate emergency, and why this project, and others like it, must be stopped permanently. This vexatious challenge, based on the fallacy that the city has failed to make a decision in time, even though the developer failed to respond to city concerns for over three years, is of concern to all Ontarians. Such a cynically transparent attempt to subvert a democratic municipal decision, to finagle permission to build here after a rejection over 3 years ago, must be stopped. No permit to develop any part of this property should ever be allowed. All residents who live close to 169 Garner Road must be kept informed about the appeals to the Ontario Land Tribunal, and be permitted to participate in the appeal process. The recent decision by the city to freeze the urban boundary must also be considered as part of this matter. Wetlands, even small ones, are essential for our future. Protecting wetlands contributes to our welfare by providing value that no other ecosystem can deliver, such as natural water quality improvement and flood protection. We also know that wetlands store carbon within their plant communities and soil instead of releasing it to the atmosphere as carbon dioxide, which means that they help moderate global climate conditions. Every single time we do not take active steps to preserve our environment, we contribute to a degraded future. Right now, one small step we can take to save our planet is to protect the future of the headwaters of Ancaster Creek, by protecting the wetland at 140 Garner Road East. 140 Garner Road East is not a good place to build, because it is naturally saturated with water. Filling it in will force the water somewhere else. This means the buildings located at 140 Garner Road E, while destroying an important resource that belongs to the greater community, will likely face continuous challenges managing water no matter what mitigation is undertaken. I will not elaborate more about this abusive attempt to revive this warehouse project, except to say the people of Hamilton care about our environment and future, and are watching the process and decisions about this property closely.

Aleda O'Connor

From: Christine & Gene Fitzpatrick

Date: May 2, 2022 at 9:16:12 AM EDT

Cc: SaveOurStreams@gmail.com

Subject: 140 Garner Road development

Lisa....Please add our letter to public record 10.1..with respect to 140 Garner Road development which should be denied and we oppose consolidation as it will prevent public consultation and have a negative impact on headwaters of Ancaster creek.

Developers are not answering city's concerns....we want no urban expansion . It is a climate emergency!

Thank you

Chris/ Gene Fitzpatrick

From: Liz Rabishaw
Sent: Monday, May 2, 2022 9:21 AM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: Item 10.1 of May 3, 2022 Planning Committee Agenda, 140 Garner Rd. E., Ancaster

To: Lisa Kelsey

I would like this letter entered as part of the public record for Item 10.1 of the May 3, 2022 Planning Committees Agenda, about 140 Garner Rd. E., Ancaster, The Garner Marsh.

I am very concerned that the developer is now, after being denied already once, has, years after the fact, made an appeal to the Ontario Land Tribunal effectively bypassing the City's and its citizens' concerns.

My understanding is the proposed development will negatively impact the headwaters of Ancaster Creek which has implications for water all the way to Cootes Paradise, and wildlife at both the source and throughout. In addition, how this proposed development is being handled has implications for everyone, everywhere, who is having their water sources challenged by developments.

Why is this being challenged again, having been denied due to significant concerns, that have not been addressed, and in a manner that wrests it from the people nearby the land and water that it affects?

I also ask that a co-ordinated, official process be set up to inform all near (and far) residents about this appeal, and how to become involved. What is happening to the Garner Marsh AFFECTS EVERYONE WHO RELIES ON WATER IN GENERAL (all of us, everyone, relies on water), and The Garner Marsh in particular.

Thank you,

LizTaylorRabishaw

From: Cindy Bernstein
Sent: Monday, May 2, 2022 9:23 AM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: Watersheds and wildlife and waste of money

Dear Lisa I have watched the brutal, steady encroachment, waste and destruction of perfectly useful and much needed land for farmers, wildlife and the environment at large. Building more roads is not the answer. It brings more pollution, more congestion and more loss of resources and wildlife necessary for a sustainable environment. Widening roads is not the answer. Affordable commutes, thinking progressively for solutions, making the existent roads less traveled by car *is* the answer. When there is less travel by car and more travel by commuter trains and more people being able to work from home instead of time wasting, money wasting and exhausting travel; well then maybe we are on the right track, a path not destructive and environmentally necessary.

I hope someone listens and develops a civic understanding of the duty called for.

Cynthia Bernstein

From: Seymour, Colin
Sent: Monday, May 2, 2022 9:33 AM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: Wetlands at 140 Garner Road E, Ancaster

Hi Lisa,

I'd like to add my voice to arguing against planning permission for this site. I think such a late appeal, on grounds designed to limit public input, an affront to local democracy.

Please add to item 10.1 on the planning committee agenda,

Thanks,

Colin

From: Mothersill, Carmel
Sent: Monday, May 2, 2022 9:50 AM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: Garner Marsh

Please add my objection to the public record for Item 10.1 of the **May 3, 2022** Planning Committee Agenda with respect to 140 Garner Rd E, Ancaster.

I totally object to the dirty tricks these developers are using to silence Hamiltonians concerned about losing even more wetland habitat to concrete.

Their plan is utterly despicable.

Sincerely,

Carmel Mothersill

From: Anne Washington
Sent: Monday, May 2, 2022 10:08 AM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: Letter to the Hamilton Planning Department re Garner Marsh

Hello Lisa:
Please make sure that this letter is received by all members of the Hamilton City Council Planning Meeting tomorrow, May 3 2022. Thank you.
Anne Washington.

Dear Members of the Hamilton Planning Department:

It has been drawn to my attention that the latest permit denied by the Hamilton Region Conservation Authority to the developer to build on the Garner Marsh, 140 Garner Road, is to be discussed at your meeting on May 3 2022,. Please uphold it.

On the agenda, is a request from the developer to combine an application from them three years ago to build on the same property and that the two applications be combined. This is confusing. For clarity, surely it would be better to consider them separately! Also, has the public had an opportunity to comment on that application from a few years ago?

I support the decision of the Hamilton Region Conservation Authority, and the wishes of thousands of Hamiltonians, that no permits be granted to build on the Garner Marsh.

The City declared a Climate Emergency in 2019 which was applauded locally and wider afield. Preserving and protecting these wetlands, which are so vital to the counteract the impact of changes in the climate, is vital. You have the power and responsibility to do that.

Please uphold the decision of the HRC not to build on Garner Marsh.

Respectfully,
Anne Washington

Sent: Monday, May 2, 2022 10:13 AM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: save our environment and streams

Dear Ms. Kelsey,
Please include this letter to be presented at the bill 101 meeting today. The science is clear. I firmly object to moving the marshes and natural water ways and our farm lands should never be built on.
Marilyn Marchesseau.

From: lindaghughes

Sent: Monday, May 2, 2022 10:15 AM

To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>

Subject: Objection to the Garner Marsh development

- The Hamilton Conservation Association was given the mandate to protect our local environment. Marshlands are an important part of flood control, water retention, species survival and the biodiversity that has made our area the wonderful habitat that it is.
- I totally support the HCA as the body given the authority to make recommendations in the best interests of Hamilton.
- The fact that it would even be considered to consolidate the two appeals removes Hamiltonian's rights for public consultation on a development proposal which would have a negative impact on the headwaters of Ancaster creek and its downstream flow.
- The city planning committee needs to ensure all nearby residents know about and can apply to be part of the OLT appeal[s].
- The earliest development application was abandoned and can't be appealed being over 3 years old and the ownership has changed:

From: Heather Vaughan
Sent: Monday, May 2, 2022 10:24 AM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: Garner Marsh

Hello

I am a proud citizen of Hamilton (Dundas), a mother and physiotherapist at St Peter's Hospital. I am writing to the city planning committee with respect to the attempted development on the Garner Marsh in Ancaster. I ask that my letter be added to the public record for Item 10.1 of the May 3, 2022 Planning Committee Agenda with respect to 140 Garner Road E, Ancaster.

It has come to my attention that the developer has appealed to the OLT requesting them to overturn the HCA's decision to deny their permit to develop on top of the Garner Marsh. This marsh is of crucial importance to the species that live there and all the citizens of the region who are concerned about flooding and other impacts of yet further development over our precious waterways.

Specifically, I strongly request that the planning committee formally support the HCA in their denial of the developer's permit, and oppose the consolidation of the two appeals. This consolidation will remove the RIGHT of the local citizens to have PUBLIC CONSULTATION on this proposal. This appeal should not be allowed because the earlier development application was ABANDONED, the ownership of the land has changed, the land has since been severed, the developers did not respond to the city's initial response, and the city has since declared a climate emergency and made a decision to protect this land as part of its no urban boundary expansion.

Thank you for your consideration and I implore you to use your powers in this situation on behalf of the current and future citizens of Hamilton.

Sincerely
Heather Vaughan

From: Carolyn VanHoevelaak
Sent: Monday, May 2, 2022 10:29 AM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: Development of 140 Garner Road E, Ancaster

Please add my letter in opposition to the development of land at 140 Garner Road E. to the public record for Item 10.1 of the May 3 Planning Committee Agenda.

I am calling on the City of Hamilton to support the HCA's denial of the permit to developers and to oppose the consolidation of the two appeals as unfair to us that oppose the development on marsh lands. Hamiltonians deserve the right to have public consultation on development proposals that would have a negative impact on the headwaters of Ancaster Creek.

The City has declared a climate emergency and has protected food lands by a no urban boundary expansion decision. Please make sure that the people of Hamilton have a say in the decision by the Ontario Land Tribunal.

Carolyn VanHoevelaak

From: Janet

Sent: Monday, May 2, 2022 10:38 AM

To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>

Subject: May 3, 2022 Planning Committee Agenda with respect to 140 Garner Rd E, Ancaster, ON

Ms. Kelsey and the City of Hamilton Planning Committee,

With respect to 140 Garner Road East, I am very disheartened to learn of the strategy being employed by the would-be developer on this environmentally significant property.

I respectfully ask that the Planning Committee:

- oppose the consolidation of the two appeals to the OLT as it will prevent the citizens of Hamilton from providing important input on a development proposal that would have a significant harmful impact on the headwaters of Ancaster Creek.
- provide notice to residents residing near the development so that they can apply to be part of any OLT appeals
- formally support the Hamilton Conservation Authorities' denial of a development permit
- communicate to the OLT that the original development application was clearly abandoned and therefore should not be subject to appeal

Please include my letter in the public record for Item 10.1 of the May 3, 2022, Planning Committee Agenda.

Sincerely,

Janet OSullivan
Hamilton, ON

From: Louise McCann
Sent: Monday, May 2, 2022 10:39 AM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Cc: SaveOurStreamsHamilton@gmail.com
Subject: Letter for Planning Committee Agenda May4 Item 10.1

Hello Lisa

Please add my letter to the public record for item 10.1 of the Planning Committee Agenda with respect to 140 Garner Rd E. Ancaster.

- 1.I wish to add my voice to a group of people that wishes Hamilton to formally support the HCA denial of a permit to the developers who wish to develop this piece of property, which is a vital piece of the local ecosystem.
- 2.The HCA have been excellent stewards of the lands around Ancaster and should be listened to as they have the science to back their decision.
- 3.Please ensure that all nearby residents know about how to apply to be part of the OLT , which is where the appeal will be heard. The local citizens need a voice because if this development goes ahead it will impact them.
- 4.There have been changes in ownership and severance , since the initial application. It is now past due to make such an appeal to the first decision made by the HCA.

--

Best,
Louise

From: Sarah Filice
Sent: Monday, May 2, 2022 10:58 AM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: Letter re: Item 10.1 on Planning Committee Agenda

Dear Lisa Kelsey,

I am writing to you today regarding Item 10.1 on the Planning Committee's next agenda. I would like to request that my letter be added to the public record for this item.

Specifically, I am calling on the planning committee to:

1. Formally support the HCA's denial of a permit to the developers and oppose the consolidation of the two appeals as unfair to marsh defenders, including the HCA.
2. Oppose consolidation as it will remove the rights of Hamiltonians for public consultation on a development proposal. This is vital, as it would have a negative impact on the headwaters of Ancaster Creek.
3. Request that all nearby residents are made aware of, and can apply to be part of, the OLT appeal(s).
4. Tell the OLT that the earlier development application was abandoned and cannot be appealed because it is over 3 years old. Furthermore, since the application the ownership of the land has changed, the Committee of Adjustment has severed the property into two parcels, and the city's concerns about the application were not answered by the developers.

I am kindly asking the Planning Committee to take the above actions because the public has been excluded from commenting on the new development proposal and, most importantly, the city has declared a climate emergency since the original application and has protected food lands by proclaiming a "no urban boundary expansion" decision.

These lands require protection for the sake of the Earth's wellbeing, in addition to our own.

Thank you for your thoughtful consideration of this important issue.

Kind regards,

Sarah Filice

May 2, 2022

Chair and Members of the Planning Committee

Re: Appeal of Draft Plan of Subdivision Application for Lands at 140 Garner Road East, Ancaster

Dear Chair and Members of the Committee:

As a longtime contributor to the Hamilton Conservation Foundation, I support the Hamilton Conservation Authority's opposition to ONE Properties' application for a massive warehouse complex at the Garner Marsh wetland. This ecologically important property is the wrong location for a project that will inevitably have a detrimental effect on a locally significant wetland in the headwaters of Ancaster Creek.

ONE Properties' proposed wetland offsetting arrangement was studied and rejected by the HCA, as well as organizations such as very reputable Environmental Defence, which are making their views known to the Ontario Land Tribunal in preparation for an upcoming OLT Case Management Conference. I urge the Committee to join with concerned citizens and organizations and formally support the HCA's denial of a permit to ONE Properties' development on this site.

I'm also concerned about ONE Properties proposal to consolidate their two appeals to the OLT. In fact, I question if ONE Properties can file an appeal under the Planning Act as the development application is more than three years old, the ownership of the land has changed and the Committee of Adjustment has severed the property into two parcels.

The extensive concerns that the city expressed about the original application in 2018, development, as reviewed in the Information Report to the Planning Committee for this meeting, remain a major issue. In my view, the Committee should advise the OLT that the Planning Act "Appeal of Council's Non-Decision" cannot be appealed.

Thank you.

Gord McNulty

From: Dorothy McIntosh
Sent: Monday, May 2, 2022 11:31 AM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: Item 10.1 May 3rd Planning Committee meeting

Dear Ms. Kelsey, Please add the following letter to the agenda for the May 3rd planning Committee, Item 10.1

As a new resident of Hamilton, I've been impressed to see City Council's intention to limit urban sprawl and protect our farmland, forests and waterways. In this respect, it was alarming to hear of the resurgence of a proposal to damage the headwaters of the Ancaster Creek. So I'm hoping the Planning Committee and subsequently City Council will turn down the attempt to resurrect this project and uphold the Conservation Authority decision.

Hamilton Council has also led the way in opposing the new Ontario government development policies to prevent resident's input and municipal oversight. The proposal to build warehousing that will impact the headwaters is one of the first examples of this policy in action and as such is especially important to deal with.

Thank you for the opportunity to comment. Regards...Dorothy McIntosh

May 2, 2022

Lisa.Kelsey@hamilton.ca Legislative Coordinator City

Planning Committee City of Hamilton Re: 140 Garner Rd E. Ancaster

Dear Ms. Kelsey, Kindly add this letter to the public record for Item 10.1 of the May 3, 2022 Planning Committee Meeting Agenda: My father still lives in the house I grew up in, built by my grandfather and uncle in 1961, situated behind the White Brick Church which is directly across from these lands. As such, I am long familiar with the lands in question and their unique features including, most critically, Garner Marsh. To think this environmentally sensitive area, headwaters of the Ancaster Creek that flows over Sherman Falls into Cootes Paradise would be threatened by warehouses and pavement is mind-boggling! But here we are, facing owners and developers who appear to be circumventing the wise decision of the Hamilton Conservation Authority to deny a permit, and the unaddressed concerns of the city over the original application of greater than three years ago - now revamped and under new ownership - by appealing to the Ontario Land Tribunal and asking that the two separate issues be consolidated! It is vital to permit the citizens of Hamilton to have a voice in these decisions, as they will greatly affect not just this parcel of land, but all others that developers are eager to move on in our city and surrounds. The citizens of Hamilton have been clear about their desire to be participants in the planning and decision process, as we must be mindful of the impact for future generations. PLEASE protect the right of Hamiltonians to decide their future, not a rubber-stamping OLT!

Best regards, Peggy McKeil

Letter for the Public Record

Item 10.1 May 3, 2022

Planning Committee Agenda

Regarding 140 Garner Rd. E. Ancaster

I am a long time resident of Ancaster. I support in full the Hamilton Conservation Authority's denial to permit warehouse development etc. on the Garner Marsh, headwaters

to Ancaster Creek. That matter is the original application on this property, resulting in a first appeal to the OLT, of which I am listed as a participant.

A second appeal to the OLT has now surfaced, on the above same property, by new owners. According to the City's information report, *there are extensive concerns about the application which have not been answered by the developers*. This new appeal will entirely exclude Hamiltonians from the right to provide comments and input for this development application at the municipal level. How can I, as a resident, now know what I am participating in at a consolidated future OLT?

Thank You for this submission,
Carolanne Forster

Sent: Monday, May 2, 2022 11:45 AM

To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>

Subject: May 3, 2022 Planning Committee Meeting, Item 10.1

I am adding my support to all those who recognize the need to preserve the wetlands at 140 Garner Rd. E., Ancaster and the predictable devastation to those lands and beyond, should developers be permitted to proceed with their building and paving.

Having grown up in Ancaster, I have been saddened and disturbed by the continuing destruction of pristine agricultural and natural lands in the name of residential and commercial development.

These specific lands under review are so important to the ecosystem, not only in Ancaster but all the way to Cootes Paradise. Hamilton City Council has an obligation to protect lands such as these, despite outside pressures to abandon their role and allow developers to desecrate our precious environment.

Do the right thing, say no!

Please add my plea to the public record for Item 10.1 of the May 3 Planning Committee agenda regarding 140 Garner Dr. E., Ancaster.

Thank you,

Virginia L. Gibson, Hamilton

From: Lynn Gates

Sent: Monday, May 2, 2022 11:53 AM

To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>

Subject: Item 10.1 of the May 3, 2022 Planning Committee Agenda with respect to 140 Garner Rd E, Ancaster

Dear Ms. Kelly.

I am writing in response to the *Information Report to the Planning Committee, Appeal of Draft Plan of Subdivision Application 25T-201806 for Lands Located at 140 Garner Road East, Ancaster (PED22096) (Ward 12)*. I am in support of issues/concerns that were outlined when the original Application was circulated in 2018. The extensive concerns identified by City staff at that time have not been addressed by the developer.

Also, it seems undemocratic that an abandoned application from 2018 could now be appealed to the Ontario Land Tribunal.

I fully support the Hamilton Conservation Authority decision to deny this request for development of a warehouse.

Please append my letter to the Planning Committee Agenda of May 3, 2022.

Sincerely,

Lynn M. Gates,
Hamilton, Ontario

From: Adan Amer

Sent: Monday, May 2, 2022 11:59 AM

To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>

Subject: May 3rd Planning Committee Meeting: With Respect to Agenda Item 10.1

To whom it may concern,

As a resident of Ancaster, I am sending this letter to ask the Planning Committee to please consider the following actions with regards to Item 10.1 - 140 Garner Rd East on tomorrow's agenda:

1. formally support the HCA's denial of a permit to the developers
2. oppose the consolidation of the two appeals as unfair to marsh defenders including the HCA, as this removes Hamiltonians rights to public consultation on this development
3. ensure all nearby residents know about and can apply to be part of the OLT appeal

I ask that this letter be added to the public record for item 10.1.

Best wishes,
Adan Amer

Sent: Monday, May 2, 2022 12:02 PM

To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>

Subject: 140 Garner Rd "They Paved Over Paradise And Put Up Parking Lot"

Dear Lisa

Please do not allow the paving over of the critical wetland habitat at 140 Garner Road Ancaster.

Wetlands are vital for wildlife and the community: for your consideration

1. formally support the HCA's denial of a permit to the developers
2. oppose the consolidation of the two appeals as unfair to marsh defenders including the HCA
3. oppose consolidation as it will remove Hamiltonian's rights for public consultation on a development proposal which would have a negative impact on the headwaters of Ancaster creek
4. ensure all nearby residents know about and can apply to be part of the OLT appeal[s]
5. tell the OLT the earlier development application was abandoned and can't be appealed because:
 - the application is over three years old (over 1300 days from application to filing the appeal)
 - since the application, the ownership of the land has changed
 - since the application, Committee of Adjustment has severed the property into two parcels
 - the extensive city concerns about the application were not answered by the developers
 - the public has been excluded from commenting on the new development proposal
 - the city has declared a climate emergency since the original application
 - the city has protected food lands by a no urban boundary expansion decision

Susan Borghese

Meadowlands Ancaster

From: Eileen Booty
Sent: Monday, May 2, 2022 12:20 PM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: Garner Road Marsh Development. City of Hamilton

Dear Lisa,

I am deeply disturbed, to have learned that the city is considering overturning the agreement made with HCA to **not develop** over the Garner marsh. These types of decisions completely erode the public's trust in our politicians . The earlier development application was abandoned. It is now three years old, the ownership of the land has changed and the property has now been severed into two parcels so therefore it cannot be appealed.

Please do the right thing. We can always find places to pave-over but we cannot build new wetlands. They take hundreds and thousands of years to form and ultimately serve the health of our planet and ourselves. **WAKE UP!**

Thank you for your time, Eileen Booty

From: Janice Locke
Sent: Monday, May 2, 2022 12:55 PM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: City Planning Committee

Hi Lisa:

I ask that this email be added to the public record for Item 10.1 of the May 3, 2022 Planning Committee Agenda with respect to 140 Garner Rd E, Ancaster.

I was born in Hamilton (raised in the West Mountain area) and currently live in Ancaster. I love this community and have served on numerous Boards including Mohawk College, St. Joe's Hospital, the Art Gallery of Hamilton and The HPO. I am also a CPA and business leader. My request below is made after careful consideration of the need for growth balanced by the need to protect are natural spaces.

I respectfully request that the Planning

1. formally support the HCA's denial of a permit to the developers
2. oppose the consolidation of the two appeals as unfair to marsh defenders including the HCA
3. oppose consolidation as it will remove Hamiltonian's rights for public consultation on a development proposal which would have a negative impact on the headwaters of Ancaster creek
4. ensure all nearby residents know about and can apply to be part of the OLT appeal[s]
5. tell the OLT the earlier development application was abandoned and can't be appealed because:
 - the application is over three years old (over 1300 days from application to filing the appeal)
 - since the application, the ownership of the land has changed
 - since the application, Committee of Adjustment has severed the property into two parcels
 - the extensive city concerns about the application were not answered by the developers
 - the public has been excluded from commenting on the new development proposal
 - the city has declared a climate emergency since the original application
 - the city has protected food lands by a no urban boundary expansion decision

Your consideration is greatly appreciated.
Janice Locke

From: Mike Gill

Sent: Monday, May 2, 2022 10:13 AM

To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>

Subject: Addition to the Public Record - May 3 regarding 140 Garner Rd. E, Ancaster

Hello Lisa. Please add my letter below to the public record for Item 10.1 of the **May 3, 2022** Planning Committee Agenda with respect to 140 Garner Rd E, Ancaster. Thank you.

The Hamilton Conservation Authority denied a permit to the developers intent on building structures on the property of 140 Garner Rd. E, Ancaster. I add my support to this denial of the permit. The headwaters of Ancaster Creek require protection to ensure the health of the creek which runs through the city in which my family and I live.

I oppose any action that transfers the decision making process regarding the permit and use of the property (140 Garner Rd. E) from the municipal government of Hamilton and its citizens, to the Ontario Land Tribunal. In particular I oppose the consolidation of the issues of the HCA's permit denial and the City of Hamilton's failure to render a decision into a new appeal.

I request that the City Planning Committee informs all residents nearby 140 Garner Rd. E of the developer's appeal. Indeed, all residents of Hamilton should be informed of this appeal since, as I've stated, Ancaster Creek is a significant part of the City of Hamilton.

The natural spring at 140 Garner Rd. is the source of the Ancaster Creek. The Ancaster Creek is a part of the city of Hamilton and as such the headwaters, which are a vital part of the creek, require protection from development.

Michael Gill,



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	April 5, 2022
SUBJECT/REPORT NO:	Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue (Ancaster) (PED22070) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	E. Tim Vrooman (905) 546-2424 Ext. 5277
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Urban Hamilton Official Plan Amendment Application UHOPA-22-004, by Wilson St. Ancaster Inc. (c/o Giovanni Fiscaletti, Applicant / Owner)**, to amend the Ancaster Wilson Street Secondary Plan to redesignate the lands located at 15 Lorne Avenue from “Low Density Residential 1” designation to “Mixed Use - Medium Density” designation with a “Pedestrian Focus”; and, to establish a Site Specific Policy to permit an eight storey mixed use development with a maximum density of 220 units per hectare and provide for the relocation of the existing designated heritage building from 398 Wilson Street East to 15 Lorne Avenue, on lands located at 392, 398, 400, 402, 406, and 412 Wilson Street East, as shown on Appendix “A” attached to Report PED22070, be **DENIED** on the following basis:
- (i) That the proposed amendment does not meet the general intent of the Urban Hamilton Official Plan and the Ancaster Wilson Street Secondary Plan with respect to the following matters: right-of-way dedications, building height, residential density, massing, privacy, overlook, setbacks, and compatibility with and enhancement of the character of the existing neighbourhood.

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SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue (Ancaster) (PED22070) (Ward 12) – Page 2 of 44

- (ii) The mass, height, and bulk of the proposal is not considered to be good planning and is considered an overdevelopment of the site;
- (b) That **Zoning By-law Amendment Application ZAC-22-011, by Wilson St. Ancaster Inc. (c/o Giovanni Fiscaletti, Applicant / Owner)**, to change the zoning from the Existing Residential “ER” Zone, the Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone, and the Mixed Use Medium Density - Pedestrian Focus (C5a, 570, 651) Zone to a modified Mixed Use Medium Density - Pedestrian Focus (C5a) Zone, to permit an eight storey mixed use development with a maximum density of 220 units per hectare, with 1,677 m² of at grade commercial space and 169 dwelling units above with 55 surface parking spaces and 257 underground parking spaces, on lands located at 392, 398, 400, 402, 406, and 412 Wilson Street East and to relocate the existing designated heritage building on the lands located at 398 Wilson Street East to the lands located at 15 Lorne Avenue, as shown on Appendix “A” attached to Report PED22070, be **DENIED** on the following basis:
- (i) That the proposed change in zoning does not meet the general intent of the Urban Hamilton Official Plan and the Ancaster Wilson Street Secondary Plan with respect to building height, setbacks, and massing;
- (ii) That the proposal does not meet the general intent of the Zoning By-law with regards to allowable building height, setbacks, minimum side yard, planting strip;
- (iii) That the proposal is not considered to be good planning and is considered an overdevelopment of the site.

EXECUTIVE SUMMARY

Applications have been submitted to amend both the Urban Hamilton Official Plan and Zoning By-law No. 05-200 to permit the development of an eight storey mixed use development with a maximum density of 220 units per hectare, with 1,677 m² of at grade commercial space and 169 dwelling units above with 55 surface parking spaces and 257 underground parking spaces and to relocate the existing designated heritage building on the lands located at 398 Wilson Street East to the lands located at 15 Lorne Avenue.

The lands are presently designated “Low Density Residential 1” and “Mixed Use - Medium Density” within the Ancaster Wilson Street Secondary Plan and zoned Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone, Mixed Use Medium Density - Pedestrian Focus (C5a, 570, 651) Zone, and Existing Residential “ER” Zone.

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SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue (Ancaster) (PED22070) (Ward 12) – Page 3 of 44

Based on a review of the proposed development concept and associated materials submitted with the Applications, the proposed Official Plan and Zoning By-law amendments do not meet the general intent of the Urban Hamilton Official Plan (UHOP), the Ancaster Wilson Street Secondary Plan, and the Zoning By-law with respect to matters including, but not limited to:

- Right-of-way dedications;
- Building height;
- Residential density;
- Massing;
- Privacy;
- Overlook;
- Setbacks; and,
- Compatibility with and enhancement of the character of the existing neighbourhood.

This proposal is not considered to be good planning and is considered an overdevelopment of the site. Staff recommend that the Applications be denied.

Alternatives for Consideration – See Pages 43-44

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an Application for an Official Plan Amendment and Zoning By-law Amendment.

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Owner / Applicant:	Wilson St. Ancaster Inc. (c/o Giovanni Fiscaletti)
File Number:	UHOPA-22-004 ZAC-22-011
Type of Application:	Urban Hamilton Official Plan Amendment Zoning By-law Amendment

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Application Details	
Proposal:	<ul style="list-style-type: none"> The development of an eight storey mixed use development with a maximum density of 220 units per hectare, with 1,677 m² of at grade commercial space and 169 dwelling units above with 55 surface parking spaces and 257 underground parking spaces on lands located at 392, 398, 400, 402, 406, and 412 Wilson Street East; and, The relocation of the existing designated heritage building on the lands located at 398 Wilson Street East to the lands located at 15 Lorne Avenue. While the proposed relocation is based on the need for soil remediation, the intended future uses of the heritage building have not been indicated within the materials submitted with the Applications other than it will be integrated with an outdoor amenity space.
Property Details	
Municipal Address:	392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue (see Location Map attached as Appendix "A" to Report PED22070).
Lot Area:	±7,791.7 m ² (irregular)
Servicing:	Full municipal services.
Existing Use:	<ul style="list-style-type: none"> A two-storey building, built c. 1840, and known as the Phillip Marr House, on the lands located at 398 Wilson Street East, designated under Part IV of the <i>Ontario Heritage Act</i>, under By-law No. 78-87. The remaining lands are presently vacant.
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
Official Plan Existing:	"Community Node" on Schedule E – Urban Structure and "Mixed Use - Medium Density" on Schedule E-1 – Urban Land Use Designations.
Official Plan Proposed:	No amendment proposed.

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SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue (Ancaster) (PED22070) (Ward 12) – Page 5 of 44

Documents	
Secondary Plan Existing:	Ancaster Wilson Street Secondary Plan – “Mixed Use - Medium Density” with a “Pedestrian Focus” and “Low Density Residential 1” as shown on the Ancaster Wilson Street Secondary Plan Land Use Plan, and the lands fronting onto Wilson Street East are within the “Community Node Area” and the “Village Core” Character Area as shown on Appendix “A” of the Ancaster Wilson Street Secondary Plan Character Areas and Heritage Features.
Secondary Plan Proposed:	Ancaster Wilson Street Secondary Plan – Redesignate the lands located at 15 Lorne Avenue from the “Low Density Residential 1” designation to the “Mixed Use - Medium Density” designation with a “Pedestrian Focus” and to establish a Site Specific Policy Area to permit a maximum height of eight storeys and a maximum density of 220 units per hectare.
Zoning Existing:	<ul style="list-style-type: none"> • Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone; • Mixed Use Medium Density - Pedestrian Focus (C5a, 570, 651) Zone; and, • Existing Residential “ER” Zone.
Zoning Proposed:	Further modified Mixed Use Medium Density - Pedestrian Focus (C5a) Zone.
Further Modifications Proposed:	<p>Increases in:</p> <ul style="list-style-type: none"> • Building Height: <ul style="list-style-type: none"> ○ from a maximum of 9.0 metres to 32.0 metres; ○ from a minimum 7.5 metre façade height for any portion of a building along a street line to no minimum; and, ○ from a first storey minimum of 3.6 metres and a maximum height of 4.5 metres to a maximum height of 5.3 metres and no minimum; • Building Setback from a Street Line from no minimum and a maximum of 3.0 metres for the first storey to: <ul style="list-style-type: none"> ○ a minimum of 3.0 metres to a four storey structure and 5.0 metres for an eight storey structure along Wilson Street East; ○ a minimum of 2.5 metres along Academy Street; and, ○ no maximum; • Accessory Building maximum height from 4.5 metres to two storeys (no dimension specified); • Accessory Building setbacks for Accessory Buildings having a Gross Floor Area greater than or equal to 18 square metres from conforming to the regulations for the principal use to 1.25 metres and having a maximum gross floor area of 100.0 square metres.

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SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue (Ancaster) (PED22070) (Ward 12) – Page 6 of 44

Documents	
Further Modifications Proposed (Continued):	<ul style="list-style-type: none"> • Required Parking: <ul style="list-style-type: none"> ○ For residential uses from a maximum of 1.25 spaces/dwelling unit to 1.55 spaces/dwelling unit; and, ○ For commercial uses from varies by use to 1 space per 30 square metres of gross commercial floor area. <p>Reductions in:</p> <ul style="list-style-type: none"> • Minimum Side Yard from 7.5 metres abutting a lot containing a residential use to 2.5 metres to a four storey structure and 5.0 metres for an eight storey structure (intended for the north lot line); • Minimum Rear Yard from 7.5 metres (or 3.0 metres for 392 Wilson Street East) from the east lot lines to: <ul style="list-style-type: none"> ○ 5.0 metres to a five storey structure and 7.5 metres for an eight storey structure, for the portion of a structure measuring approximately 23.5 metres in length; and, ○ 37.0 metres for the portion of a structure measuring approximately 77.0 metres in length; • Minimum area of the ground floor façade facing the street composed of doors and windows from 60% to 45%; • Planting Strip requirements along lot lines abutting a Residential Zone or an Institutional Zone from 1.5 metres to 0.5 metres; and, • Minimum of one principal entrance provided from within the ground floor façade that is set back closest to a street to within the ground floor façade fronting any street.
Processing Details	
Received:	December 22, 2021
Deemed Incomplete:	January 6, 2022
Deemed Complete:	January 11, 2022
Notice of Complete Application:	Sent to 101 property owners within 120 m of the subject lands on February 4, 2022.
Public Notice Sign:	Posted January 26, 2022.
Notice of Public Meeting:	<ul style="list-style-type: none"> • Sent to 101 property owners within 120 m of the subject lands on March 18, 2022; and, • Statutory notice given by way of newspaper in accordance with the provisions of the <i>Planning Act</i> on March 18, 2022.
Public Comments:	77 letters / emails opposing the proposed development (see Appendix “C” attached to Report PED22070).

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SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue (Ancaster) (PED22070) (Ward 12) – Page 7 of 44

Processing Details	
Processing Time:	104 days from when the Application was received to Planning Committee.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Two-storey designated heritage building on the lands located at 398 Wilson Street East; otherwise vacant.	Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone; Mixed Use Medium Density - Pedestrian Focus (C5a, 570, 651) Zone; and, Existing Residential “ER” Zone.
Surrounding Land Uses:		
North	Commercial Buildings and Single Detached Dwellings	Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone and Existing Residential “ER” Zone.
South	Commercial Buildings and Single Detached Dwellings	Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone and Existing Residential “ER” Zone.
East	Single Detached Dwellings	Existing Residential “ER” Zone.
West	Commercial Buildings	Mixed Use Medium Density - Pedestrian Focus (C5a, 569) Zone; Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone; Mixed Use Medium Density - Pedestrian Focus (C5a, 304, 570) Zone; and, Mixed Use Medium Density - Pedestrian Focus (C5a, 572) Zone.

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SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue (Ancaster) (PED22070) (Ward 12) – Page 8 of 44

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2020)

The following policies of the PPS (2020), amongst others, are applicable to the Applications.

- “1.1.3.1 *Settlement areas* shall be the focus of growth and development;
- 1.1.3.2 Land use patterns within *settlement areas* shall be based on densities and a mix of land uses which:
- a) Efficiently use land and resources;
 - b) Are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
 - c) Minimize negative impacts to air quality and climate change, and promote energy efficiency;
 - d) Prepare for the *impacts of a changing climate*;
 - e) Support *active transportation*;
 - f) Are transit-supportive, where transit is planned, exists or may be developed;
- 1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for *transit-supportive* development, accommodating a significant supply and range of *housing options* through *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs;
- 1.1.3.4 Appropriate development standards should be promoted which facilitate *intensification*, *redevelopment* and compact form, while avoiding or mitigating risks to public health and safety;
- 1.4.3 Planning authorities shall provide for an appropriate range and mix of *housing options* and densities to meet projected market-based and affordable housing needs of current and future residents of the *regional market area* by:

SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue (Ancaster) (PED22070) (Ward 12) – Page 9 of 44

- b) Permitting and facilitating:
1. All *housing options* required to meet the social, health, economic and well-being requirements of current and future residents, including *special needs* requirements and needs arising from demographic changes and employment opportunities; and,
 2. All types of *residential intensification*, including additional residential units, and *redevelopment* in accordance with policy 1.1.3.3;
- c) Directing the development of new housing towards locations where appropriate levels of *infrastructure* and *public service facilities* are or will be available to support current and projected needs;
- d) Promoting densities for new housing which efficiently use land, resources, *infrastructure* and *public service facilities*, and support the use of *active transportation* and transit in areas where it exists or is to be developed;
- e) Requiring *transit-supportive* development and prioritizing *intensification*, including potential air rights development, in proximity to transit, including corridors and stations; and,
- f) Establishing development standards for *residential intensification*, *redevelopment* and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.”

In response to Policy 1.1.3.2, the proposal provides for the efficient use of land and resources by intensifying in the existing built-up area where there are existing services. The proposal is located along a major arterial road (Wilson Street East) where transit exists and may be further developed. Hamilton Street Railway (HSR) bus Route 16 services the site along Wilson Street East and provides a connection through Ancaster from Meadowlands to Duffs Corners. The proposed development will support active transportation and provide opportunities for multi-modal transportation options.

In response to Policy 1.1.3.2 b), the Applicant has not demonstrated that the proposal complies with the sanitary sewer design criteria. Staff note that the sanitary sewers along Wilson Street East are designed for 125 people per hectare. The Functional Servicing Report, prepared by S. Llewellyn and Associates and dated December 2021, does not identify the proposed density of the Application for comparison. Staff have concerns that the proposal’s population density would exceed design capacity and have downstream impacts. It has also been identified that the proposed development would

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increase traffic infiltration on local roadways as well as result in an increase in traffic volumes which would negatively impact the arterial roadway operations that are already approaching capacity during peak hours.

Policy 1.4.3 speaks to the promotion of an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area. The proposed use of the subject lands for a mixed use building would help contribute to a range and mix of housing types.

Cultural Heritage and Archaeology

- “2.6.1 *Significant built heritage resources and significant cultural heritage landscapes shall be conserved;*
- 2.6.2 *Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved; and,*
- 2.6.3 Planning authorities shall not permit *development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.*”

A portion of the subject lands, known as 398 Wilson Street East, contains a rubble stone structure known as the Phillip Marr House which is designated under Part IV of the *Ontario Heritage Act* and a “protected heritage property” under the PPS (2020).

The subject lands are located within the Ancaster Village Core Cultural Heritage Landscape Inventory and adjacent to numerous other properties with a variety of heritage statuses. Where new construction and/or alterations or additions to existing structures are proposed in a Cultural Heritage Landscape, key considerations are the visual and physical impacts on landscape features, including public views of the building fabric, building setback, the streetscape and significant vistas.

In 2021, the Applicant submitted a Heritage Permit Application (HP2021-033) for the proposed relocation of the rubble stone structure from its current location to the northeast corner of the subject site, on the lands located at 15 Lorne Avenue. The Applicant submitted a Cultural Heritage Impact Assessment (CHIA), prepared by GBCA Architects Inc. and dated June 4, 2021, in support of the proposed development as part of the Heritage Permit process.

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At the October 13, 2021 meeting of Council, Council approved HP2021-033 with conditions (Report PED21196). Condition (a) (xvii) requires that the owner submit an Official Plan Amendment and Zoning By-law Amendment for the redevelopment of 392, 398, 400, 402, 406 and 412 Wilson Street East and 15 Lorne Avenue or alternatively the owner provide written confirmation to the Director of Planning and Chief Planner that they will be proceeding in accordance with the existing zoning in effect for these lands. Heritage staff advise that several conditions remain outstanding at this time and are required to be cleared by the Applicant / property owners by July 31, 2023, which must be addressed separately as part of the Heritage Permit process.

A Stage 1 and 2 Archaeological Assessment (P462-0008-2020) for the subject property has been submitted to the Ministry of Heritage, Sport, Tourism and Culture Industries and the City of Hamilton. The report recommends that further archaeological work should be conducted to address the archaeological potential of the subject property. Staff concur with this recommendation and prior to any redevelopment of the subject lands the Applicant would be required to conduct a Stage 3 assessment, along with any subsequent assessment depending on the findings from the previous investigative work, and that these reports be submitted to the Ministry of Heritage, Sport, Tourism and Culture Industries and the City of Hamilton.

Noise

“1.2.6.1 Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.”

The proposed development is a sensitive land use fronting a major arterial road. A detailed noise study is therefore required to identify the sources of noise and any noise mitigation measures / construction techniques that may be required and any necessary warning clauses for future residents of the units.

The Applicant submitted a Noise Impact Study, prepared by dBA Acoustical Consultants Inc, dated June 2021 and revised November 2021, in support of the proposed development. The study reviewed the acoustic requirements for this development with respect to noise anticipated from Wilson Street East. Staff have reviewed the study and advise that insufficient information has been provided. A revised Noise Impact Study that clarifies the operating hours of the adjacent carwash, noise levels from the adjacent automotive repair shop, and which of the proposed dwelling units are considered the north and east units of the development is required. If the subject Applications were to be approved, a Holding Provision should be applied to require the Applicants to provide

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an updated noise study or as a condition of site plan approval if development proceeds based on the existing as of right permissions.

Human-Made Hazards

- “3.2.2 Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.”

The Applicant submitted a Phase One Environmental Site Assessment (ESA), prepared by Landtek Limited Consulting Engineers and dated July 16, 2018, as part of the Applications. This study reviewed the site for areas of potential contamination due to previous commercial land uses and the proposal for a more sensitive land use (residential). The Phase One ESA identified several Areas of Environmental Concern (APECs) in and around the site, including petroleum fuel storage, commercial autobody shops, potential for fill of unknown quality, and the release of furnace oil. Based on these results, a Phase Two ESA is recommended to be completed for the subject lands to investigate the APECs identified prior to the submission of a Record of Site Condition (RSC). An RSC is required to be filed with the Ministry of Environment, Conservation and Parks prior to approval of the subject Applications. If the subject Applications were to be approved, a Holding Provision should be applied to require the Applicants to submit an RSC to the City and the Ministry of the Environment, Conservation and Parks (MOECP), and to receive a notice of acknowledgement of the RSC by the MOECP. Alternatively, an RSC would be required as a condition of site plan approval should the site be redeveloped based on the as of right planning permissions.

Based on the foregoing, and subject to the satisfactory resolution of the archaeological, noise, filing of a Record of Site Condition, servicing, and transportation related matters, the use of the subject lands for residential or similar uses is consistent with the PPS (2020).

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended)

The policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) apply to any Planning decision. The proposal conforms to the Guiding Principles, Section 1.2.1 of A Place to Grow (2019). The following policies, amongst others, apply to this proposal.

- “2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:
- a) The vast majority of growth will be directed to *settlement areas* that:

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- i. Have a *delineated built boundary*;
 - ii. Have existing or planned *municipal water and wastewater systems*; and,
 - iii. Can support the achievement of *complete communities*;
- c) Within *settlement areas*, growth will be focused in:
- i. *Delineated built-up areas*;
 - ii. *Strategic growth areas*;
 - iii. Locations with existing or planned transit, with a priority on *higher order transit* where it exists or is planned; and,
 - iv. Areas with existing or planned *public service facilities*;

2.2.1.4 Applying the policies of this Plan will support the achievement of *complete communities* that:

- a) Feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and *public service facilities*;
- c) Provide a diverse range and mix of housing options, including second units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;
- e) Provide for a more *compact built form* and a vibrant *public realm*, including public open spaces;”

The subject lands are located within the built-up area of Hamilton, and the lands are within the Community Node that is associated with the former Ancaster downtown. The subject lands are located where full municipal services are available, and along an existing transit route. The proposed development will contribute to creating complete communities by providing an additional housing form for an area with convenient access to local stores and services.

As discussed in the Provincial Policy Statement section above, there are concerns regarding the existing and planned sanitary servicing capacity and existing roadway infrastructure to accommodate the proposed development that have not yet been addressed.

Based on the foregoing, and subject to the satisfactory resolution of the servicing, transportation and other issues, as discussed in the PPS section of this Report PED22070, the redevelopment of the subject lands for residential and similar uses

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conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

Urban Hamilton Official Plan (UHOP)

The subject lands are designated “Community Node” on Schedule E – Urban Structure and “Mixed Use - Medium Density” on Schedule E-1 – Urban Land Use Designations.

The subject lands are designated “Low Density Residential 1” and “Mixed Use - Medium Density” with a “Pedestrian Focus” as shown on the Ancaster Wilson Street Secondary Plan Land Use Plan, and the lands fronting onto Wilson Street East are within the “Community Node Area” and the “Village Core” Character Area as shown on Appendix A of the Ancaster Wilson Street Secondary Plan Character Areas and Heritage Features. The following policies, amongst others, apply to this proposal.

Mixed Use - Medium Density Designation

- “E.4.6.1 The range of commercial uses is intended to serve the surrounding community or series of neighbourhoods as well as provide day-to-day retail facilities and services to residents in the immediate area. These areas shall also serve as a focus for the community, creating a sense of place;
- E.4.6.2 The Mixed Use - Medium Density designation shall be applied to traditional ‘main street’ commercial areas outside of the area designated Downtown Mixed Use, and to promote the continuation of these areas as pedestrian oriented mixed use areas. Retail and service commercial uses are key elements in maintaining that function and ensuring the continued vibrancy of the pedestrian realm;
- E.4.6.4 It is also the function of areas designated Mixed Use - Medium Density to serve as vibrant people places with increased day and night activity through the introduction of residential *development*. Residential *development* enhances the function of these areas as *transit supportive* nodes and corridors;
- E.4.6.5 The following uses shall be permitted on lands designated Mixed Use - Medium Density on Schedule E-1 – Urban Land Use Designations:
- a) Commercial uses such as retail stores, auto and home centres, *home improvement supply stores*, offices, medical clinics, personal services, financial establishments, live-work units, artist studios, restaurants, gas bars, and drive-through facilities; (OPA 64)

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f) *Multiple dwellings;*

- E.4.6.9 The predominant built form shall be mid rise and low rise, mixed use buildings that have retail and service commercial stores at grade. Single use commercial buildings and medium density ground related housing forms shall also be permitted, except for *pedestrian focus streets* as listed by Policy E.4.3.1. (OPA 65) (OPA 142);
- E.4.6.10 Permitted uses shall be located in single or mixed use buildings;
- E.4.6.15 Although residential *development* is permitted and encouraged, it is not the intent of the Plan for the Mixed Use - Medium Density designated areas to lose the planned retail and service commercial function set out in this Plan;
- E.4.6.16 New *development* shall be designed and oriented to create comfortable, vibrant and stimulating pedestrian oriented streets within each area designated Mixed Use - Medium Density;
- E.4.6.17 Areas designated Mixed Use - Medium Density are intended to develop in a *compact urban form* with a streetscape design and building arrangement that supports pedestrian use and circulation and create vibrant people places;
- E.4.6.18 In the historic former downtowns and main streets, a strong historic pedestrian focus is long established, and shall be enhanced through new *development*; and,
- E.4.6.22 *Development Applications shall be encouraged to provide a mix of uses on the site.*

The proposed development includes four commercial units with a total of 1,677 m² of at grade commercial space along Wilson Street East, with sizes ranging from 375.5 m² to 463.5 m². The commercial uses would provide day-to-day services for the residents of the multiple dwelling units and serve the surrounding community. Retail and service commercial uses are key elements in ensuring the continued vibrancy of the pedestrian realm.

The proposed development provides access from Wilson Street East; however, on the Site Plan, as shown in Appendix “B” attached to Report PED22070, only residential accesses are shown. The commercial accesses should be identified to enable staff to assess how they will add to the vibrancy of the pedestrian realm.

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Policies E.4.6.16 – E.4.8.17 encourage a design that is pedestrian oriented. A design that would include more entrances off Wilson Street East would be more aligned with policies that are intended to promote pedestrian focus areas. The street-facing plaza primarily serves and relates to the private residential function of the development as opposed to supporting the commercial function on the site. Further, the rear facing component provides a mixture of private service functions and commercial parking, and the connection between the parking lot and the retail entrances on the street should be improved.

Policy E.4.6.18 indicates that new development should enhance historic areas. It is noted that the historic Ancaster downtown area is unique in that the street front has many breaks and spacing between buildings. Based on the scale and massing of the proposed building, the proposed development would interrupt this pattern. The solid massing is not representative of the village form of individual buildings along the street, the proposed height is more than triple what is currently supported, and the arrangement of building components does not complement the nature of the Ancaster Village Core area.

Residential Intensification

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

- a) A balanced evaluation of the criteria in b) through g), as follows;
- b) The relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
- c) The development’s contribution to maintaining and achieving a range of dwelling types and tenures;
- d) The *compatible* integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
- e) The development’s contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- f) Infrastructure and transportation capacity; and,
- g) The ability of the development to comply with all applicable policies.”

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The development provides for intensification within the Ancaster Community Node, as directed by the policies cited above. With respect to character, the existing surrounding buildings consist of low rise built forms being mainly one to three storeys in height. To the north are single detached dwellings used for residential and commercial uses, and to the east and southeast are single detached dwellings. To the west and south are commercial uses along Wilson Street East of predominantly two storeys in height, with a three storey commercial office building to the southwest.

The UHOP defines 'Compatible' as "land uses and building forms that are mutually tolerant and capable of existing together in harmony within an area. *Compatibility* or *compatible* should not be narrowly interpreted to mean "the same as" or even as "being similar to". With respect to Policy B.2.4.1.4 (d), while compatibility does not necessarily mean that the development must be identical to existing adjacent development, it does mean that proposed development needs to be in keeping with the surrounding context of the area.

The surrounding area is made up of a low rise built form and there are no other properties within the Village Core Area that are higher than three storeys. The adjacent residential neighbourhoods also do not contain any buildings of a mid or high rise built form. In terms of density, the proposed development is for a proposed maximum of 220 units per hectare, which is higher than the City's in force and effect high density designation that allows up to a maximum of 200 units per hectare and is directed to primary and secondary corridors. As mentioned previously, Wilson Street has a distinctive street character, rhythm and pattern spacing between low rise buildings. The proposal at eight storeys would project much higher than that of surrounding properties.

The proposed setback reductions, such as the eastern side yard setbacks to the abutting single detached dwelling lots from 7.5 metres to 2.5 metres and the northern rear yard setback from 7.5 metres to 5.0 metres, coupled with the proposed increase to maximum building height from nine metres and two and a half storeys to 32 metres and eight storeys, results in the proposed building encroaching into the 45 degree angular plane. The Angular Plane Sketch, prepared by UrbanSolutions Planning & Land Development Consultants Inc. and dated December 9, 2021, show encroachments of up to five storeys into the 45 degree angular plane. The purpose of the 45 degree angular plane is to mitigate and avoid any adverse privacy, overlook, and shadowing impacts on neighbouring properties. As a result of the encroachments into the 45 degree angular plane, based on the proposed height, density, massing, and setbacks the proposed building would not be compatible with the existing surrounding development.

With respect to policy B.2.4.2.2, the proposed scale of the development is not in keeping with the existing character of the neighbourhood. While medium to high density residential development contributes to several planning objectives, staff note that the

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Ancaster Wilson Street Secondary Plan's vision and intent carefully considers the merits of maintaining a low rise built form and has further considered the development densities that are based on transportation constraints. The proposed development, with additional height of eight storeys and a maximum density of 220 units per hectare, represents an overdevelopment of the site, and is not in keeping with the surrounding area. The proposal does not meet the residential intensification policies of the UHOP, as the proposal does not provide appropriate transitional measures to mitigate the height, scale, and massing being proposed. As such, the proposal does not build upon or enhance the established and planned character of the neighbourhood. It is the opinion of staff that the proposal does not demonstrate compatible integration with the surrounding area.

The Functional Servicing Report (FSR), prepared by S. Llewellyn and Associates and dated December 2021, does not provide population projections for sanitary waste water. Growth Management staff have advised that based on the submitted FSR and other information, these Applications are not supportable. Transportation Planning staff reviewed the Transportation Impact Study (TIS), prepared by NexTrans Consulting Engineers and dated December 2021, and advised that area traffic operations are forecast to deteriorate and cannot accommodate the anticipated increase in traffic volumes from this development without negatively impacting the arterial roadway operations that are already approaching capacity during peak hours. The projected traffic volumes from the proposed development will also increase traffic infiltration on local roadways.

Niagara Escarpment Plan

- "C.1.1.1 Any development within the Niagara Escarpment Plan area, as shown on Schedule A – Provincial Plans, shall meet the requirements of this Plan and the Niagara Escarpment Plan and Section 3.3 of the Greenbelt Plan. Where there is discrepancy between this Plan and the Niagara Escarpment Plan, the most restrictive policies will prevail.
- C.1.1.6 To minimize the impact and further encroachments in the Escarpment environment, for those lands located within the Niagara Escarpment Plan area identified on Schedule A - Provincial Plans, the following policies shall apply:
- a) The design of the development shall be compatible with the visual and natural environment; and,
 - b) Setbacks and screening adequate to minimize the visual impact of development on the Escarpment landscape shall be required."

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The subject lands are not within the Niagara Escarpment Development Control area but are identified within the “Urban Area” of the Niagara Escarpment Plan (2017). The following Niagara Escarpment Plan policy, amongst others, applies to the proposal:

“1.7.5.1 All development shall be of an urban design *compatible* with the *scenic resources* of the *Escarpment*. Where appropriate, provision for maximum *heights*, adequate setbacks and screening are required to minimize the visual impact of urban development.”

Accordingly, the Niagara Escarpment Commission (NEC) has not provided comment to determine compliance with the Niagara Escarpment Plan (NEP) and therefore the UHOP. A Visual Impact Assessment (VIA) would be the mechanism to assess any potential impacts on key views from the Niagara Escarpment. If the subject Applications were to be approved, a Holding Provision may be applied to require the Applicants to provide a VIA, if required by the NEC.

Tree Protection

“C.2.11.1 The City recognizes the importance of trees and woodlands to the health and quality of life in our community. The City shall encourage sustainable forestry practices and the protection and restoration of trees and forests.”

Trees have been identified on the subject property. Staff have reviewed the Tree Protection Plan (TPP), prepared by Adesso Design Inc. (Scott Henderson, OALA) and dated December 15, 2021. A total of 46 trees have been inventoried, 25 of which are located on the subject lands. Of these trees, 15 have previously been removed (Ancaster Tree By-Law Permit 2020-03-05) and three are proposed to be removed, one of which has been partially removed. The 18 trees identified for removal are all located on the subject lands. Only seven of the trees located on the subject lands, and seven boundary trees, are proposed to be retained. At this time the TPP has not been approved because the proposed development, including any proposed grading within the dripline of on-site and adjacent trees, identification of tree protection fencing, and adequate tree compensation, has not been provided.

Transportation Network and Right-of-Ways

“C.4.5.2 The road network shall be planned and implemented according to the following functional classifications and right-of-way-widths:

c) Major arterial roads, subject to the following policies:

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iii) The basic maximum right-of-way widths for major arterial roads shall be [as] described in Schedule C-2 – Future Right-of-Way Dedications.

f) Local roads, subject to the following policies:

ii) The basic maximum right-of-way widths for local roads shall be ... 20.117 metres ...;

iii) The City recognizes that in older urban built up areas there are existing right-of-way widths significantly less than 20.117 metres. Notwithstanding the other right-of-way dedication policies of this Plan, it is the intent of the City to increase these existing rights-of-ways to a minimum of 15.24 metres with daylight triangles at intersections instead of the minimum required 20.117 metre right-of-way width, provided all the required road facilities, municipal sidewalks and utilities can be accommodated in this reduced right-of-way width; (OPA 142)

C.4.5.6.5 Notwithstanding Policies C.4.5.6, C.4.5.6.1, C.4.5.6.3, and C.4.5.7, and in addition to Policy C.4.5.3, the City may waive or accept less lands to be dedicated than the maximum right-of-way dedication and/or daylighting triangle requirements where, in the opinion of the City:

a) It is determined through a development planning approval process that due to significant adverse impacts on:

- i) Existing built form;
- ii) Natural heritage features;
- iii) An existing streetscape; or,
- iv) A known *cultural heritage resource*;

It is not feasible or desirable to widen an existing right-of-way to the maximum right-of-way width or provide the full daylight triangle as set in Section C.4.5.2, Schedule C-2 – Future Right-of-Way Dedications, or Section C.4.5.7, and that the City's objectives for sustainable *infrastructure*, complete streets and mobility can be achieved;

C.4.5.12 The City shall require transportation impact studies to assess the impact of proposed *developments* on current travel patterns and/or future transportation requirements. These studies shall be submitted as part of applications for Official Plan amendments, subdivision approvals, major rezoning and major site plan approvals.”

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Transportation Planning staff reviewed the Transportation Impact Study (TIS), prepared by NexTrans Consulting Engineers and dated December 2021. Area traffic operations are forecast to deteriorate and cannot accommodate the anticipated increase in traffic volumes from this development without negatively impacting the arterial roadway operations that are already approaching capacity during peak hours as well as increased traffic infiltration on local roadways.

The existing right-of-way (ROW) width along Wilson Street East varies between approximately 19 and 20 m fronting the subject lands. Wilson Street is classified as a Major Arterial with a future right-of-way width of 20.117 m from Rousseaux Street to Halson Street specified in Schedule C-2 – Future Right-of-Way Dedications of the UHOP. Academy Street has an existing ROW of 12.192 m tapering to 15.24 m at the Wilson Street intersection and is classified as a Local road. Further, in accordance with Policy C.4.5.7, a 12.19 m x 12.19 m daylighting triangle is required at the intersection of Wilson Street East and Academy Street.

In support of the proposed development, the Applicant submitted a Right-of-Way Impact Assessment (ROWIA), prepared by UrbanSolutions Planning & Land Development Consultants Inc. and dated December 9, 2021, which seeks to waive all right-of-way (ROW) and daylighting triangle dedication requirements. Transportation Planning staff have reviewed the ROWIA and advise that it cannot be supported as the ROW dedications are required to support current and future infrastructure needs, are minimal in nature, and do not critically affect the proposed building envelope. As the heritage building is proposed to be relocated, no exception is warranted. The reduced minimum of 15.24 m for Academy Street can be supported in accordance with Policy C.4.52 f) iii). Therefore, ROW dedications are required:

- Along Wilson Street East from ± 0.8 m at the north end of the subject lands to ± 0.1 m at the intersection of Wilson Street East and Academy Street; and,
- Along Academy Street from 0.1 m at the intersection of Wilson Street East and Academy Street to 1.524 m at the east end of the subject lands.

Notwithstanding the foregoing, Transportation Planning staff support a reduced 9.14 m x 9.14 m daylighting triangle, from the widened ROW limits at the intersection of Wilson Street East and Academy Street, in lieu of the required 12.19 m x 12.19 m daylighting triangle, to minimize impacts on the existing streetscape in accordance with Policy C.4.5.6.5.

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Revisions to the proposal would be required to provide for all necessary ROW dedications. It is noted that the proposed development cannot encroach into the ultimate future ROWs.

Infrastructure and Servicing

“C.5.3.11 The City shall ensure that any change in density can be accommodated within the municipal water and wastewater system.”

Growth Management staff are unable to support the proposed Applications because population projections have not been provided for the proposed developments and there is no information provided in the FSR to demonstrate that the existing downstream sanitary system has sufficient capacity to support the proposed density on the site.

Based on the foregoing, the proposal does not comply with the applicable servicing policies of the UHOP.

Ancaster Wilson Street Secondary Plan

The Ancaster Wilson Street Secondary Plan (AWSSP) objectives are described in Volume 2, Section B.2.8.5. The Secondary Plan recognizes the historic value of the Ancaster Village Core and encourages development that provides for a range of housing, employment, services, and recreation options in a form that is appropriately integrated with the existing historic buildings and landscapes, and promotes a liveable, walkable community.

The subject lands are designated “Low Density Residential 1” and “Mixed Use - Medium Density” with a “Pedestrian Focus” as shown on the Ancaster Wilson Street Secondary Plan Land Use Plan, and the lands fronting onto Wilson Street East are within the “Community Node Area” and the “Village Core” Character Area as shown on Appendix A of the Ancaster Wilson Street Secondary Plan Character Areas and Heritage Features. The following policies, amongst others, apply to this proposal

Ancaster Community Node

“B.2.8.6.1 In addition to Section E.2.3.3 - Community Nodes of Volume 1, and the policies of this Secondary Plan, the following policies shall apply to the Ancaster Community Node shown on Appendix A - Character Areas and Heritage Features:

- a) The Ancaster Community Node shall be a focus area for growth, *development*, and *intensification* within the Ancaster Wilson Street Secondary Plan;

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- b) The Ancaster Community Node shall include a range of housing forms and tenures, and a mix of employment, institutional, recreational, and commercial uses subject to the land use designation policies of this Secondary Plan and Volume 1 of this Plan;
- c) *Intensification* and *infill development* shall be balanced with the heritage and historic character of Ancaster. Further guidance for incorporating heritage features, design, and overall character through infill and *intensification* is provided in the supporting Ancaster Wilson Street Urban Design Guidelines;
- d) Within the Ancaster Community Node, larger scale *development* and *redevelopment* are encouraged to be directed towards the Uptown Core and western portion of the Gateway Residential area, as shown on Appendix “A” – Character Areas and Heritage Features;
- e) Mixed Use, Commercial, and Institutional *development* and *redevelopment* is encouraged within the Village Core area, though the scale of *development* shall be consistent with the historic character of the area. The scale and design of buildings is detailed in Policy 2.8.12 of this Plan, and the supporting Urban Design Guidelines;
- f) Commercial and Mixed Use areas within the Community Node shall provide an important source of employment in the Ancaster Wilson Street Secondary Plan, and shall support the viability of the Ancaster Community Node and meet the daily needs of residents and visitors to Ancaster; and,
- g) The overall density for the Ancaster Community Node shall be 50 people and jobs per hectare.”

The AWSSP forms part of the UHOP and is consistent with the policies of Volume 1. Volume 1, Policy E.2.3.3.11 states that Secondary Plans are to provide more detailed direction for appropriate mix of uses, heights, densities, built form, and design based on local context and that the location, scale and amount of residential intensification shall be established through detailed secondary plans.

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Further, Volume 1 states:

“E.2.3.3.12 Notwithstanding Policy E.2.3.3.7, some Community Nodes may be developed as lower intensity nodes appropriate to the character of their adjacent Neighbourhoods, other infrastructure, or transportation constraints as follows:

- a) Due to transportation constraints and the existing character of the adjacent neighbourhoods, a target density in the range of 50 persons and jobs per hectare shall apply to the Ancaster Community Node. This target may be adjusted through the *development* of a secondary plan.”

The AWSSP was adopted as an amendment into the UHOP in 2014. Growth and development are to be focused in the Ancaster Community Node, however, large scale development or redevelopment are to be directed to other districts such as the Gateway Residential area or Uptown Core area. Further direction is provided to ensure that the scale of development is consistent with the Village Core Area and its historic character.

The scale of the proposed eight storey building is not consistent with the existing heritage and historic character of the Ancaster Village Core which promotes low rise built form with more spacing in between buildings and the proposed density of 220 units per hectare is inconsistent with the overall intended density for the Community Node Area. Moreover, as previously noted this proposal will have a negative impact on the area with regards to transportation constraints.

The AWSSP requires all new development to be consistent with the Ancaster Wilson Street Urban Design Guidelines. The Guidelines further describe the design objectives, functional and design character of each character area within the Community Node.

The establishment of a Site Specific Policy Area to permit a maximum height of eight storeys and a maximum density of 220 units per hectare would not be consistent with the Ancaster Wilson Street Secondary Plan.

Mixed Use - Medium Density Designation, Pedestrian Focus Streets

“B.2.8.8.4 In addition to the policies of Section E.4.6 – Mixed Use – Medium Density Designation of Volume 1, for lands designated Mixed Use – Medium Density on Map B.2.8-1 – Ancaster Wilson Street Secondary Plan: Land Use Plan, the following policies shall apply:

- a) There shall be two primary commercial areas in the Ancaster Wilson Street Secondary Plan and Community Node which function as

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community focal points: The Village Core area and the Uptown Core area, as shown on Appendix A – Character Areas and Heritage Features. Retail uses shall be directed to these two primary Mixed Use areas; and,

- c) Notwithstanding Policies E.4.6.7 and E.4.6.8 of Volume 1, a minimum building height of two storeys and a maximum height of three storeys shall be permitted;

Village Core Area

- g) The Village Core area, shown on Appendix A – Character Areas and Heritage Features, shall primarily consist of service and retail uses, as well as residential uses. The Village Core area shall serve the daily retail, commercial, and personal service needs for the Ancaster Community.
- h) Commercial facilities to be encouraged within the Village Core area may include retail stores, service commercial uses, banks, restaurants with sit-down service, and offices. The lands to be used for commercial purposes shall be those lands that front onto Wilson Street; and,
- i) The design of buildings and lands located in the Village Core area, shown on Appendix A – Character Areas and Heritage Features, are detailed in Policy 2.8.12.1 and are further described in the supporting Ancaster Wilson Street Secondary Plan Urban Design Guidelines.

B.2.8.8.5 A portion of the lands designated Mixed Use – Medium Density within the Village Core area are also identified as *Pedestrian Focus Streets* on Map B.2.8-1 – Ancaster Wilson Street Secondary Plan: Land Use Plan. In addition to the Policy E.4.3 – Pedestrian Focus Streets of Volume 1, the following policies shall apply:

- a) Notwithstanding Policy 2.8.8.4 c), building height shall not exceed 2.5 storeys on *Pedestrian Focus Streets*;
- c) Notwithstanding Policy E.4.3.4 b) of Volume 1, building setbacks may vary along Wilson Street, and parking, driveways, or lands shall be discouraged from being located between the buildings and the street;
- d) New *development* shall respect and reflect the existing heritage character of the Village Core, and shall be in accordance with

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Section B.3.4 – Cultural Heritage Resource Policies, in Volume 1 and Sections 2.8.12 and 2.8.13 of this Plan;

- e) Private and public parking areas are permitted on lands designated Mixed Use – Medium Density, and identified as *Pedestrian Focus Streets*, subject to the following:
 - i) Parking areas shall be buffered from the street through the use of building placement or enhanced landscaping;
 - ii) The location of parking areas shall not negatively affect the pedestrian environment or access to buildings; and,
 - iii) Private and public parking areas are encouraged to provide for shared parking for several uses within the Village Core.”

The Secondary Plan permits buildings with a maximum height of two and a half storeys on Pedestrian Focus Streets. The proposed development does not comply with the Secondary Plan as the proposed building height will be eight storeys. The scale and massing of the proposed building does not reflect the existing heritage character of the Village Core which is characterized by many breaks and spacing between buildings. The solid massing is not compatible with the village form of individual buildings along the street, and the arrangement of building components does not compliment the nature of the Ancaster Village Core area.

Along Wilson Street East, the proposed development includes four commercial units with a total of 1,677 m² of at grade commercial space, with sizes ranging from 375.5 m² to 463.5 m², but direct access to Wilson Street East is not shown. The principal residential entrance is located within a street-facing plaza. The commercial uses would provide day-to-day services for the residents of the multiple dwelling and serve the surrounding community.

The development proposes two levels of underground parking with a total of 257 underground residential and 55 surface commercial parking spaces, all accessed via Academy Street. While the parking location is buffered from the pedestrian environment along Wilson Street East, the rear facing component provides a mixture of private service functions and commercial parking, and the connection between the parking lot and the retail entrances on the street should be improved.

While the proposal applies a 5.2 metre setback to the property to the east and a 3.2 metre setback to the property to the north, the proposed zoning modifications include a respective minimum rear yard of 5.0 metres and minimum side yard of 2.5 metres. A minimum of 7.5 metres is required for both side and rear yards in the Mixed Use Medium Density - Pedestrian Focus (C5a) Zone. In the context of Ancaster and its Village Core, the setbacks and smaller buildings are viewed as a unique characteristic.

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Urban Design

- “B.2.8.12.1 In addition to Section B.3.3 - Urban Design Policies of Volume 1, the following policies shall apply to lands within the Ancaster Wilson Street Secondary Plan and Community Node areas, as identified on Map B.2.8-1 Ancaster Wilson Street Secondary Plan: Land Use and Appendix A - Character Areas and Heritage Features:
- a) *Development and redevelopment* shall be consistent with the Ancaster Wilson Street Secondary Plan Urban Design Guidelines, and shall be sympathetic to adjacent building styles, features, and materials when *adjacent* to a designated or listed heritage building;
 - c) For the purposes of maintaining community character and cohesive design, five Character Areas have been identified, as shown on Appendix A - Character Areas and Heritage Features. The five Character Areas shall include:
 - ii) Village Core, located from Rousseaux Street to Dalley Drive, which is the traditional downtown of Ancaster consisting of retail, commercial, and mixed residential uses;
 - d) The Ancaster Wilson Street Secondary Plan Urban Design Guidelines further describe the design objectives, function, and design character of each Character Area;
 - e) New *development or redevelopment* shall complement the distinct character, design, style, building materials, and characteristics, which define each Character Area;
 - f) Design requirements shall only apply to commercial and mixed use areas, institutional, and multi-residential developments. The Guidelines shall not apply to single detached and semi-detached dwellings;
 - h) *Development and redevelopment* shall foster streets as interactive outdoor spaces for pedestrians;
 - i) Mixed use and commercial *development or redevelopment* shall provide a buffer, such as landscaped areas, for adjacent sensitive land uses;

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- j) Two primary commercial mixed use areas have been identified within the Ancaster Wilson Street Secondary Plan and are part of the Community Node: the Uptown Core and Village Core, as shown on Appendix A - Character Areas and Heritage Features. The following policies shall apply to the Uptown Core and Village Core:
- ii) The Village Core area, shown on Appendix A - Character Areas and Heritage Features, shall be consistent with the following design considerations:
1. Notwithstanding Policy E.4.3.4 b) of Volume 1, for buildings fronting onto Wilson Street, setbacks may be varied, as per the character of the Village Core area;
 2. Buildings within the Village Core should incorporate historical building features and styles in order to encourage a village atmosphere and pleasant pedestrian experience, where feasible;
 3. Additional considerations to encourage the historic characteristics of the Village Core, including heritage styled signage and building façades, as described in the Urban Design Guidelines, should be given for any *development or redevelopment*;
 4. The Village Core area should express a strong heritage design character that invites pedestrians and encourages interaction; and,
 5. The heritage characteristic of the Village Core area can be strengthened through the use of a public walkway linking buildings and other land uses.”

The proposed building spans nearly the entire width of the lands. The proposed building does not continue the regular rhythm of the street which includes generous side yards and individually separated buildings creating exterior space for gathering, and access to rear parking lots. At eight storeys in height and no transition to adjacent buildings, the proposed building is not sympathetic to adjacent low rise building forms and is not consistent with the AWSSP in terms of height, massing and character as prescribed by the applicable secondary plan policies.

The proposal applies a 5.2 metre setback to the property to the east and a 3.2 metre setback to the property to the north. The setbacks and angular plane along the eastern property line should be achieved to mitigate overlook and privacy concerns. An increase in setback would also provide an opportunity for increased landscaping and buffering from the adjacent properties, particularly to provide more comfortable and accessible pedestrian and visual connections between Lorne Avenue and Wilson Street

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East and the proposed relocation of the heritage building. Further, a significant expanse of the ground floor north elevation is a blank wall, which does not enhance the public realm and opportunities for open space connections through the site.

The architectural design of the proposed building is not considered to be compatible or consistent with its context of the Ancaster Village Core, given the numerous identified heritage resources in the Ancaster Village Core. Staff are of the opinion that there may be an opportunity to accomplish a more compatible built-form through enhanced design, sensitive massing at street level, and fenestration to break up the extensive façade.

Additional concerns regarding the proposed design are:

- The two-dimensional use of stone as a thin façade along the first three storeys of the building, to reference the surrounding streetscape, is not appropriate or respectful to the historic context of the area and does not offer the appearance of a true podium;
- The visual connection of the floor to ceiling height should be consistent with those along Wilson Street East;
- The archways that are incorporated throughout the first three storeys of the proposed building are not complementary to the surrounding character; and,
- The lack of transition between the proposed development and adjacent heritage resources provided by an inconsistent building podium height around the building and building step backs above the podium that are not much larger than the proposed projecting balconies.

Due to the scale of the proposal, the proposed development is inconsistent with the overall intent of the AWSSP Urban Design Guidelines to provide a lower scale of development in this area that considers the area's existing heritage character.

Cultural Heritage

“B.2.8.13.1 The following policies shall apply to the cultural heritage resources within the Ancaster Wilson Street Secondary Plan:

- a) Due to the important heritage and character considerations within the Ancaster Wilson Street Secondary Plan, in addition to Section B.3.4 - Cultural Heritage Resources Policies of Volume 1, the evaluation of new *development* or *redevelopment* Applications in the Ancaster Wilson Street Secondary Plan shall emphasize the requirements of the Cultural Heritage Resources Policies of Volume 1;

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- b) The retention and conservation of historical buildings, structures, or features on their original sites shall be encouraged through:
 - i) Adaptive re-use and preservation of existing buildings before new *development or redevelopment* is considered;
 - ii) Maintaining a listing of historical designated and listed properties of interest. Historic buildings are shown on Appendix A - Character Areas and Heritage Features; and,
 - iii) Integrating cultural heritage resources into new development or redevelopment proposals in their original use or an appropriate adaptive reuse where possible;
- c) When *development or redevelopment* is proposed adjacent to existing designated or listed heritage buildings, as shown on Appendix “A” - Character Areas and Heritage Features, a Planning Justification Report shall detail how the proposed *development or redevelopment* is consistent with the character and style of the surrounding heritage buildings;
- d) The tree lined streetscape of portions of the Ancaster Wilson Street Secondary Plan shall be maintained and protected, where feasible, to enhance and preserve the character of the street and surrounding neighbourhood area; and,
- e) *Cultural Heritage Landscapes* shall be conserved and protected with the intent of retaining major characteristics. This shall be implemented by the review of planning Applications under the *Planning Act*, R.S.O., 1990 c. P.13. The City shall ensure that any proposed change is consistent within the policies of the Secondary Plan. The Village Core, as shown on Appendix “A” - Character Areas and Heritage Features and in the supporting Urban Design Guidelines, has been identified as a *Cultural Heritage Landscape*;

B.3.4.6.2 *Cultural heritage landscapes...shall be protected in the carrying out of any undertaking subject to the Environmental Assessment Act or the Planning Act.”*

As discussed above, the Applicant submitted a Cultural Heritage Impact Assessment (CHIA), prepared by GBCA Architects Inc. and dated June 4, 2021, in support of the proposed development as part of the Heritage Permit (HP2021-033) Application. The Heritage Permit Application was for the proposed relocation of the rubble stone structure known as the Phillip Marr House from its current location to the proposed

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location adjacent to Lorne Avenue. HP2021-033 was approved by Council with conditions on October 13, 2021 (Report PED21196). Several of these conditions remain outstanding at this time and are required to be cleared by the Applicant / property owners by July 31, 2023, which must be addressed separately as part of the Heritage Permit process.

Based on the foregoing, the proposal does not comply with the Ancaster Wilson Street Secondary Plan.

Hamilton Zoning By-law No. 05-200

The subject property is currently zoned Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone; Mixed Use Medium Density - Pedestrian Focus (C5a, 570, 651) Zone; and, Existing Residential “ER” Zone, in Hamilton Zoning By-law No. 05-200, as shown on Appendix “A” to Report PED22070. The Applicant is proposing to rezone the lands to a further modified Medium Density - Pedestrian Focus (C5a) Zone. The proposed modifications to the Medium Density - Pedestrian Focus (C5a) Zone include:

- Increases in maximum principal and accessory building heights;
- Removal of minimum façade height along a street line and minimum first storey height, and an increase in the maximum first storey height;
- Addition of minimum, and removal of maximum, building setbacks from a street line;
- Reduction in minimum interior side yard and rear yard setbacks;
- Reduction in minimum area of the ground floor façade facing the street composed of doors and windows;
- Reduction in planting strip requirements along lot lines abutting a Residential Zone or an Institutional Zone;
- Modification to minimum principal entrances provided within the ground floor façade set back closest to a street;
- Increase in maximum required parking for residential uses and modifications to required parking for commercial uses; and,
- Increases in accessory building setbacks and adding a maximum gross floor area for accessory buildings.

The proposed modifications to the Zone are discussed in greater detail in the Analysis and Rationale section of this Report.

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RELEVANT CONSULTATION

Departments and Agencies		
	Comment	Staff Response
	<ul style="list-style-type: none"> Asset Management, Strategic Planning Division, Public Works Department; Construction, Strategic Planning Division, Public Works Department; Real Estate, Economic Development Division, Planning and Economic Development Department; and, Canada Post Corporation. 	No Comment
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> The site falls within the tributary area of the sanitary sewer along Wilson Street East which is designed for a population density of 125 ppha. The Functional Servicing Report, prepared by S. Llewellyn and Associates and dated December 2021, does not identify the proposed density of the Application for comparison. The proposed high density development is anticipated to generate more flows than planned; No downstream analysis has been provided for the proposed sanitary design flows to review the impact of the proposed density if it is higher than the prescribed; and, Due to the size of the proposed development, a watermain hydraulic analysis (WHA) is required to demonstrate that the required domestic and fire flows are available within the appropriate pressure ranges and that the impact of this development on the surrounding areas is not adverse. 	<ul style="list-style-type: none"> Staff do not support the proposed density for reasons including but not limited to lack of sanitary capacity being demonstrated; and, Should the Applications be approved, a Holding Provision should be applied to the amending Zoning By-law requiring the Applicant to demonstrate adequate sanitary capacity.

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Departments and Agencies		
	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department (Continued)	<ul style="list-style-type: none"> • A hydrogeological study is required to determine potential dewatering needs. Due to the limited capacity in the sanitary sewer system, no long term dewatering post-construction would be supported by Hamilton Water. Foundation design should be designed accordingly. 	<ul style="list-style-type: none"> • Should the Applications be approved, the hydrogeological and drainage concerns will be addressed at the Site Plan Control stage. Water demand and fire flow calculations shall also be updated, as necessary, and resubmitted at that stage.
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> • There are no municipal tree assets on site; therefore, a Tree Management Plan and public tree permit will not be required; and, • A landscape plan, depicting street tree plantings, is required. 	<ul style="list-style-type: none"> • Should the Applications be approved, a landscape plan will be required at the future Site Plan Control stage.
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> • Determine if the proposed multiple dwelling will be condominium tenure. Confirm if the proposed parking and any proposed storage lockers will be unitized. A PIN Abstract would be required with the submission of a future Draft Plan of Condominium Application; and, • Municipal addressing will be determined at a future Site Plan Control stage. 	<ul style="list-style-type: none"> • Should the Applications be approved, these matters will be addressed at the future Site Plan Control stage and, if proposed, the Draft Plan of Condominium stage.

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Departments and Agencies		
	Comment	Staff Response
Hamilton Conservation Authority (HCA)	<ul style="list-style-type: none"> • The subject lands are located within the Ancaster Creek subwatershed, which drains into Cootes Paradise and Hamilton Harbour. As the proposed new development will result in a significant increase in the imperviousness of the site, implementation of Enhanced (Level 1) stormwater quality control and sediment and erosion control measures should be provided to address the Hamilton Harbour Restoration Action Plan recommendations. • Stormwater quantity control measures should satisfy the municipality's requirements; and, • HCA staff reviewed the Functional Servicing Report, prepared by S. Llewellyn and Associates and dated December 2021, and identified concerns with the proposed quality control measures. A full Stormwater Management Report and related grading, servicing, and erosion and sediment control plans should be provided with the future Site Plan Control Application. 	<ul style="list-style-type: none"> • Should the Applications be approved, these matters would be required to be addressed before these Applications are approved.
Landscape Architectural Services, Strategic Planning Division, Public Works Department	<ul style="list-style-type: none"> • Requests cash in lieu of parkland dedication. 	<ul style="list-style-type: none"> • Should the Applications be approved, cash in lieu of parkland dedication will be addressed at the future Site Plan Control stage.
Recycling and Waste Disposal Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> • This development is eligible for municipal waste collection service subject to meeting City requirements. As currently designed, the development is not serviceable and more information, including a multi-sort waste chute system for the building, size and location of waste storage and loading areas, truck movements which allow for continuous forward movement, and other details, are required to be adequately illustrated on the Site Plan. 	<ul style="list-style-type: none"> • Should the Applications be approved, an updated Concept Plan / Site Plan would be required to address waste collection requirements.

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Departments and Agencies		
	Comment	Staff Response
Transit Planning and Infrastructure, Transit Operations Division, Public Works Department (HSR)	<ul style="list-style-type: none"> • An existing bus stop (Route 16) is located immediately adjacent to the site, on the east side of Wilson Street, 32 m north of Academy Street. HSR does not plan on relocating this bus stop away from the site; • The Transportation Impact Study, prepared by NexTrans Consulting Engineers and dated December 2021, states the frequency of Route 16 is ± 30 minutes during the weekday peak periods and weekend peak periods. Route 16 operates every 60 minutes during the daytime on Saturdays; and, • The TIS states the frequency of Route 5 is ± 15 minutes during the weekday peak periods and weekend peak periods. Route 5 operates every 36 minutes during the daytime on Saturdays and Sundays. 	<ul style="list-style-type: none"> • Should the Applications be approved, a revised Transportation Impact Study would be required with any future Applications.
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<ul style="list-style-type: none"> • Transportation Planning staff do not support the proposed development; • Reviewed the Transportation Impact Study (TIS), prepared by NexTrans Consulting Engineers and dated December 2021, and advised that area traffic operations are forecast to deteriorate and cannot accommodate the anticipated increase in traffic volumes from this development without negatively impacting the Arterial roadway operations that are already approaching capacity during peak hours as well as increased traffic infiltration on Local roadways; and, • A resubmission of the TIS, that includes a Traffic Calming Assessment and Transportation Demand Management section is required, in which a scope is to be submitted prior to commencement of the study. 	<ul style="list-style-type: none"> • Staff do not support the proposed density for reasons including but not limited to lack of transportation network capacity. • Should the Applications be approved, a revised TIS, right-of-way dedications, daylighting triangles, and access design would be required to be addressed before these Applications are approved.

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Departments and Agencies		
	Comment	Staff Response
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department (Continued)	<ul style="list-style-type: none"> • The Right-of-Way Impact Assessment (ROWIA), prepared by UrbanSolutions Planning & Land Development Consultants Inc. and dated December 9, 2021, which seeks to waive all right-of-way (ROW) and daylighting triangle dedications, cannot be supported as the ROW dedications are required to support current and future infrastructure needs, are minimal in nature, and do not critically affect the proposed building envelope. As the heritage building is proposed to be relocated, no exception can be granted; • Wilson Street East is to be 20.117 m in width. ROW dedications are required from ± 0.8 m at the north end of the subject lands to ± 0.1 m at the intersection of Wilson Street East and Academy Street. • Academy Street has a 12.192 m ROW. Transportation Planning staff can support a reduced widening to the minimum of 15.24 m permitted. A tapered ROW dedication ranging from 0.1 m at the intersection of Wilson Street East and Academy Street to 1.524 m at the east end of the subject lands is required; • Transportation Planning staff can support a reduced 9.14 m x 9.14 m daylighting triangle, from the widened ROW limits, in lieu of the required 12.19 m x 12.19 m daylighting triangle; • A survey conducted by an Ontario land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the ROW dedications; • The structure (both above and below ground) of the building cannot encroach into the ultimate future ROWs; and, • Site access shall be in accordance with City standards. 	

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Departments and Agencies		
	Comment	Staff Response
Alectra Utilities Corporation	<ul style="list-style-type: none"> • Provided information for electrical service and facility requirements. 	<ul style="list-style-type: none"> • Developer to contact Alectra Utilities for hydro facilities and services.
Enbridge Gas	<ul style="list-style-type: none"> • Unable to determine if there is sufficient pressure in the existing gas main to support this development. Developer to determine proper clearances, loads, and meter station requirements. 	<ul style="list-style-type: none"> • Developer to contact Enbridge Gas for gas facilities and services.

Public Consultation		
	Comment	Staff Response
Existing Neighbourhood Character, Heritage, Density, Built Form (Height and Massing), Architectural Design, and Shadowing	<ul style="list-style-type: none"> • The area is viewed as a historic area that defines the character of the community and needs to be preserved. The subject lands represent the core of the town; • The maximum building height of 2.5 storeys permitted in the Ancaster Wilson Street Secondary Plan was adopted only seven years ago, following an extensive public consultation process; • The eight storey height, massing, and design of the proposed building is out of character for Ancaster Village and surrounding buildings, which is characterized by low rise buildings and heritage vernacular; • The building will take away from the sunlight on Wilson Street East; and, • Locating buildings along the front lot lines does not permit landscaping in front of buildings and obstructs street views of adjacent buildings. 	<ul style="list-style-type: none"> • Staff do not support the proposed density, building height, and massing and are recommending that the Applications be denied.

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Public Consultation		
	Comment	Staff Response
Relocation of the Phillip Marr House	<ul style="list-style-type: none"> • The existing building is in poor condition due to lack of maintenance and there is concern that it is not structurally sound enough to relocate; • The heritage designation of the existing building should be respected and incorporated into redevelopment of the lands; • The proposed location lacks visibility and should be fronting Wilson Street East, not Lorne Avenue; and, • Relocating the building to Lorne Avenue could result extending Lorne Avenue to Wilson Street East, opening Lorne Avenue to through vehicular traffic. 	<ul style="list-style-type: none"> • Heritage Permit HP2021-033 was approved by Council with conditions. Heritage Planning staff advise that several of these conditions remain outstanding and must be addressed separately as part of the Heritage Permit process; and, The proposed development does not contemplate extending Lorne Avenue to Wilson Street East.
Environmental Site Conditions	<ul style="list-style-type: none"> • There is inadequate information regarding hydrocarbon contents of the soil, which purportedly necessitates the relocation of the Phillip Marr House, which is necessary to be remedied for redevelopment of the lands; and, • Although recommended by the consultant's reports, no hydrogeological report or Phase Two Environmental Site Assessment has been submitted. 	<ul style="list-style-type: none"> • A Record of Site Condition is required to be filed with the Ministry of Environment, Conservation and Parks prior to approval of the subject Applications.

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Public Consultation		
	Comment	Staff Response
Traffic, Parking, Noise, and Pollution	<ul style="list-style-type: none"> • The proposed development will cause an increase in traffic, adding to already heavy traffic along Academy Street, Wilson Street East, and Rousseaux Street; • Academy Street is not built to accommodate large volumes of traffic; • There is concern that the proposed access along Academy Street will cause further congestion at the intersection of Academy Street and Wilson Street East; • There is concern that the public transit system for the area is inadequate; • There is concern that the Traffic Impact Study methodology is inadequate; • There is not enough parking to accommodate the commercial uses; and, • There is concern that additional traffic will overflow onto Lodor Street and Academy Street. 	<ul style="list-style-type: none"> • Transportation Planning staff reviewed the Transportation Impact Study (TIS), prepared by NexTrans Consulting Engineers and dated December 2021, and advised that area traffic operations are forecast to deteriorate and cannot accommodate the anticipated increase in traffic volumes from this development without negatively impacting the arterial roadway operations that are already approaching capacity during peak hours as well as increased traffic infiltration on local roadways; and, • A revised Transportation Impact Study would be required with any future submissions.
Water, Sanitary and Storm Sewer Capacity	<ul style="list-style-type: none"> • There is concern that the existing water and sewer system cannot support the additional flows from the development; and, • There is concern that the Functional Servicing Study methodology for sanitary flows is inadequate. 	<ul style="list-style-type: none"> • Staff do not support the proposed density for reasons including but not limited to sanitary capacity; and, • Should the Applications be approved, a Holding Provision should be applied to the amending Zoning By-law requiring the Applicant to demonstrate adequate sanitary capacity downstream.

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Public Consultation		
	Comment	Staff Response
Compatibility with Adjacent Residential Development	<ul style="list-style-type: none"> The proposed development does not incorporate appropriate transitions in height from the low rise dwellings to the east along Lorne Avenue and Academy Street, and presents privacy, overlook, and shadow impacts. 	<ul style="list-style-type: none"> Staff do not support the proposed density, building height, and massing and are recommending that the Applications be denied.
Appropriate Development Alternatives	<ul style="list-style-type: none"> The subject lands present an opportunity to develop a park in the middle of Ancaster village; and, In favour of allowing low rise development (i.e. 2-5 storeys), asserting that the Ancaster Wilson Street Secondary Plan is out of date considering the City's recent climate emergency declaration and direction for no urban boundary expansion. However, maintains the public consensus that the proposed eight storey height is out of character for the area and doesn't respect the heritage of the subject lands and surrounding area. 	<ul style="list-style-type: none"> The lands are privately owned and are currently zoned Mixed Use Medium Density - Pedestrian Focus (C5a) Zones and Existing Residential "ER" Zone. A park was not envisioned for these lands through the Secondary Plan; and, Staff do not support the proposed density, building height, and massing and are recommending that the Applications be denied.
Revenue Generated from Development and Planning Application Status	<ul style="list-style-type: none"> Sentiment that the City is driven by revenues generated by the proposed development; and, Unsure how an Application so far removed from the Secondary Plan has advanced to this stage of the planning process. 	<ul style="list-style-type: none"> All planning Applications are considered on their own merits against all relevant provincial and local planning policies; and, The City is required to process all complete Applications for an Official Plan Amendment and Zoning By-law Amendment in accordance with the <i>Planning Act</i>.
Noise	<ul style="list-style-type: none"> Concern that mechanical, HVAC units, and residents will have an impact on noise on the surrounding neighbourhood. 	<ul style="list-style-type: none"> As part of the Site Plan Control process further investigation will be required for noise from the proposed development.

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Public Consultation		
	Comment	Staff Response
Natural Heritage	<ul style="list-style-type: none"> Assert that the Niagara Escarpment Commission (NEC) does not support this development and that the proposal does not comply with the Niagara Escarpment Plan; and, Concerns regarding the loss of canopy cover on this property and concern that several mature trees have already been removed. 	<ul style="list-style-type: none"> The NEC has not provided comment on the subject Applications; Staff have reviewed the TPP and are not satisfied. Should the Applications be approved, compensation for tree removal will need to be provided in the form of replanting or cash in lieu; and, Replanting and cash-in-lieu will be further addressed through Site Plan Control.

Public Consultation

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 101 property owners within 120 m of the subject lands on February 4, 2022.

A Public Notice Sign was posted on the property on January 26, 2022. Notice of the Public Meeting was sent to 101 property owners within 120 m of the subject lands on March 18, 2022 and statutory notice given by way of newspaper ad published in The Hamilton Spectator on March 18, 2022, in accordance with the requirements of the *Planning Act*.

Public Consultation Strategy

Pursuant to the City's Public Consultation Strategy Guidelines, the Applicant prepared a Public Consultation Strategy which identified an information meeting held on July 4, 2019, hosted by the Applicant at the Ancaster Rotary Centre located at 385 Jerseyville Road West. The meeting provided members of the public with a broad overview of the intent to develop at the subject lands, the proposed built form, and answered questions presented by the public. The attendees included the owner, Ward Councillor, and members of the public. The Public Consultation Strategy further states that following the 2019 information meeting, further consultation with the public will reconvene once the Application has been deemed complete by the City of Hamilton. At the time of this Report being written, a subsequent neighbourhood meeting had not been scheduled.

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The Applicant's planning consultant has launched a project website providing the complete Application documents and key project status dates.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Official Plan and Zoning By-law amendments cannot be supported for the following reasons:
 - i) The proposed amendments do not meet the general intent of the UHOP, Ancaster Wilson Street Secondary Plan, and the Zoning By-law with respect to right-of-way dedications, building height, residential density, massing, privacy, overlook, setbacks, compatibility, and enhancing the character of the existing neighbourhood.

2. As discussed in the Official Plan and Secondary Plan analyses sections of this report, staff are not in support of the proposal for the following reasons:
 - i) Modifications to Development Standards and Regulations

Staff do not support the proposed Amendment to the UHOP as the proposal does not meet the intensification and compatibility policies of the UHOP. While the UHOP focuses intensification to "Community Nodes", it requires that infill development should enhance and be compatible with the scale and character of the existing neighbourhood in terms of matters such as privacy, overlook, built form, density, height, scale, and massing.

The cumulative effect of the requested zoning modifications would result in an overdevelopment of the site and do not meet the general intent of the UHOP and Ancaster Wilson Street Secondary Plan.

- ii) Compatibility with Character of Existing Neighbourhood

The UHOP and Ancaster Wilson Street Secondary Plan require that intensification and infill development shall be balanced with the heritage and historic character of Ancaster. To the north are single detached dwellings used for residential and commercial uses, and to the east and southeast are single detached dwellings. To the west and south are commercial uses along Wilson Street East of predominantly two storeys in height, with a three storey commercial office building to the southwest. The surroundings are of a scale representative of low density typology and are representative of Ancaster's downtown historic development pattern of low profile buildings with spacing in between.

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To locate an eight storey building with a high density immediately adjacent to low density, low profile buildings within the Village Core would not be compatible with, nor complement, the character of the Village Core. There are also privacy and overlook concerns to the property to the east. Further, the height and density being proposed was not contemplated for this area through the AWSSP and are not compatible with the surrounding area.

Staff do not support the proposed Amendment to the UHOP as it is contrary to the overall vision, planning principles and policies for the area. Based on the rationale above, staff recommend that the Applications be denied.

iii) Servicing Constraints

Growth Management staff have reviewed the Functional Servicing Report, prepared by S. Llewellyn and Associates and dated December 2021. Staff indicated that they are not able to support the Applications until the Applicant provides population projections for the proposal. The site falls within the tributary area of the sanitary sewer along Wilson Street East which is designed for a population density of 125 ppha.

Transportation Planning staff are concerned that the proposed development would result in an increase in traffic volumes which would negatively impact the arterial roadway operations that are already approaching capacity during peak hours as well as increased traffic infiltration on local roadways.

3. The proposed Zoning By-law would not implement the policies of the UHOP and the AWSSP with regards to height, density, built form, design, and scale within the local context.

Therefore, based on the foregoing, staff recommend the Applications be denied.

ALTERNATIVES FOR CONSIDERATION

- 1) Should the Applications be approved, that staff be directed to prepare the Official Plan Amendment and amending Zoning By-law consistent with the concept plans proposed, with the inclusion of Holding Provision(s) to address matters, including but not limited to, filing of a Record of Site Condition, and addressing archaeological and built heritage impacts, noise impacts, sanitary sewer system capacity constraints, transportation impacts, right-of-way dedication requirements, visual impacts, and any other necessary agreements to implement Council's direction;

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- 2) Council could direct staff to negotiate revisions to the proposal with the Applicant in response to the issues and concerns identified in this Report and report back to Council on the results of the discussion; and,
- 3) Should the Applications be denied, the lands could be developed in accordance with:
 - a) The Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone which permits a building with a maximum height of nine metres;
 - b) The Mixed Use Medium Density - Pedestrian Focus (C5a, 570, 651) Zone which permits a building with a maximum height of nine metres; and,
 - c) The Existing Residential “ER” Zone which permits single detached dwellings.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

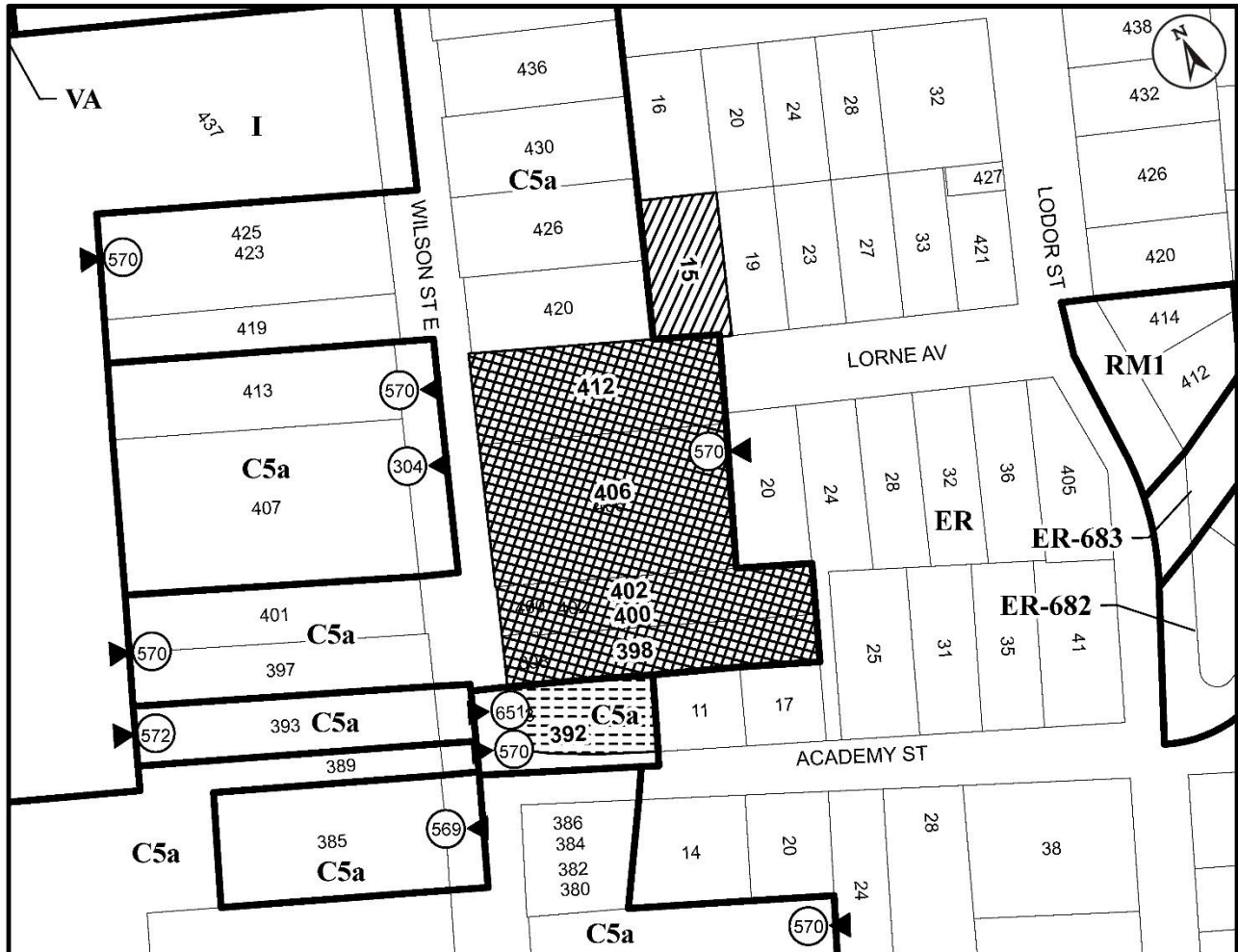
Appendix “A” to Report PED22070 – Location Map

Appendix “B” to Report PED22070 – Concept Plan

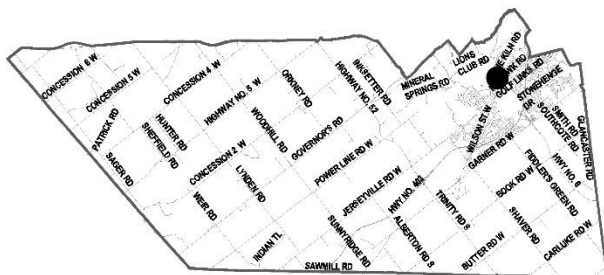
Appendix “C” to Report PED22070 – Public Submissions

TV:sd

Appendix "A" to Report PED22070
Page 1 of 1



● Site Location



Key Map - Ward 12

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-22-011/UHOPA-22-004

Date:
March 8, 2022

Appendix "A"

Scale:
N.T.S

Planner/Technician:
TV/NB

Subject Property

392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster (Ward 12)



Block 1: Change in zoning from the Existing Residential "ER" Zone to a Modified Mixed Use Medium Density - Pedestrian Focus (C5a) Zone

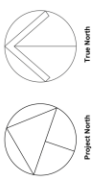


Block 2: Change in zoning from the Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone to a Modified Mixed Use Medium Density - Pedestrian Focus (C5a) Zone



Block 3: Change in zoning from the Mixed Use Medium Density - Pedestrian Focus (C5a, 570, 651) Zone to a Modified Mixed Use Medium Density - Pedestrian Focus (C5a) Zone

Appendix "B" to Report PED22070
Page 1 of 9



GENERAL NOTES

1. THE CONSULTANT HAS CONDUCTED VISUAL ANALYSES OF THE PROPOSED DEVELOPMENT AND HAS IDENTIFIED AREAS WHERE VISUAL IMPACTS MAY OCCUR. THE CONSULTANT HAS IDENTIFIED AREAS WHERE VISUAL IMPACTS MAY OCCUR AND HAS IDENTIFIED AREAS WHERE VISUAL IMPACTS MAY OCCUR.
2. BUILDING CODE AND REGULATIONS SHALL BE PRECEDENCE OVER LOCAL ORDINANCES.
3. CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND LOCATIONS OF ALL EXISTING UTILITIES PRIOR TO ANY CONSTRUCTION. THE CONSULTANT IS NOT RESPONSIBLE FOR ANY DAMAGE TO UTILITIES OR OTHER PROBLEMS THAT MAY OCCUR DURING CONSTRUCTION.
4. ALL CONTRACTORS AND SUBCONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AUTHORITIES.
5. ALL UTILITIES SHALL BE PROTECTED AND MAINTAINED THROUGHOUT THE PROJECT. THE CONSULTANT SHALL BE RESPONSIBLE FOR IDENTIFYING ALL UTILITIES AND FOR PROVIDING ADEQUATE PROTECTION AND SUPPORT FOR ALL UTILITIES THROUGHOUT THE PROJECT.
6. THE CONSULTANT HAS IDENTIFIED AREAS WHERE VISUAL IMPACTS MAY OCCUR AND HAS IDENTIFIED AREAS WHERE VISUAL IMPACTS MAY OCCUR.
7. THE CONSULTANT HAS IDENTIFIED AREAS WHERE VISUAL IMPACTS MAY OCCUR AND HAS IDENTIFIED AREAS WHERE VISUAL IMPACTS MAY OCCUR.

No.	Date	Revision
1	05/10/2022	ISSUED FOR PERMITS
2	05/10/2022	ISSUED FOR PERMITS
3	05/10/2022	ISSUED FOR PERMITS
4	05/10/2022	ISSUED FOR PERMITS
5	05/10/2022	ISSUED FOR PERMITS
6	05/10/2022	ISSUED FOR PERMITS
7	05/10/2022	ISSUED FOR PERMITS

WILSON ST.
ARCHITECTS

srm
ARCHITECTS INC.

392-412 WILSON STREET
EAST & 15 LORNE
AVENUE, ANCASTER

SITE PLAN

DATE: 2022.05.10 10:24:43 AM

D1.1 - r6

ASSOCIATION
OF
ARCHITECTS
OF
ONTARIO

SITE DATA

392-412 WILSON STREET EAST & 15 LORNE AVENUE, ANCASTER

ITEM	PROVIDED
LAND AREA	150,000 SQ. FT.
PERMITTED AREA	150,000 SQ. FT.
PERMITTED FLOOR AREA	150,000 SQ. FT.
PERMITTED HEIGHT	35 FT.
PERMITTED SETBACKS	5 FT.
PERMITTED PARKING	100

BUILDING DATA

ITEM	PROVIDED
TOTAL FLOOR AREA (G.F.A.)	150,000 SQ. FT.
PERMITTED FLOOR AREA (P.F.A.)	150,000 SQ. FT.
PERMITTED HEIGHT (P.H.)	35 FT.
PERMITTED SETBACKS (P.S.)	5 FT.
PERMITTED PARKING (P.P.)	100

VEHICLE PARKING DATA

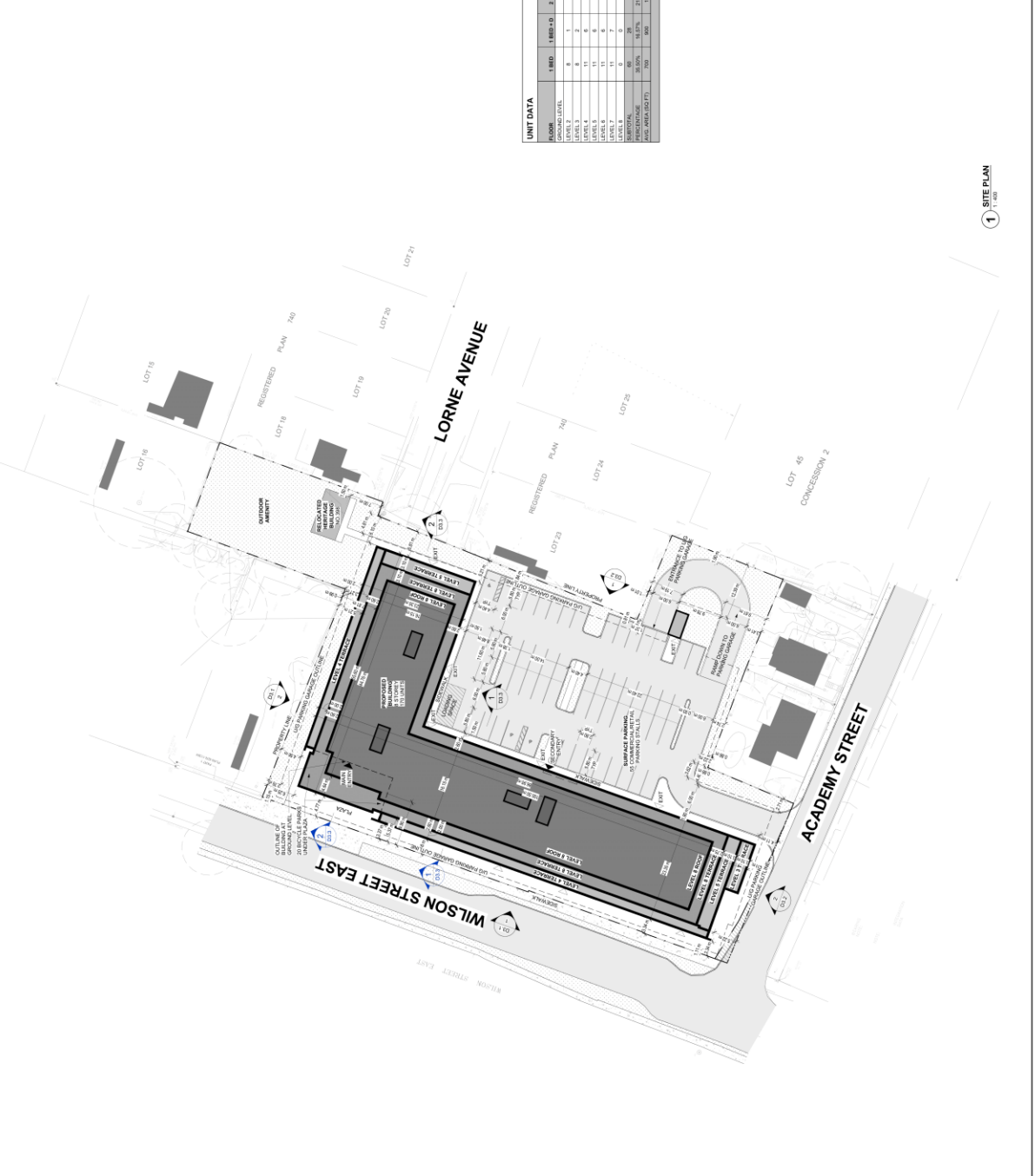
TYPE	PROVIDED
UNDERGROUND P1 LEVEL	107 BICYCLE
UNDERGROUND P2 LEVEL	107 BICYCLE
UNDERGROUND P3 LEVEL	107 BICYCLE
COMMERCIAL PARKING AT GARAGE	107 BICYCLE
TOTAL	334

BICYCLE PARKING DATA

TYPE	PROVIDED
UNDERGROUND P1 LEVEL	107 BICYCLE
UNDERGROUND P2 LEVEL	107 BICYCLE
UNDERGROUND P3 LEVEL	107 BICYCLE
COMMERCIAL PARKING AT GARAGE	107 BICYCLE
TOTAL	334

UNIT DATA

FLOOR	1 BRD.	1 BRD.-D.	2 BRD.-D.	3 BRD.-D.	UNITS	INTERFERENCE / UNITS
GROUND LEVEL	8	2	0	0	10	0%
LEVEL 1	8	2	0	0	10	0%
LEVEL 2	8	2	0	0	10	0%
LEVEL 3	8	2	0	0	10	0%
LEVEL 4	8	2	0	0	10	0%
LEVEL 5	8	2	0	0	10	0%
LEVEL 6	8	2	0	0	10	0%
LEVEL 7	8	2	0	0	10	0%
LEVEL 8	8	2	0	0	10	0%
LEVEL 9	8	2	0	0	10	0%
LEVEL 10	8	2	0	0	10	0%
LEVEL 11	8	2	0	0	10	0%
LEVEL 12	8	2	0	0	10	0%
LEVEL 13	8	2	0	0	10	0%
LEVEL 14	8	2	0	0	10	0%
LEVEL 15	8	2	0	0	10	0%
TOTAL	112	24	0	0	136	0%



1 SITE PLAN

Appendix "B" to Report PED22070
Page 2 of 9

GENERAL NOTES

1. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND SPACING OF ALL STRUCTURAL MEMBERS AND CONNECTIONS SHALL HAVE PRECEDENCE OVER LOCAL DIMENSIONS.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND SPACING OF ALL STRUCTURAL MEMBERS AND CONNECTIONS SHALL HAVE PRECEDENCE OVER LOCAL DIMENSIONS.
4. ALL CONTRACTORS AND SUBCONTRACTORS SHALL VERIFY ALL DIMENSIONS AND SPACING OF ALL STRUCTURAL MEMBERS AND CONNECTIONS SHALL HAVE PRECEDENCE OVER LOCAL DIMENSIONS.
5. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND SPACING OF ALL STRUCTURAL MEMBERS AND CONNECTIONS SHALL HAVE PRECEDENCE OVER LOCAL DIMENSIONS.
6. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND SPACING OF ALL STRUCTURAL MEMBERS AND CONNECTIONS SHALL HAVE PRECEDENCE OVER LOCAL DIMENSIONS.
7. THE CONSULTANT ACCEPTS NO RESPONSIBILITY FOR THE ACCURACY OF DIMENSIONS OR SPACING OF ALL STRUCTURAL MEMBERS AND CONNECTIONS SHALL HAVE PRECEDENCE OVER LOCAL DIMENSIONS.

Project North

Project South

Wilson ST.
WILSON ST. ARCHITECTS INC.

srm
ARCHITECTS INC.

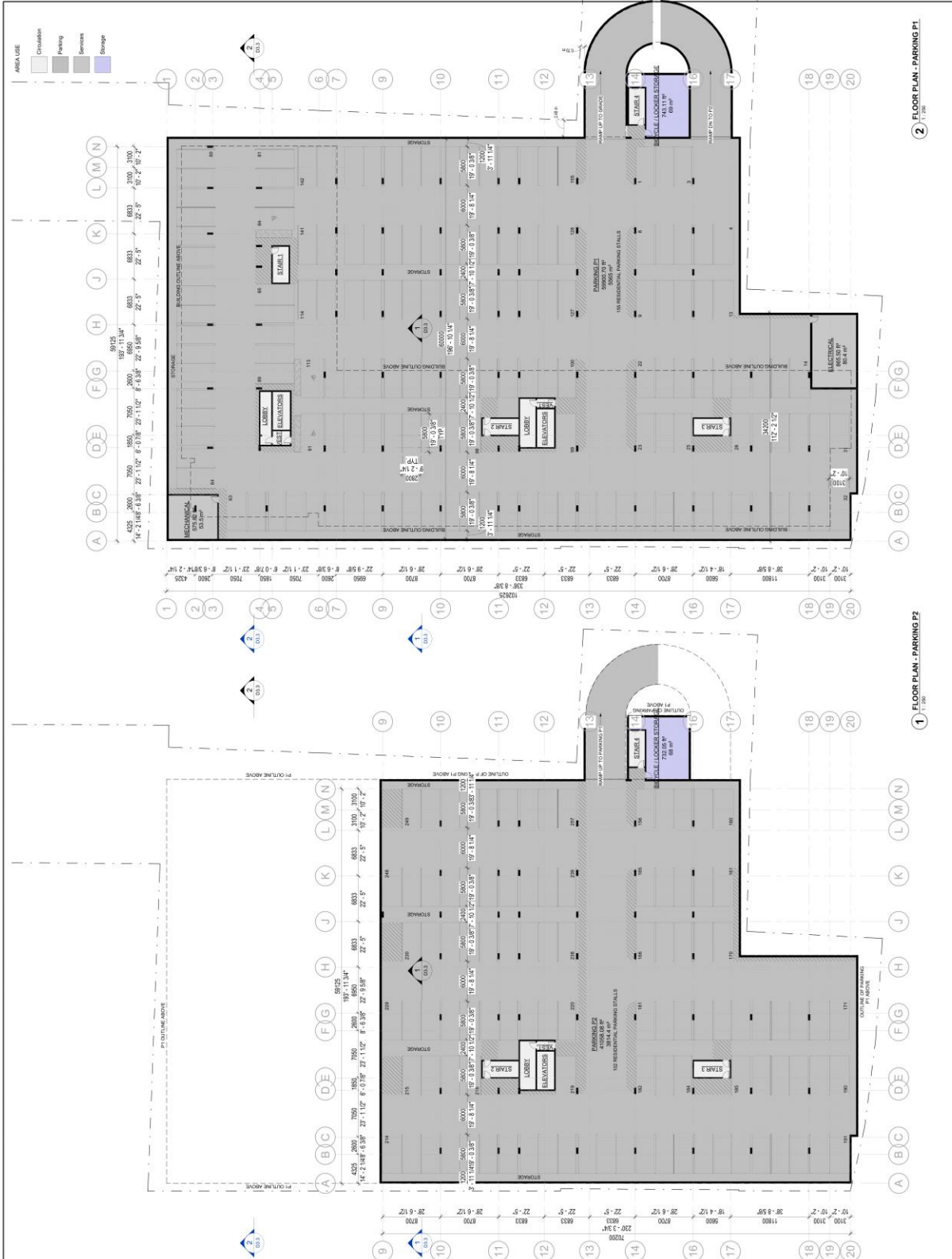
392-412 WILSON STREET
EAST & 15 LORNE AVENUE, ANCASTER

FLOOR PLANS - PARKING P1 & P2

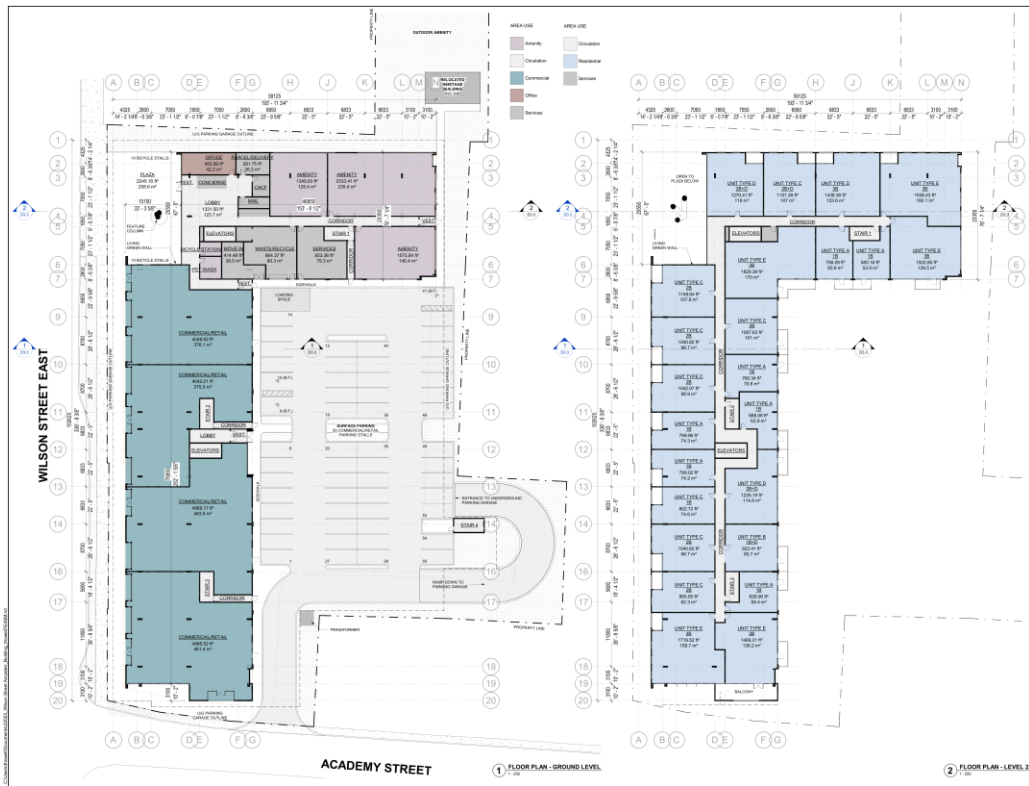
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2 FLOOR PLAN - PARKING P1

1 FLOOR PLAN - PARKING P2



Appendix "B" to Report PED22070
Page 3 of 9

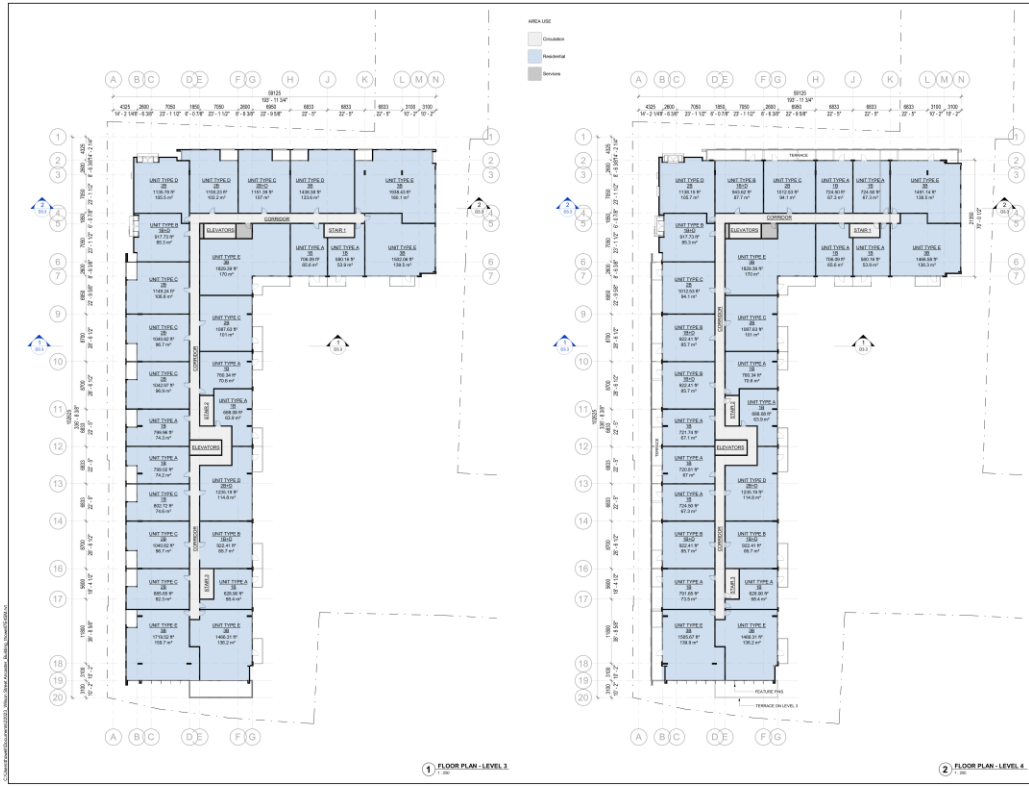


Wilson St.

392-412 WILSON STREET EAST & 15 LORNE AVENUE, ANCASTER

FLOOR PLANS - GROUND LEVEL & LEVEL 2

D2.2 - r7



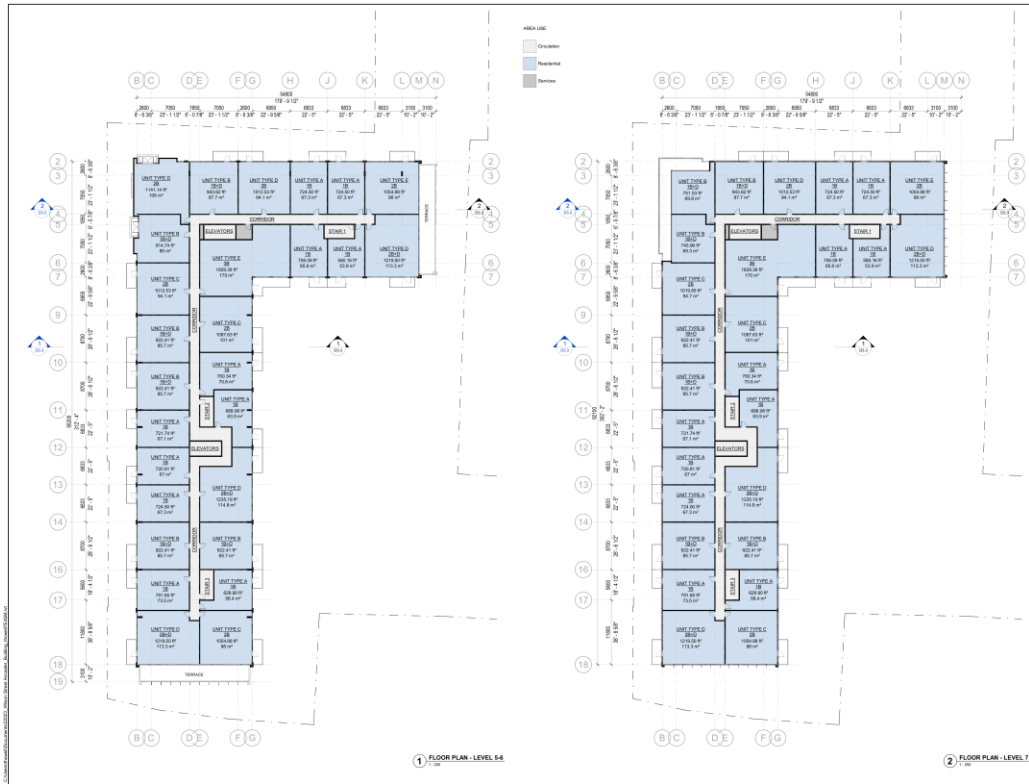
Wilson St.

392-412 WILSON STREET EAST & 15 LORNE AVENUE, ANCASTER

FLOOR PLANS - LEVELS 3 & 4

D2.3 - r6

Appendix "B" to Report PED22070
Page 4 of 9



GENERAL NOTES

1. ALL WORK SHALL COMPLY WITH THE 2015 ONTARIO BUILDING CODE AND ALL APPLICABLE REGULATIONS.
2. THE CONTRACTOR SHALL VERIFY THE EXISTING CONDITIONS AND REPORT ANY DISCREPANCIES TO THE ARCHITECT IMMEDIATELY.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.
4. ALL DIMENSIONS SHALL BE IN METERS AND DECIMALS THEREOF.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.

REVISIONS

No.	Date	Particulars

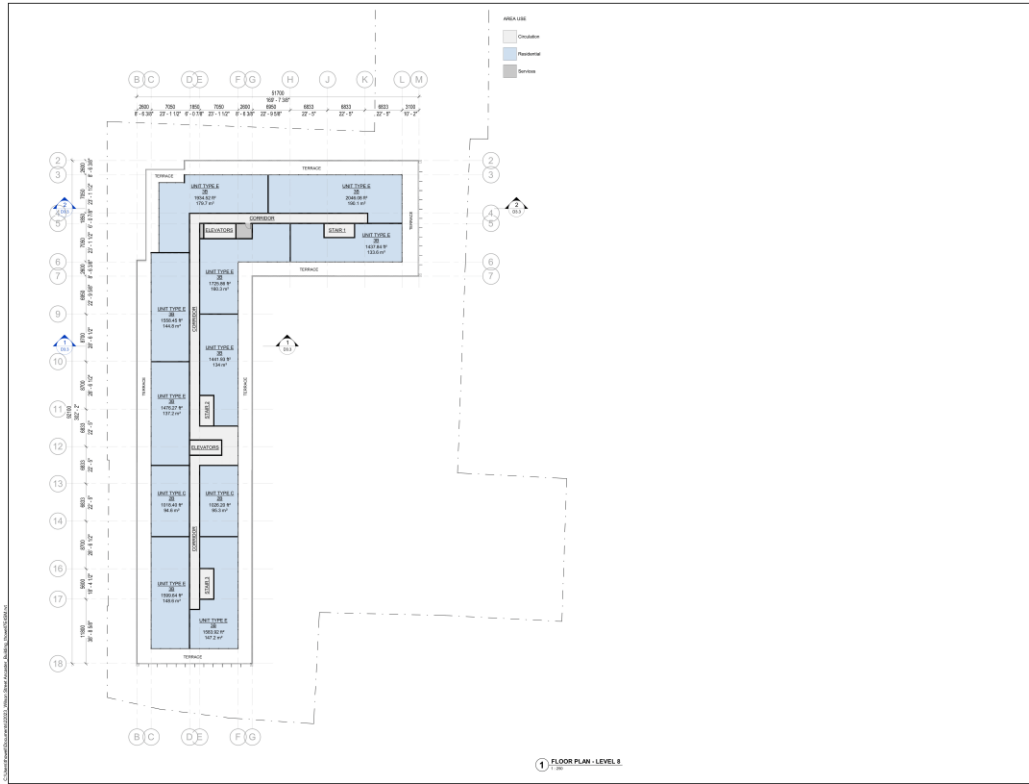
WILSON ST. ARCHITECTS INC.

392-412 WILSON STREET
EAST & 15 LORNE AVENUE, ANCASTER

FLOOR PLANS - LEVELS 5-7

Scale: 1:200

D2.4 - r3



GENERAL NOTES

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3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.
4. ALL DIMENSIONS SHALL BE IN METERS AND DECIMALS THEREOF.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.

REVISIONS

No.	Date	Particulars

WILSON ST. ARCHITECTS INC.

392-412 WILSON STREET
EAST & 15 LORNE AVENUE, ANCASTER

FLOOR PLANS - LEVELS 8

Scale: 1:200

D2.5 - r2

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- GENERAL NOTES**
1. ALL DIMENSIONS ARE UNLESS OTHERWISE SHOWN.
 2. ALL DIMENSIONS ARE UNLESS OTHERWISE SHOWN.
 3. CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS OF THE PROJECT BEFORE PROCEEDING WITH THE WORK.
 4. ALL CONTRACTORS AND SUBCONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
 5. ALL CONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
 6. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
 7. THE CONSULTANT ACCEPTS NO RESPONSIBILITY FOR THE ACCURACY OF ANY INFORMATION OR DATA PROVIDED BY THE CLIENT OR ANY OTHER PARTY. THE CONSULTANT'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT AS SHOWN ON THESE DRAWINGS.

No.	Date	Revision
1	10/20/2023	ISSUED FOR PERMITS
2	11/02/2023	ISSUED FOR CLIENT REVIEW
3	11/02/2023	ISSUED FOR CLIENT REVIEW
4	11/02/2023	ISSUED FOR CLIENT REVIEW
5	11/02/2023	ISSUED FOR CLIENT REVIEW
6	11/02/2023	ISSUED FOR CLIENT REVIEW
7	11/02/2023	ISSUED FOR CLIENT REVIEW




**392-412 WILSON STREET
EAST & 15 LORNE
AVENUE, ANCASTER**
ELEVATIONS
 Project No: 22023
 Date: 11/02/23 10:22:28 AM
 Drawing No: 1-200
 Scale: 1:200
 Client: ET
 Designer: ET
 Project: 392-412 WILSON STREET
 EAST & 15 LORNE AVENUE, ANCASTER
 Ontario Association of Architects
 License No. 12345
D3.1 - r4



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GENERAL NOTES

1. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND MATERIALS AGAINST THE ARCHITECT'S INTENT BEFORE PROCEEDING WITH THE WORK.
2. BUILDING CODE AND REGULATIONS.
3. CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND MATERIALS AGAINST THE ARCHITECT'S INTENT BEFORE PROCEEDING WITH THE WORK.
4. ALL CONTRACTORS AND SUBCONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
5. ARCHITECT'S INTENT SHALL BE MAINTAINED THROUGHOUT THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
6. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
7. THE CONSULTANT ACCEPTS NO RESPONSIBILITY FOR THE CONSTRUCTION OF THE PROJECT OR THE PERFORMANCE OF ANY WORK BASED ON THE CONTRACT DOCUMENTS.

No.	Date	Revision
1	10/20/2023	ISSUED FOR PERMITS
2	10/20/2023	ISSUED FOR CLIENT REVIEW
3	10/20/2023	ISSUED FOR CLIENT REVIEW
4	10/20/2023	ISSUED FOR CLIENT REVIEW
5	10/20/2023	ISSUED FOR CLIENT REVIEW

WILSON ST.
ARCHITECTS INC.

srm
ARCHITECTS INC.

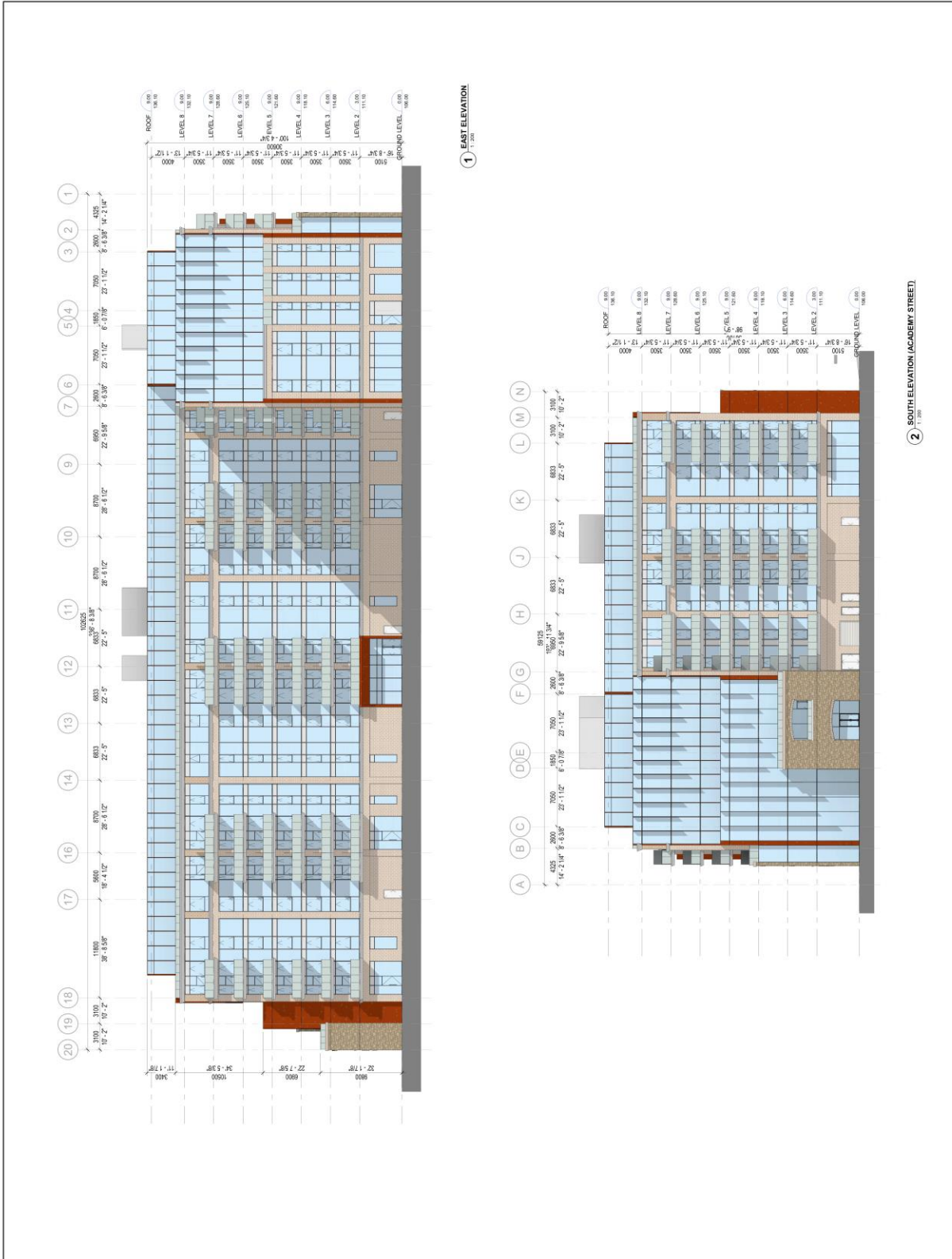
Project No: 22023
Drawing Title: ELEVATIONS
Drawing No: ET
Date: 10/20/2023 10:22:00 AM

392-412 WILSON STREET
EAST & 15 LORNE AVENUE, ANCASTER

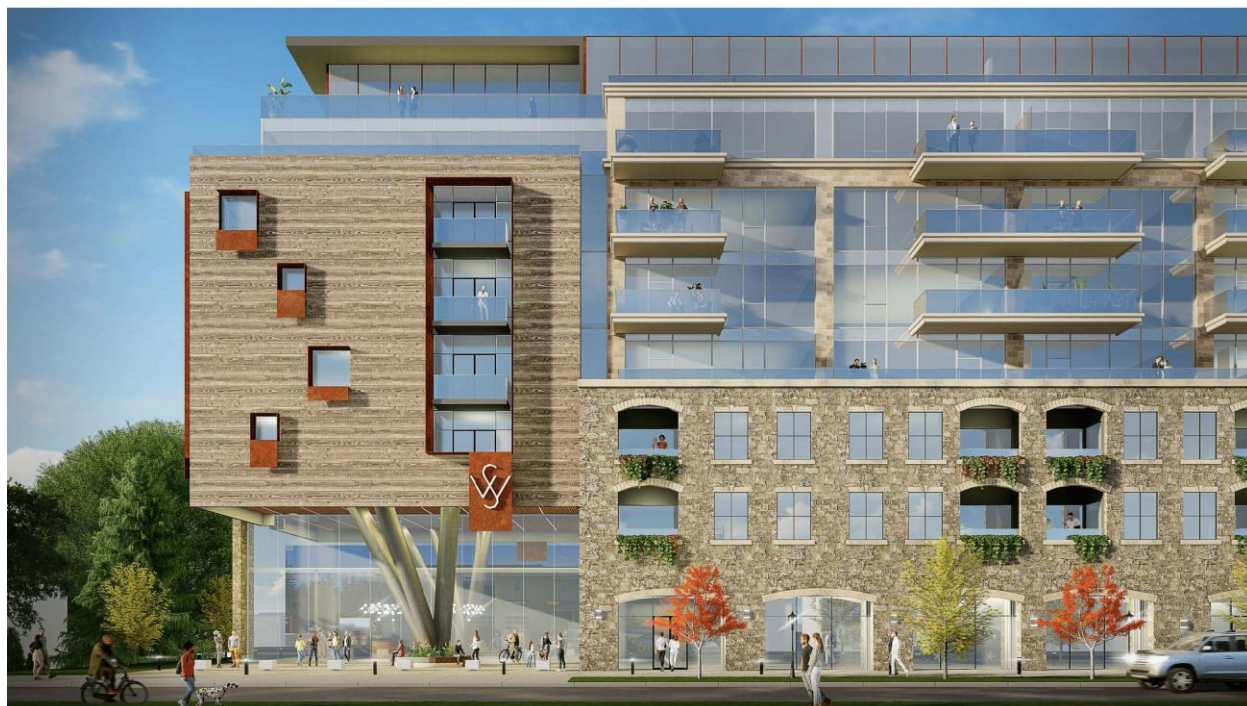
ELEVATIONS

ASSOCIATION OF ARCHITECTS
OF ONTARIO
REGISTERED ARCHITECT
LORNE STREET, TORONTO, ONT. M5H 1B5

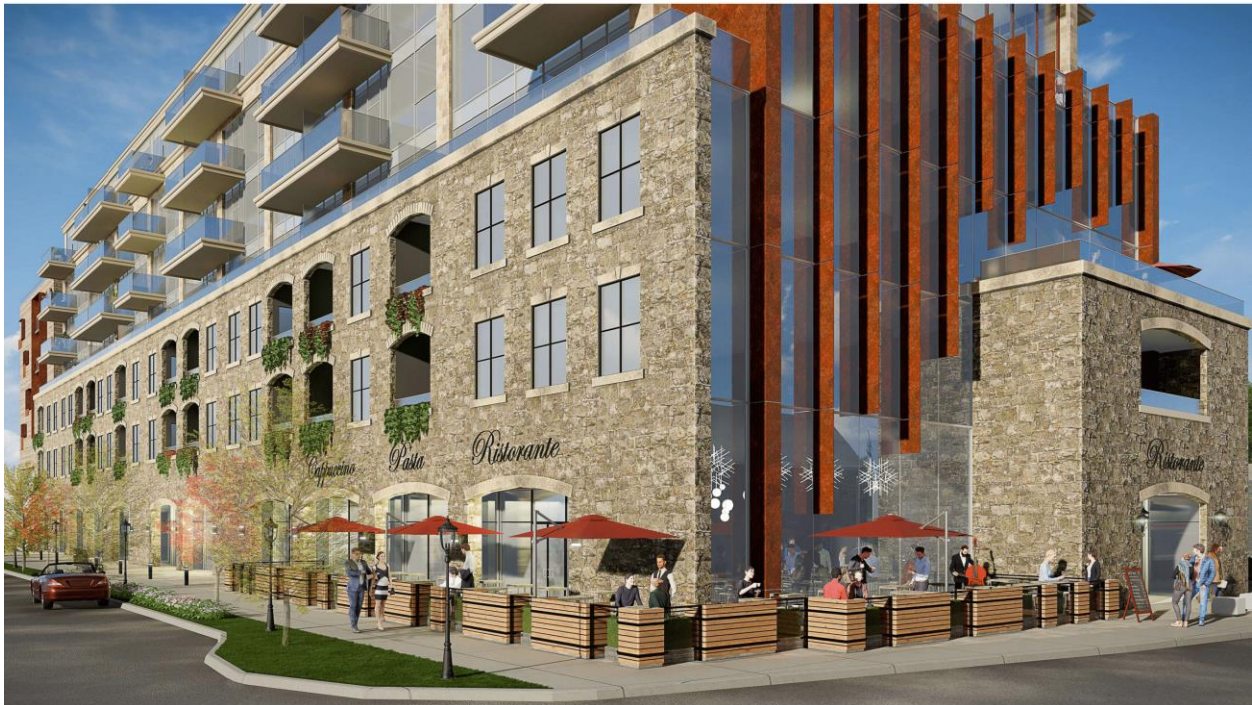
Client No: 1-200
Drawing No: D3.2 - r4



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From: [REDACTED]
Sent: January 25, 2022 7:22 PM
To: Bishop, Kathy <Kathy.Bishop@hamilton.ca>; Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>; Thorne, Jason <Jason.Thorne@hamilton.ca>
Subject: NEW development projects at Wilson/Rousseau and Wilson/Academy

Hello Councillor Ferguson,

I'm not sure if this is the correct way to send my feedback on these 2 development projects, but I have read through all of the documentation online for both proposals and have some thoughts to share:

1 - my main concern is the lack of compatibility with the existing neighbourhood, and with the Wilson ST Secondary Plan.

In both proposals, the developer shows the photos of the surrounding context. It is glaringly obvious that these developments don't fit in the slightest. They look like they'd be better at Yonge and Eglinton. The feel of Ancaster is a very green village. Trees dominate the landscape, and should remain so. The raised elevation at Wilson/Rousseau already makes any development there dramatic. Adding 7-8 stories would be ridiculous.

I'm not saying that I think we should stick strictly to 2.5 stories. With the right design and scale, I could see some portions of both developments landing in the 3.5- 4.5 storey range.

2 - on the plus side: I like the addition of retail space and patios on both projects. Wilson St desperately needs this.

I like the retention of the two homes in the Wilson/Rousseau project, and the retention of the stone building in the Wilson/Academy project. However, surrounding those homes with 7-8 stories of glass again, doesn't fit in the slightest.

3 - the cobblestone/village square concept at Wilson/Academy is very nice

4 - architecture: the podium of Wilson/Rousseau works for me...it is pedestrian scaled and 3-4 stories. I could see that development consisting of 3 or 4 of these buildings instead of one giant long slab running along the back of the property.

I believe that both projects need to use a historic village architectural design, as laid out in the Wilson St Secondary plan.

I'll attach some photos to demonstrate the feel I believe we should be trying to enhance in this village, not destroy.

Some of the pics are from Unionville in Markham, and Kleinburg Village in Vaughan...neither village is adding 6-8 stories of modern glass. Nor is Niagara on the Lake. Historic villages need to be walkable and green. Wilson Streets' worst feature is the car driveways on every single property cutting across the sidewalk.

The following photos will give a better idea of how we should be developing the village, and some courtyard/piazza concepts for the public patio/dining spaces.

Thx for the time, and opportunity to share feedback.

[REDACTED]

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alamy

Image ID: B4EBT8
www.alamy.com

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alamy

Image ID: WABN7Y
www.alamy.com

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From: Gen
Sent: February 4, 2022 12:20 PM
To: Van Rooi, James <James.VanRooi@hamilton.ca>
Subject: Moving of the Marr house

Hi Mr. Van Rooi,

In regards to the moving of the Marr house in Ancaster. First of all I hear different stories as to the location. Is it to be placed at the top of Lorne Ave. or Acedemy.

I have lived on Lorne Ave. For almost 30 years and I love the fact that it is a Cul-De-Sac.

My worry is that if you move the Marr house to the top of Lorne Ave. you will want to Open up Lorne Ave. to Wilson St. and I am opposed to this.

Lorne Ave. has an opening for pedestrians at the top to access Wilson St..

I am OK with foot and bike traffic only.

We have new families with children who have moved in because our street is quiet , Safe , a Cul-De-Sac.

We have constant high speed traffic issues on Lodor. Some vehicles going at least 50 - 60 Kms on a small side street.

Our street only houses about 10 homes.

Please let me know if you intend on trying to open up the top of Lorne Ave. To Wilson.

Thank you ,
Genevieve

Sent from my iPad

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From: David Hardcastle

Sent: February 10, 2022 11:11 AM

To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>

Subject: Re: Proposed Building Development. Files UHOPA-22-004 / ZAC-22-011

> On Feb 10, 2022, at 11:08 AM, David Hardcastle <[REDACTED]> wrote:

>

> Dear Sirs

> I have the following comments to make with regards to the proposed development on the lands located at 392, 398, 400,402,406 and 412 Wilson Street East and 15 Lorn Avenue, Ancaster Ontario. My first comment is that I object to the high of this proposed building which is being quoted at eight (8) stories high where as the current regulations state a maximum height of 2.5 stories. Also I am concerned regarding how this development will effect the existing services especially the sanitary sewers systems and how and where they propose to discharge the storm water run off from this development without effecting existing adjoining properties. This is even more critical given the increased rainfall we are experiencing due to climate change. Will the developer be paying for the upgrading of the sewer system, incoming water gas and electrical services for this building.

> This developer is proposing to have the main entrance to this development to be off of Academy Street which is a side road and is not built to have an extra 200 plus car using it on a daily basis. This will also cause even more congestion at the junction of Wilson and Academy Streets. How will the developer control the traffic when carrying out works on the sewer and incoming services which will cause major disruption on Wilson, Academy and Rousseaux Streets.

> The developer also wants to move the existing designated Heritage building which is in a poor condition due to the lack of repairs carried out since being purchased by the developer, the possibility of it surviving the move is very low and I would request a full report from the developer on their proposal on how they will carry out this work and what guarantee they will give us on this work being carried out successfully.

> This proposed building is totally out of keeping with the existing architectural features of the Ancaster Village and I would ask how the developer and architect came up with this design as it is obvious that they do not live in the area and I question how much time they have spent in the Ancaster Village. I would ask them to explain to us who reside in this area, how this development will help enhance the Village, when it bears no resemblance to any other building in shape or size in Ancaster Village.

>

> Regards

> David Hardcastle

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From: Linda Clements
Sent: February 13, 2022 9:47 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Construction at Academy and Wilson Street

Dear Tim;

I have concerns over the proposed building on the corner of Academy and Wilson Street.

I live on Academy Street and find the ability to turn onto Wilson St. a challenge at the present time due to traffic. The parking in front of Hanley's makes visibility difficult and the Coach and Lantern has food and beer trucks parked on Academy for delivery .

The street is narrow so I can't imagine anymore traffic at any point.

When we had the farmers market on the proposed lot everyone parked against the law on Academy Street. This didn't allow two way traffic let alone an emergency vehicle. I can't imagine where people going to the Coach and Lantern Pub and shops will park once the construction takes place.

During construction it isn't possible for the large trucks to park on Academy. This has been happening a lot when there is construction in the area and is a safety hazard.

I wonder how the increased waste water will be managed as well.

I am concerned about the relocation of the heritage building onsite because of lack of visibility as well as damage during the movement I can't say I like the idea of a building of that height that doesn't fit into the ambience of the village.

A lot of concerns which I don't feel can be alleviated

Sincerely;

Linda Clements

Sent from my iPad

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From: Larry Travis
Sent: February 18, 2022 1:45 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Fwd: Ancaster - Wilson Street Plan Amendment - -file - UHOPA-22-004 / ZAC-22011

Good day - I am writing to express my concern over the proposed plan amendments to Wilson Street East / Lorne Avenue.

It is my understanding that there is a desire to build an eight story structure. It is interesting that the proposed amendment deems this a “Pedestrian Focus (C5a) Zone. While I cannot begin to understand the nuances of the various zoning terms, as I look at the elevation and proposed footprint of the structure, this is not a building that one would call Pedestrian Focused. I believe a vibrant town core should encourage pedestrian traffic in order for retail / commercial space to thrive.

The city of Hamilton has a unique opportunity to create a cohesive town core in Ancaster. The lots in question anchor the core and will dictate the character of the town. Rarely is there an opportunity to create a space that will enhance the heart of a town and invite people to visit (eat / drink / shop). The bones of Ancaster are already in place. The Barracks Hotel, the Needle Emporium and the retail/pub space on the corner of Wilson and Academy. Even Glendale Motors when updating their space made every effort to maintain the integrity of the town core. Just up the street, there is the old town hall and the library which was updated sympathetically. The green space surrounding those buildings softens and invites people to linger. The proposed structure offers no evidence of landscaping to soften the street and provide shade on a hot summer day. It does nothing to enhance the current streetscape and I would suggest it will stand out (to quote Prince Charles) 'like a monstrous carbuncle on the face of a much-loved and elegant friend'. While Ancaster is not London, the sentiment remains valid.

I understand the business case for Hamilton - maximize the tax base. I would suggest that the tax base / income to Hamilton could be increased by looking at this from a different perspective. I was in Paris, ON this past fall (during COVID). It was a Saturday and the streets were shoulder to shoulder with people. There were many restaurants and all were full. Tourists flock to Paris as the town has character. Ancaster could offer this same opportunity for tourism - we do not have the Grand River but we have world class hiking trails on our doorstep. The same folks that come to visit the waterfalls and hike the trails will want to stroll the streets of a town with character. A building that could have been plucked from King Street in Toronto stands out of place and holds no allure.

A further consideration to the equation is the inadequate infrastructure to accommodate this level of increased density. The sewage system currently struggles to cope and we have poor

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public transit. Before dramatically increasing density (if this passes then one would assume all future builds will be for 8 stories) the current issues should be addressed.

Developers may argue that they cannot make money without building the proposed structure. I would argue that they were aware of the building codes when purchasing the property. They should have done more diligence rather than assume a project that could only be profitable at the expense of the existing character of the town.

You are about to make a decision that Hamilton cannot reverse. It is an opportunity to make a visionary choice with an eye to sustainability that future generations will look and respect or to choose to rubber stamp a building that will maximize short term profits for developers at the expense of pedestrians and town residents forever.

I appreciate your taking the time to consider the options.

Regards,

Lynn Travis

24 Academy Street, Ancaster.

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From: Lucie Poling
Sent: February 22, 2022 2:22 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: UHOPA-22-004/ZAC-22-011

Hi,

I'm writing today in reference to the applications by Wilson St. Ancaster Inc for Official Plan Amendment and Zoning By-law Amendment for lands located at 392,398,400,402,406 and 412 Wilson St. East and 15 Lorne Avenue.

I originally chose to live in Ancaster on Wilson street because of the appealing historical character of the village, the small town feel afforded by the one or two storey buildings fronting Wilson and the great green canopy the numerous trees in the area provide. I realize that some development is bound to take place but the essence of this precious heritage village should be protected.

If the above referenced applications are approved and an eight storey building is permitted to be built in the centre of the village it would be a travesty. We don't want buildings that exceed the present height restrictions in the village centre.

As depicted in the notice sent by the city, the proposed building looks like a massive prison! In the case of this development, or any other, why would we not ensure that the aesthetics of the building complement the character of the village, that it is pleasing to the eye, that it fits in.

We have an opportunity to control the development in the village now. We have a responsibility to get it right. It's too late for Brandon House. Let's protect the Marr-Phillippo house at 398 Wilson! It should be fronting Wilson! It does not belong on Lorne Ave! The fact that the Wilson street view includes the Marr-Phillippo house adds so much to the special character of the village. It's too precious to hide away.

Lastly, I'd like to point out that your current policy of positioning newly constructed buildings at the very front of the property by the sidewalk does not allow for any strip of green space in front of the building which is a negative- we are losing some of our green canopy. Also as a result of this policy, the recently constructed building at 385 Wilson St. East obstructs the street view of its neighbour, the beautiful stone building at 375 Wilson St. East which is a historical building and which is located more than several feet from the sidewalk. Shouldn't the placement of a new building take into consideration it's neighbour's placement and the resulting street view?

I know what kind of town I enjoy living in.....Please, let's get it right!

Sincerely,
Lucie Poling

Sent from my iPad

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From: [REDACTED]
Sent: February 22, 2022 5:41 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Opposition to Proposed Development at Wilson St. E. and Academy St., Ancaster

Dear Mr. Vrooman,

I am writing in strong opposition to the proposed 8 story "mixed use" development at Academy and Wilson Street East in Ancaster; reference: "Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 392,398, 400, 402, 406 and 412 Wilson Street East and 15 Lorne Avenue (Ancaster Ward 12)".

I am a lifelong resident of Ancaster. I live directly across the street from the site of the proposed development. My community and I would be significantly negatively impacted if it were built.

I have a number of concerns regarding this proposed development.

Traffic along Wilson Street and Rousseaux appears to be already near or at capacity. At peak travel times, I have observed traffic to be backed up and long lines of traffic (up to several kilometers) extend both up and down Wilson Street and down Rousseaux Street. During rush hour it can be almost impossible to make a left hand turn out of my driveway onto Wilson Street East. This congestion is further exacerbated when an accident on the 403 drives additional traffic onto either or both of these roads. The streets in my neighbourhood are, without question, not designed to accommodate the large volume of traffic that would ensue if the proposed development was allowed.

I understand that, according to the Wilson Street Secondary Plan, buildings can be a height of 9 m only and must be consistent with the character of the existing neighbourhood. I have seen pictures of the proposed development. The proposed new 8 storey building clearly exceeds these height restrictions and certainly is not in character with the buildings in my neighbourhood and the Ancaster Village core, which includes a number of heritage and historic buildings. It would be a gross overdevelopment of this site and would change the character of the area substantially.

I have environmental concerns regarding this proposal. I am not aware of evidence of adequate waste water pipe capacity for this area. The addition of large buildings may also negatively impact the natural watershed, including Ancaster creek.

I understand that the Niagara Escarpment Commission does not support this development and that the proposal does not comply with the Niagara Escarpment Plan (NEP). Apparently the Urban Hamilton Official Plan (UHOP) requires NEP conformity - therefore, as the NEP does not support the proposal, the UHOP also cannot support it. I have personally witnessed at least three huge, beautiful, environmentally relevant mature trees being cut down at this property,

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far in advance of any actual development. Green space around my neighbourhood - a vitally important part of my community, for environmental and a multitude of other reasons - has already been destroyed in the past 5 years with development, and I have sadly observed a number of mature trees destroyed to accommodate new buildings. I oppose further decimation of green space in my community. I would think that removing any more trees at the proposed new development site would also violate the city's Climate Emergency Plan.

For the above reasons, I request that this proposed development be stopped.

I expressly request that the City remove my personal information from my submission.

Sincerely,

A solid black rectangular redaction box covering the signature area.

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From: Marilyn Presutti
Sent: February 23, 2022 2:00 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>; timvrooman@hamilton.ca
Subject: Fwd: UHOPA-22-004/ZAC-22-01

----- Forwarded message -----

From: Marilyn Presutti [REDACTED]
Date: Wed, Feb 23, 2022 at 1:43 PM
Subject: UHOPA-22-004/ZAC-22-01
To: [REDACTED], [REDACTED], <timvrooman@hamilton.ca>

This message is in reference to the applications by Wilson St. Ancaster Inc for Official Plan Amendment and Zoning By-law Amendment for lands located at 392,398,400,402,406 and [412 Wilson St. East](#) and 15 Lorne Avenue.

Further to the email sent by our neighbour [REDACTED] we also reside at 371 Wilson Street East and are in total agreement with the sentiments of her message. We are distressed by the nature and scope of the proposed development.

Wilson Street as a major artery with only two lanes through the village core would become a traffic nightmare for so many multiple units to be squeezed in as residential /commercial space. We totally agree this building has no architectural flair or reverence for the scale or charm of our village. We would like to add our names as objecting to this proposal.

Paolo and Marilyn Presutti
371 Wilson St East Unit 1
Ancaster Ontario L9G2C1

Sent from my iPhone

Mr. E. Tim Vrooman, City of Hamilton
Planning and Economic Development Dept.
Development Planning, Heritage and Design – Suburban Team
71 Main Street West, 5th Floor, Hamilton, ON L8P 4Y5

Hello Mr. Vrooman:

**Re: Response to Application for Official Plan Amendment and Zoning By-Law
Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and
15 Lorne Avenue, Ancaster.**

I write in response to the above development application. Thank you for inviting input from the community towards formulating your staff report, it is most welcome.

1) General Comments Regarding Mass, Height, Footprint, and Architectural Style of This Application

In general, this development fails by an extreme to conform to the Cultural Heritage Landscape status of the Ancaster Village, which was instituted in the mid-1970s as a means of protecting Ancaster’s heritage context. The Village was established in 1792/3, one of the earliest European settlements in Ontario, and the area still demonstrates a distinctive sense of history.

The developers and the design team for this project appear to have set aside the bylaws and zoning of the Ancaster Wilson Street Secondary Plan, implemented a mere 7 years ago to reflect the requirements of the Cultural Heritage Landscape status - i.e., that all new developments must conform to the neighbourhood heritage context.

If approved, this development would loom, overshadow, and overwhelm both the streetscape of Wilson Street and the small-scale Maywood neighbourhood behind it. The development is three times the height allowed under the Ancaster Wilson Street Secondary Plan (AWSSP). It is enormous in height, mass and lot coverage.

It also fails to reflect a heritage architectural style even closely resembling the streetscape and local context of the Village as required by the AWSSP. The architecture is not only massive, but aesthetically unattractive, cookie-cutter, and cheap-looking. A prominent architect based in Hamilton has commented about it:

“The left lobby cladding is distressed barnboard if you Zoom in, at a massive scale representative of old growth forest wood grain, or cheap, fake material. Or just careless drawing work. The splayed posts come from the Queen Richmond Centre West office building in downtown Toronto, perhaps an inappropriate reference for a building on Wilson Street in Ancaster....”

Ancaster Village deserves better.

Infrastructure will likely be unable to accommodate this development, as discussed later in this report. Further, if approved and built, it will consume so much of the capacity of locally

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available infrastructure that it is questionable whether other developments duly conforming to the bylaws and zoning will be buildable with what capacity remains.

The consultants’ reports included in the Application are inadequate. There is no hydrogeological report or Phase 2 ESA report documenting the incidence and levels of hydrocarbons in the soil which led to approval of the relocation of the 1840 Marr-Phillipo House which now stands on the property. Further, both the Traffic Study and the Functional Report are inadequate, as will be shown.

The data presented by the developers is inadequate in so many ways that one must conclude that the developer is presenting this proposal opportunistically.

Ancaster Village Heritage Community does not oppose reasonable intensification which accommodates to the current bylaws, zoning and infrastructure limits. However, this proposal is so far outside the boundaries of “reasonable” that it is inconceivable that it might be built. It will certainly lead to other developments of similar size and scale that will ultimately destroy the Village heritage context.

2) Traffic

There are a number of issues regarding the increased traffic to be generated by this development. To quote the Traffic Report,

“The proposed development is expected to generate 78 total two-way trips (26 inbound and 52 outbound) and 143 total two-way trips (79 inbound and 64 outbound) **during the morning and afternoon peak hours, respectively.**”

I.e., “during the morning and afternoon peak hours, respectively”.

The data cited by the consultants’ report is incomplete. It shows only peak hour traffic, i.e., narrowly defined as traffic occurring over one hour during the morning and one hour in the evening at peak times. Use of this inadequate measure also applies to the retail component, which is certainly unrealistic since retail will incur traffic at all hours.

Local residents have pointed out that the intensity of traffic tends to increase well before peak hours, and winds down well after peak hours. It appears that drivers are accommodating to the intense traffic at peak times by arriving at the intersection earlier or later, which reduces the queues but extends the times of peak rush hour traffic considerably, and increases traffic pressures on local neighbours and neighbourhoods as well. This is not accounted for in this study, which minimizes the overall traffic and vehicle trip counts severely.

The developer’s Traffic Study data demonstrates that traffic on Wilson and Rousseaux Streets during peak hours is already at or close to capacity. This is also stated by the Salvini Traffic Study recently completed for the Amica/condo development on the Rousseaux/Wilson

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intersection. The Salvini study did include 24-hour traffic, which gave a much clearer picture of the pressure on local streets at all hours of the day.

According to both studies, overloads and long queues at the major Wilson/Rousseaux intersection extend in distance far beyond the queue lanes at peak hours on both streets. Interestingly, the Salvini study also indicated that peak hour traffic trips were not a very large percentage of the total 24-hour trips at this location. The present traffic study fails to account for traffic occurrences and potential increases in traffic from this development during other times of the day.

There are few options available for traffic to travel between Ancaster and Hamilton or Dundas - and well beyond as well. Rousseaux Street, which flows into Wilson Street, accesses major highways including the Linc and the 403.

It is particularly crucial to measure 24-hour traffic due to its impact in the Maywood neighbourhood. Academy Street, where the access point to this development will be located, provides direct access to Lodor, Academy and Church Streets, i.e., Maywood. There should be no access to the Maywood neighbourhood from or to this development on Academy Street except for locals. All access in both directions to the development should be from Wilson Street only not including Academy Street.

The Maywood neighbourhood is already plagued with cut-throughs between Rousseaux and Wilson Streets, especially at peak hours. Drivers want to avoid the long lineups and delays at this major intersection. Maywood has among the narrowest public streets in Hamilton, with sidewalks on one side only. Ancaster Square, Ancaster Green, the Town Library, Town Hall offices, Old Town Hall (which hosts many social and city events), the children’s playground and splash pad, tennis courts, and lawn bowling park are all accessed through the Maywood neighbourhood. It is important that this traffic not be increased to maintain the walkability and health and safety of the neighbourhood.

Unlike the Salvini Report previously mentioned, the codes used in the graphs in this report are relatively indecipherable for laypersons, and are not accessible on Google. Included should be an interpretive chart, and a simplification of the data presentation.

3) Parking

Based on the City’s By-Law No. 05-200, a total of 332 parking spaces (including barrier-free, retail, resident parking spaces) are required for the proposed development. The proposed development will provide 256 parking spaces for residents, which meets the requirement for residents; and 56 spaces for retail/commercial, which presents a technical shortfall of 43 parking spaces for retail/commercial. This shortfall should be remedied.

4) Wastewater Disposal

The Functional Report includes incomplete data regarding sewage waste disposal. In contrast to the traffic study, which provides only peak hour traffic data, the wastewater report includes only estimates of 24-hour flows of sewage, not peak flows at all. This is difficult to reconcile, since

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peak flows, not 24-hour flows, determine the real-time demand on the capacity of the wastewater system. The standard method of estimating peak flows, as we understand it, is to multiply the average 24-hour flow by a factor of 5. This is not done.

There is no evidence that the 200 mm sewage pipe on Wilson Street has the capacity to carry the extra load from this development nor, if it does, whether it will leave adequate capacity behind for other developments more in conformity to the AWSSP to be built in Ancaster Village. Further, there is no information regarding the pumping station on Old Dundas Road in the valley below the escarpment, which sends the sewage back up the escarpment to Rousseaux Street, and whether it is adequate to cope with this extra load.

Further work on the Functional Report is clearly necessary, especially since the route taken by the wastewater pipe has apparently contributed to sewage-flooded basements in the valley below the escarpment.

5) Hydrocarbons in the Soil

It was mentioned above that there is inadequate data about the hydrocarbon content of the soil on the lot. The presence of significant hydrocarbons, though undocumented, necessitated the relocation of the Marr-Phillipo House on the site. This data is not only important for underpinning the relocation of the Marr-Phillipo House, but also for generating plans necessary to deal with the contaminated soil, which is an environmental issue not dealt with in the Application.

Comments below were made by a qualified hydrogeological consultant of 30 years' experience in the field, Wilf Ruland P.Eng, located in Ancaster. He says in response to our queries:

“It’s true that this is a Geotechnical report, and that its purpose is to ensure structures has sound footings etc. Nonetheless, there are some interesting points:

1) A total of 14 boreholes were drilled (and some were completed as wells), with the borehole logs at the back of the report. None of the borehole logs for the boreholes/wells closest to the Marr-Phillipo House made any mention of hydrocarbons - which is passing odd, given that the proponent has said contamination around the house is so bad it has to be moved.

2) Only one borehole log (for BH/MW8) notes hydrocarbon odours - it is in the extreme southwest corner of the property.

3) No one seems to have told the Geotechnical engineer that the proponent considers the site to be contaminated. There is no mention of special provisions for testing or safe disposal of water which may run into excavations, nor is there any provision for testing and safe handling/disposal of soils being excavated for building construction.

The report leaves me with a number of questions. What we need is the Hydrogeology Report, and the Environmental Site Assessment reports.”

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And in another communication:

“This report is lengthy but incomplete. Various bits are missing - most critically for me the Figures are missing, as is Appendix I (the Site Conceptual Model).

This was a Phase I ESA - as such, it was a desktop study.

The key documents will be the Phase II ESA and the Hydrogeology Report.

If such soil and/or water samples exist, then they will be in the Phase II ESA and/or the Hydrogeology Report.”

6) Noise Study

The noise study was also incomplete. It addressed noise levels in the neighbourhood and those which would emanate from the relocated Marr-Phillipo historical building. It failed to address noise and disturbance emitted by the building itself, for example the climate control apparatus, and its residents, into the neighbourhood. This is also a failure that should be remedied, since many of the homes in the neighbourhood are located very close to the new building.

7) Conclusions

In conclusion, this development should be denied, and any future application should be required to accommodate to the Cultural Heritage Landscape criteria for development and the Ancaster Wilson Street Secondary Plan.

Yours sincerely,

Bob Maton PhD, President
Ancaster Village Heritage Community
330 Lodor Street
Ancaster, ON L9G 2Z2
[REDACTED]

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28 Academy St,
Ancaster,
Ontario,
L9G 2X9
23 February 2022

Planning Committee,
City of Hamilton
71 Main St West,
1st, Floor
Hamilton,
Ontario.
L8P 4Y5

Attn: Mr. Tim Voorman,
Heritage Planner

Dear Mr. Voorman,

RE: Files: UHOPA-22-004 / ZAC-22-011

I wish to register my objections to this proposed development.

The letter sent out on February 4 contains few details. There are no reports included by consultants, staff, or experts from the host of specialist disciplines expected.

Sufficient to say:

- 1) The building, as depicted in the application, does not meet the general intent of the Urban Hamilton Official Plan or the Ancaster Wilson Street Secondary Plan. The proposed development is too large, dense and high for the property and surrounding area.
- 2) The building height, density, bulk and scale are out of all proportion to the neighbourhood and are totally incompatible with the heritage and character of our historic village. A huge, continuous building, as proposed, just does not fit into the village street scape.

- 3) The building is inconsistent with the character of the neighbourhood and significantly detracts from, not enhances, the Village. This plan not only eradicates the heritage character of the existing neighbourhood, it leads to the further destruction of the historic roots of Ancaster, as exist in the other areas of the Village Core.
- 4) The massing is far too big for the area. It is over three times the maximum height allowed in the Wilson Street Secondary Plan. The Wilson Street Secondary Plan and its associated bylaws, were developed after much consultation with many interested parties. They have been totally ignored. This plan ONLY became effective seven years ago and was supposed to remain in place for some twenty years. That objective has been nowhere near recognized. To suggest it is outdated is nonsense.
- 5) The well - known and documented traffic problems of the Maywood area will be exacerbated and become even more intolerable. The increase in resident and commercial traffic this development will bring can be readily envisaged and is unacceptable.
- 6) Access to the building is from Academy Street. A residential street that is currently overloaded with cut-through traffic trying to avoid the Rousseaux / Wilson St intersection. Academy Street is far too narrow to handle the volumes and sizes of vehicles that will service this building. It will lead to a safety hazard the city cannot condone.
- 7) There are so many things wrong with this development it is difficult to enumerate them all. The main ones; beside the huge overreach in massing, lot coverage, and imposition on the neighbours from noise, shadowing and oversight; are the increased heavy traffic on already overloaded Wilson, Lodor and Academy Streets.

These lands should be developed in accordance with the bylaw "Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone". This permits a building with a height of 9 metres, which must also be consistent with the character of the Village.

Ancaster was founded in 1793 and is the third oldest community in Ontario. Development should venerate, not destroy this heritage. The planning and zoning in Ancaster and the city of Hamilton for the Village Area, was designed to project a humble, simple but not overbuilt street scape. Not this monstrosity.

The application contains many of the failings of the recent Wilson St / Rousseaux application and similarly, must be denied.

Please keep me advised of further steps. I may wish to make a formal presentation at any further meeting that might arise.

Yours faithfully,

R.H.Baker P.Eng.

From: Toby Yull
Sent: February 23, 2022 8:09 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Manchia/Spallacci Development Wilson St Ancaster

Hi Tim

I wanted to register my opposition to this development at Academy and Wilson Streets, and the ridiculous idea that moving the Marr-Phillippo house could be successfully accomplished.

The rendered drawing shows a building that's massively over-scaled, both for the site and for the surrounding streetscape. The fake stone facing just makes it worse -- this is not 'respecting the character' of Ancaster -- more like a developer's rough attempt at mollifying planning values without understanding or caring what a desirable outcome would really look like.

The collection of styles and elements thrown at the east-end corner is a mind-boggling salad-bar. It bears zero relationship to the rest of the building and to the town of Ancaster. Honestly, I'd be embarrassed to submit this building for this site!

Spallacci built an infill condo building in International Village on King Street 20 or so years ago that was a thousand times more respectful -- what has happened here? (Sergio Manchia?? Who can forget what he did at the southwest corner of Aberdeen and Dundurn?)

Anyway, please put me down against this proposal. Spank them and send them away to do much much better.

thanks,

Toby Yull
Dundas

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From: [REDACTED]
Sent: February 24, 2022 7:54 AM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: With Regard to UHOPA-22-004 - ZAC-22-011

Dear Ohi Izirein,

I am opposed to the Zoning By-law Amendment (File No. ZAC-22-011) and (UHOPA-22-0040 being proposed by Wilson Street Ancaster Inc.

Relocating the Phillip-Marr House (if it can be relocated) which has stood at its current location since 1834, and is one of only 5 Ontario Heritage Act designated buildings in Ancaster, will detrimentally affect the atmosphere and character of the Ancaster Village community.

Is there any guarantee, or a signed and stamped Engineer's report indicating that it is possible to move the Phillip-Marr House, located at 398 Wilson St E, Ancaster, ON L9G 2C3, without severely damaging or destroying this historic structure?

Why do we have the Ontario Heritage Act, of which the Phillip-Marr House is a designated building, if heritage buildings are not protected?

Is the preservation and protection of designated Heritage Buildings not the responsibility of council?

The proposed new development does not in any way attempt to follow the requirements outlined in the Wilson Street Secondary Plan's Area Urban Design Guidelines.

Please Remove all Personal Information before entering this letter into the public record.

[REDACTED]

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From: Jennifer Davis
Sent: February 24, 2022 11:53 AM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Cc: Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>
Subject: Proposed New Development on Wilson Street East, Ancaster

Mr E. Tim Vrooman, City of Hamilton
Planning and Economic Development Department Development Planning, Heritage and Design -
Suburban Team
71 Main Street West, 5th Floor
Hamilton, Ontario

Attention: E. Tim Vrooman

Re UHOPA-22-004/ZAC - 22-001

I am writing in response to your letter of February 4, 2022 seeking comments for staff to assist in preparation of a staff report for the above applications

The 8 storey condominium building proposed for Wilson Street East, in Ancaster, Ontario. I believe the building is totally inappropriate for this location in our and violates all aspects of The Ancaster Wilson Street Secondary Plan (AWSSP).

The AWSSP was developed over an 18 month period of time, beginning in 2012 by a committee of residents and city councillors in consultation with residents of Ancaster, business people, City of Hamilton staff, and area boards of education. The plan has been in place since 2015 and is scheduled for a review in 2035. The AWSSP supersedes the Urban Hamilton Official Plan (UHOP).

The AWSSP delineates 5 distinct character areas along Wilson Street. The in which this development at Wilson Street East would be located is in the centre of what is referred to as "The Village Core", extending from Rousseaux Street to Daley Drive (4 Blocks). This proposal violates The AWSSP in terms of its mass, materials, setbacks design, height and size. In addition, it over develops "The Village Core" and does not demonstrate how it intends to meet the intent if The AWSSP guidelines. Finally, it does not reflect any of the cultural heritage of the surrounding area.

Another issue related to this proposal is the fact that The Planning Department of the City of Hamilton has approved the developer's request to move a Heritage Building, The Marr-Phillipo House, built in 1870, which currently stands at the corner of Wilson Street East and Academy Avenue. It is proposed that this building be moved away for The Wilson street scape to Lorne Avenue because of suspected soil contamination caused by a gasoline station previously located on the site. The developers, however, have not provided and independent, objective hydro geological reports that support their contention that soil contamination is present on the site and requires the relocation of The Marr-Phillipo Home in order to remediate the soil.

A third issue related to potential vehicle traffic problems that could be caused by this development. Although the developers have not yet requested a 24 hour traffic study, it is clear that traffic will increase especially along Academy Street, which is a narrow heritage Street with sidewalks on only one

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side of the street. The roads in this surrounding Maywood neighbourhood have been awaiting traffic-calming measures for a number of years but have had no resolutions of the existing traffic issues. The neighbourhood will require widening and rebuilding of its roads to make them safe.

Waste Water management is currently a problem in "The Village Core" area of Wilson Street, particularly during heavy rainfall. The developers have not provided specific, independent data regarding the impact of the proposed building on 24 hour flows in this area. Depending on the results of the study, the City of Hamilton need to upgrade sanitary and storm sewers in the area.

The issue of decreased water pressure to homes in Ancaster is another topic which our City Councillor, Lloyd Ferguson, has discussed at community meetings and the likelihood that our town may need to rebuild water towers which were removed a number of years ago. The proposed development, as well as others, in the area may hasten the need for this additional infrastructure.

Finally, Ancaster is a Heritage Village, established by European settlers in 1793 and became a Police Village in 1852. The federal, provincial, and my governments are encouraging the preserve of heritage sites like Ancaster, which, in turn, will further support tourism in Hamilton. The one-time grant from The Government of Canada, The Province of Ontario and the. It's of Hamilton to support the restoration of the Hermitage is a good example. The AWSSP is in place to promote the restoration and redevelopment of "The Village Core" and provides a very clear and comprehensive set of guidelines for doing so. Therefore, I respectfully request that the developers of this condominium and follow these guidelines and help us to make "The Village Core" all it can be.

Sincerely,

Jennifer Davis
87 St Margarets Road
Ancaster, Ontario
L9G 2L1

Sent from my iPad

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From: [REDACTED]
Sent: February 24, 2022 12:49 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Proposed Manchi/ Spallachi Development-Wilson and Academy

I am writing this to register my request to stop the proposed development at the corner of Wilson and Academy in Ancaster.

It in no way is in keeping with the heritage architectural style of Ancaster.

Sent from my iPhone

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From: Rhonda Scott
Sent: February 24, 2022 1:47 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Proposed Building at Wilson and Academy in Ancaster

I am writing to express my strong opposition to this proposal. For a number of reasons including traffic congestion, noise, parking, wastewater issues, the fact that it contravenes the current height restrictions, and overall modern aesthetics juxtaposed to that of the charming character of our historic village, this development should be denied, and any future application should be required to accommodate to the Cultural Heritage Landscape criteria for development and the Ancaster Wilson Street Secondary Stay positive, but test negative!

Take care,
Rhonda Scott
Sent from my iPhone

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From: Ashley Allan

Sent: February 24, 2022 2:36 PM

To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>

Subject: Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.

Hello Mr. Vrooman

I have been a resident of Ancaster for 39 years. I loved growing up in this town. I love Ancaster History and the charm the village brings to it and proud that I am now privileged to be able to raise my own family here.

Ancaster is just as old as Niagara- on -the -lake. Ancaster does play a huge role in Ontario's history. Our village is one of the few that still have buildings to remind us of that history. This development will tower over our village and take away that charm. The development lacks imagination and style. It looks like a institutions. Bylaws are in place for a reason in Ancaster so we can keep developments like this out of the historical village core.

I would like to see a much smaller building with stone, old architecture mixed with modern or adding on to the existing historical Marr house. Do it right!

I have posted below all the point made by Bob Matson the head of Ancaster Historical Society. I agree with all his point fully that a building like this does not belong in our village core.

Ashley Venturelli
Ancaster Resident



1) General Comments Regarding Mass, Height, Footprint, and Architectural Style of This Application

In general, this development fails by an extreme to conform to the Cultural Heritage Landscape status of the Ancaster Village, which was instituted in the mid-1970s as a means of protecting Ancaster's heritage context. The Village was established in 1792/3, one of the earliest European settlements in Ontario, and the area still demonstrates a distinctive sense of history.

The developers and the design team for this project appear to have set aside the bylaws and zoning of the Ancaster Wilson Street Secondary Plan, implemented a mere 7 years ago to reflect the requirements of the Cultural Heritage Landscape status - i.e., that all new developments must conform to the neighbourhood heritage context.

If approved, this development would loom, overshadow, and overwhelm both the streetscape of Wilson Street and the small-scale Maywood neighbourhood behind it. The development is three times the height allowed under the Ancaster Wilson Street Secondary Plan (AWSSP). It is enormous in height, mass and lot coverage.

It also fails to reflect a heritage architectural style even closely resembling the streetscape and local context of the Village as required by the AWSSP. The architecture is not only massive, but aesthetically

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unattractive, cookie-cutter, and cheap-looking. A prominent architect based in Hamilton has commented about it:

“The left lobby cladding is distressed barnboard if you Zoom in, at a massive scale representative of old growth forest wood grain, or cheap, fake material. Or just careless drawing work. The splayed posts come from the Queen Richmond Centre West office building in downtown Toronto, perhaps an inappropriate reference for a building on Wilson Street in Ancaster.....”

Ancaster Village deserves better.

Infrastructure will likely be unable to accommodate this development, as discussed later in this report. Further, if approved and built, it will consume so much of the capacity of locally available infrastructure that it is questionable whether other developments duly conforming to the bylaws and zoning will be buildable with what capacity remains.

The consultants’ reports included in the Application are inadequate. There is no hydrogeological report or Phase 2 ESA report documenting the incidence and levels of hydrocarbons in the soil which led to approval of the relocation of the 1840 Marr-Phillipo House which now stands on the property. Further, both the Traffic Study and the Functional Report are inadequate, as will be shown.

The data presented by the developers is inadequate in so many ways that one must conclude that the developer is presenting this proposal opportunistically.

Ancaster Village Heritage Community does not oppose reasonable intensification which accommodates to the current bylaws, zoning and infrastructure limits. However, this proposal is so far outside the boundaries of “reasonable” that it is inconceivable that it might be built. It will certainly lead to other developments of similar size and scale that will ultimately destroy the Village heritage context.

2) Traffic

There are a number of issues regarding the increased traffic to be generated by this development. To quote the Traffic Report,

“The proposed development is expected to generate 78 total two-way trips (26 inbound and 52 outbound) and 143 total two-way trips (79 inbound and 64 outbound) during the morning and afternoon peak hours, respectively.”

I.e., “during the morning and afternoon peak hours, respectively”.

The data cited by the consultants’ report is incomplete. It shows only peak hour traffic, i.e., narrowly defined as traffic occurring over one hour during the morning and one hour in the evening at peak times. Use of this inadequate measure also applies to the retail component, which is certainly unrealistic since retail will incur traffic at all hours.

Local residents have pointed out that the intensity of traffic tends to increase well before peak hours, and winds down well after peak hours. It appears that drivers are accommodating to the intense traffic at peak times by arriving at the intersection earlier or later, which reduces the queues but extends the times of peak rush hour traffic considerably, and increases traffic pressures on local neighbours and neighbourhoods as well. This is not accounted for in this study, which minimizes the overall traffic and vehicle trip counts severely.

The developer’s Traffic Study data demonstrates that traffic on Wilson and Rousseaux Streets during peak hours is already at or close to capacity. This is also stated by the Salvini Traffic Study recently completed for the Amica/condo development on the Rousseaux/Wilson intersection. The Salvini study did include 24-hour traffic, which gave a much clearer picture of the pressure on local streets at all hours of the day.

According to both studies, overloads and long queues at the major Wilson/Rousseaux intersection extend in distance far beyond the queue lanes at peak hours on both streets. Interestingly, the Salvini study also indicated that peak hour traffic trips were not a very large percentage of the total 24-hour

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trips at this location. The present traffic study fails to account for traffic occurrences and potential increases in traffic from this development during other times of the day.

There are few options available for traffic to travel between Ancaster and Hamilton or Dundas - and well beyond as well. Rousseaux Street, which flows into Wilson Street, accesses major highways including the Linc and the 403.

It is particularly crucial to measure 24-hour traffic due to its impact in the Maywood neighbourhood. Academy Street, where the access point to this development will be located, provides direct access to Lodor, Academy and Church Streets, i.e., Maywood. There should be no access to the Maywood neighbourhood from or to this development on Academy Street except for locals. All access in both directions to the development should be from Wilson Street only not including Academy Street. The Maywood neighbourhood is already plagued with cut-throughs between Rousseaux and Wilson Streets, especially at peak hours. Drivers want to avoid the long lineups and delays at this major intersection. Maywood has among the narrowest public streets in Hamilton, with sidewalks on one side only. Ancaster Square, Ancaster Green, the Town Library, Town Hall offices, Old Town Hall (which hosts many social and city events), the children’s playground and splash pad, tennis courts, and lawn bowling park are all accessed through the Maywood neighbourhood. It is important that this traffic not be increased to maintain the walkability and health and safety of the neighbourhood.

Unlike the Salvini Report previously mentioned, the codes used in the graphs in this report are relatively indecipherable for laypersons, and are not accessible on Google. Included should be an interpretive chart, and a simplification of the data presentation.

3) Parking

Based on the City’s By-Law No. 05-200, a total of 332 parking spaces (including barrier-free, retail, resident parking spaces) are required for the proposed development. The proposed development will provide 256 parking spaces for residents, which meets the requirement for residents; and 56 spaces for retail/commercial, which presents a technical shortfall of 43 parking spaces for retail/commercial. This shortfall should be remedied.

4) Wastewater Disposal

The Functional Report includes incomplete data regarding sewage waste disposal. In contrast to the traffic study, which provides only peak hour traffic data, the wastewater report includes only estimates of 24-hour flows of sewage, not peak flows at all. This is difficult to reconcile, since peak flows, not 24-hour flows, determine the real-time demand on the capacity of the wastewater system. The standard method of estimating peak flows, as we understand it, is to multiply the average 24-hour flow by a factor of 5. This is not done.

There is no evidence that the 200 mm sewage pipe on Wilson Street has the capacity to carry the extra load from this development nor, if it does, whether it will leave adequate capacity behind for other developments more in conformity to the AWSSP to be built in Ancaster Village. Further, there is no information regarding the pumping station on Old Dundas Road in the valley below the escarpment, which sends the sewage back up the escarpment to Rousseaux Street, and whether it is adequate to cope with this extra load.

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It was mentioned above that there is inadequate data about the hydrocarbon content of the soil on the lot. The presence of significant hydrocarbons, though undocumented, necessitated the relocation of the Marr-Phillipo House on the site. This data is not only important for underpinning the relocation of the

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Marr-Phillipo House, but also for generating plans necessary to deal with the contaminated soil, which is an environmental issue not dealt with in the Application.

Comments below were made by a qualified hydrogeological consultant of 30 years' experience in the field, Wilf Ruland P.Eng, located in Ancaster. He says in response to our queries:

“It's true that this is a Geotechnical report, and that its purpose is to ensure structures has sound footings etc. Nonetheless, there are some interesting points:

1) A total of 14 boreholes were drilled (and some were completed as wells), with the borehole logs at the back of the report. None of the borehole logs for the boreholes/wells closest to the Marr-Phillipo House made any mention of hydrocarbons - which is passing odd, given that the proponent has said contamination around the house is so bad it has to be moved.

2) Only one borehole log (for BH/MW8) notes hydrocarbon odours - it is in the extreme southwest corner of the property.

3) No one seems to have told the Geotechnical engineer that the proponent considers the site to be contaminated. There is no mention of special provisions for testing or safe disposal of water which may run into excavations, nor is there any provision for testing and safe handling/disposal of soils being excavated for building construction.

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7) Conclusions

In conclusion, this development should be denied, and any future application should be required to accommodate to the Cultural Heritage Landscape criteria for development and the Ancaster Wilson Street Secondary Plan.

Bob Maton PhD, President
Ancaster Village Heritage Community

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From: johnallan
Sent: February 24, 2022 2:59 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Fwd: Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wison Street East and 15 Lorne Avenue, Ancaster.

Sent from my Galaxy

Subject: Fwd: Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wison Street East and 15 Lorne

Date: Thu., Feb. 24, 2022, 2:35 p.m.

Subject: Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wison Street East and 15 Lorne Avenue, Ancaster.

To: Tim Vortman

We are against this plan. My Wife, daughter and I attended the protest in town that was covered by CHCH TV.

We are not against progress and building in Ancaster. We are against not maintaining the Heritage Stone facade that's keeps within the spirit of our History. This is an abomination and who ever develops this property can easily incorporate Marr House into a less obtrusive project within existing Hight by laws for what they paid and current market prices.

See below for further concerns.

John and Janice Allan
301 Woodland Dr
Ancaster
L9G4A1

1) General Comments Regarding Mass, Height, Footprint, and Architectural Style of This Application

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According to both studies, overloads and long queues at the major Wilson/Rousseaux intersection extend in distance far beyond the queue lanes at peak hours on both streets. Interestingly, the Salvini study also indicated that peak hour traffic trips were not a very large percentage of the total 24-hour trips at this location. The present traffic study fails to account for traffic occurrences and potential increases in traffic from this development during other times of the day.

There are few options available for traffic to travel between Ancaster and Hamilton or Dundas - and well beyond as well. Rousseaux Street, which flows into Wilson Street, accesses major highways including the Linc and the 403.

It is particularly crucial to measure 24-hour traffic due to its impact in the Maywood neighbourhood. Academy Street, where the access point to this development will be located, provides direct access to Lodor, Academy and Church Streets, i.e., Maywood. There should be no access to the Maywood neighbourhood from or to this development on Academy Street except for locals. All access in both directions to the development should be from Wilson Street only not including Academy Street. The Maywood neighbourhood is already plagued with cut-throughs between Rousseaux and Wilson Streets, especially at peak hours. Drivers want to avoid the long lineups and delays at this major intersection. Maywood has among the narrowest public streets in Hamilton, with sidewalks on one side only. Ancaster Square, Ancaster Green, the Town Library, Town Hall offices, Old Town Hall (which hosts many social and city events), the children's playground and splash pad, tennis courts, and lawn bowling park are all accessed through the Maywood neighbourhood. It is important that this traffic not be increased to maintain the walkability and health and safety of the neighbourhood.

Unlike the Salvini Report previously mentioned, the codes used in the graphs in this report are relatively indecipherable for laypersons, and are not accessible on Google. Included should be an interpretive chart, and a simplification of the data presentation.

3) Parking

Based on the City's By-Law No. 05-200, a total of 332 parking spaces (including barrier-free, retail, resident parking spaces) are required for the proposed development. The proposed development will provide 256 parking spaces for residents, which meets the requirement for residents; and 56 spaces for retail/commercial, which presents a technical shortfall of 43 parking spaces for retail/commercial. This shortfall should be remedied.

4) Wastewater Disposal

The Functional Report includes incomplete data regarding sewage waste disposal. In contrast to the traffic study, which provides only peak hour traffic data, the wastewater report includes only estimates of 24-hour flows of sewage, not peak flows at all. This is difficult to reconcile, since peak flows, not 24-hour flows, determine the real-time demand on the capacity of the wastewater system. The standard method of estimating peak flows, as we understand it, is to multiply the average 24-hour flow by a factor of 5. This is not done.

There is no evidence that the 200 mm sewage pipe on Wilson Street has the capacity to carry the extra load from this development nor, if it does, whether it will leave adequate capacity behind for other developments more in conformity to the AWSSP to be built in Ancaster Village. Further, there is no information regarding the pumping station on Old Dundas Road in the valley below the escarpment, which sends the sewage back up the escarpment to Rousseaux Street, and whether it is adequate to cope with this extra load.

Further work on the Functional Report is clearly necessary, especially since the route taken by the wastewater pipe has apparently contributed to sewage-flooded basements in the valley below the escarpment.

5) Hydrocarbons in the Soil

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It was mentioned above that there is inadequate data about the hydrocarbon content of the soil on the lot. The presence of significant hydrocarbons, though undocumented, necessitated the relocation of the Marr-Phillipo House on the site. This data is not only important for underpinning the relocation of the Marr-Phillipo House, but also for generating plans necessary to deal with the contaminated soil, which is an environmental issue not dealt with in the Application.

Comments below were made by a qualified hydrogeological consultant of 30 years' experience in the field, Wilf Ruland P.Eng, located in Ancaster. He says in response to our queries:

“It’s true that this is a Geotechnical report, and that its purpose is to ensure structures has sound footings etc. Nonetheless, there are some interesting points:

1) A total of 14 boreholes were drilled (and some were completed as wells), with the borehole logs at the back of the report. None of the borehole logs for the boreholes/wells closest to the Marr-Phillipo House made any mention of hydrocarbons - which is passing odd, given that the proponent has said contamination around the house is so bad it has to be moved.

2) Only one borehole log (for BH/MW8) notes hydrocarbon odours - it is in the extreme southwest corner of the property.

3) No one seems to have told the Geotechnical engineer that the proponent considers the site to be contaminated. There is no mention of special provisions for testing or safe disposal of water which may run into excavations, nor is there any provision for testing and safe handling/disposal of soils being excavated for building construction.

The report leaves me with a number of questions. What we need is the Hydrogeology Report, and the Environmental Site Assessment reports.”

And in another communication:

“This report is lengthy but incomplete. Various bits are missing - most critically for me the Figures are missing, as is Appendix I (the Site Conceptual Model).

This was a Phase I ESA - as such, it was a desktop study.

The key documents will be the Phase II ESA and the Hydrogeology Report.

If such soil and/or water samples exist, then they will be in the Phase II ESA and/or the Hydrogeology Report.”

6) Noise Study

The noise study was also incomplete. It addressed noise levels in the neighbourhood and those which would emanate from the relocated Marr-Phillipo historical building. It failed to address noise and disturbance emitted by the building itself, for example the climate control apparatus, and its residents, into the neighbourhood. This is also a failure that should be remedied, since many of the homes in the neighbourhood are located very close to the new building.

7) Conclusions

In conclusion, this development should be denied, and any future application should be required to accommodate to the Cultural Heritage Landscape criteria for development and the Ancaster Wilson Street Secondary Plan.

Bob Maton PhD, President
Ancaster Village Heritage Community

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20 Rousseaux Street
Ancaster, ON L9G 2W5
February 25, 2022

Planning and Economic Development Department
Development Planning, Heritage and Design—Suburban
71 Main St W—5th Floor
Hamilton, ON L8P 4Y5

By email: Tim.Vrooman@Hamilton.ca

Attention: E. Tim Vrooman

Re: UHOPA-22-004/ZAC-22-011

This is in response to your letter of February 4, 2022 seeking comments for staff to assist in preparation of a staff report for the above applications.

1. This application is inextricably linked to Heritage Permit application HP2021-033 which granted conditional approval for the demolition or removal of a heritage-designated building at 398 Wilson Street E.

This approval included 17 conditions and it seems impossible given the complex nature of some of those conditions that they have been completed.

It is surprising to see Planning considers this application to be “complete” when it clearly proposes an 8 storey building where 398 Wilson Street East is located, in use as a bridal shop, and there is no indication that land will be available.

To proceed with this application seems to make a public statement that 398 Wilson Street will be removed with or without satisfaction of the 17 conditions.

This development application should be deferred until the City decision on the 17 conditions and thus the approval of the Heritage Permit. 398 Wilson Street might be exactly where it is today, and the proposal as set out in these applications will be impossible.

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A decision that makes development approval conditional on the ultimate approval of the Heritage Permit places incredible pressure on the City staff who have responsibility for considering the various reports and items required in the 17 conditions.

This application is NOT complete as the applicant does not have 398 Wilson Street clear for development. Moving this to site planning does not solve this.

Frankly, I am shocked that the February 4 notice does not even mention this issue despite remarkable public input to the Heritage Permit application.

2. The total disregard for the Ancaster Wilson Street Secondary Plan is breathtaking. This land is in the heart of the Village Core. I trust that staff will vigorously apply the provisions of the Plan in the Staff Report. If we cannot protect the heritage character of 4 blocks in one of Ontario’s oldest villages we will have Anytown, Ontario in Ancaster in a few short years. Remarkable intensification can be achieved following the Plan and the C5a (570) zoning permits and will be 100% appropriate for the Core.
3. The chatter I hear that OLT will approve 6 or 8 or 10 or whatever stories is ridiculous. If we are at a point in Ontario where OLT will tear up secondary plans in Ancaster and Stoney Creek and Dundas and Unionville and Niagara On the Lake and force over-sized buildings and destruction of our heritage character in a few blocks in each community we may as well just go home and let the developers have their way.

I have confidence the City can defend the relatively small enclaves and force larger developments to locate outside the Village Cores.

4. You are well acquainted with the Secondary Plan and Zoning so no need to set out the incredible proposals to steamroller it. A couple of highlights:
 - 3.1—a height of 31 meters where 9 is permitted. Wow.
 - 3.2—density of 220 units per hectare where 50 is the Plan guideline
5. There was significant discussion at Planning on another proposal at 462 Wilson Street East with regard to sewer capacity. It was not clear at that application that there is capacity for it, so another 169 proposed dwelling units would seem to indicate city staff needs a clear indication for this application at Planning Committee if there is sewer capacity or not.
6. Ancaster traffic can be a significant problem in busy periods. The City recognizes the Wilson Street/Rousseaux intersection is at capacity at those times. If the development at 462 Wilson Street gets approval in some form pressure will be added. It is imperative that the Staff Report deal with traffic that will be layered on by this proposal.

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7. Neighbourhood cut through traffic is a major issue for residents on Lodor St, Academy and Church St. This applicant needs to propose a solution to absolutely prevent traffic for this development cutting through the neighbourhood and entering/exiting on Academy to avoid the Rousseaux/Wilson intersection.
8. With all due respect to the architect it seems they did not get a copy of the Ancaster Wilson Street Design Guidelines. There is zero fit to the streetscape.
9. On the positive side the street level retail space is a big win for the Core. It would appear there is some parking for the customers. However, the applicant should keep in mind it is the scale and heritage character that brings those customers to Ancaster Village Core.

I encourage staff to defend the well thought through Ancaster Wilson Street Secondary Plan and the C5a (270) zoning. They are NOT outdated. The Secondary Plan finally went into effect in 2015 and the Zoning in 2018.

I find it interesting that developers want to take advantage of the character and ambiance of the old Ancaster neighbourhoods as it does have attraction for their ultimate clients, but in the rush to maximize profits they destroy the very thing one building at a time that sets it apart from greenfield projects.

The community is counting on Planning to welcome new development to the older parts of Ancaster but ensure the development fits the character and ambiance rather than trying to change that with over building and inappropriate design so it will be like any suburban street in any town. It is special. Please help keep it that way.

Sincerely



Jim MacLeod

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From: [REDACTED]
Sent: February 24, 2022 4:03 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Opposition to proposed building

Mr. Tim Vrooman,

February 24, 2022

I oppose the proposed 8-story mixed-use development at Academy and Wilson Street East in Ancaster.

Since 1969 I have been a resident of Ancaster (i.e., for 52 years). The traffic on Wilson St. was already very great travelling to work at McMaster University for 35 years, and its volume has increased since my retirement in 2002. The proposed development of an 8-storey building, if allowed, would result in yet a larger increase in traffic congestion. Also, such a building would not be in character with the buildings in the Ancaster Village core, which include a number with heritage and historical significance.

I'm not aware of evidence of adequate waste water pipe capacity for this area. Such a large building could also impact the natural watershed, including Ancaster Creek

The Niagara Escarpment Commission does not support this development and the proposal does not comply with the Niagara Escarpment Plan. It seems that the Urban Hamilton Official Plan requires NEP conformity. Thus, since the NEP does not support the proposal, the UHOP also cannot support it.

Please consider my concerns.

I request that the City of Hamilton remove my personal information from this email.

Yours truly,

[REDACTED]

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From: Charles Walker

Sent: February 24, 2022 6:33 PM

To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>

Subject: Re: Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.

Hello Mr. Vrooman,

I write in opposition to the development plans for the plot of land at Wilson and Academy in Ancaster. The proposed building is completely out of step with the traffic capacity of the roads in the area and is physically inconsistent with the style and history of the area. It also puts a historically significant building at risk. This project would impose many unreasonable burdens on the neighbourhood.

Please stop this project from proceeding further.

Thank you, Charles Walker - Dundas, Ontario.

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From: [REDACTED]
Sent: February 24, 2022 7:13 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Proposed development at Academy and Wilson

Dear Mr. Vrooman,

I am writing in strong opposition to the proposed 8 story “mixed use” development at Academy and Wilson Street East in Ancaster; reference: “Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 392,398, 400, 402, 406 and 412 Wilson Street East and 15 Lorne Avenue (Ancaster Ward 12)”.

I am not a resident of Ancaster but do frequent the area as an avid cyclist on Wilson street and as a patron of several of the Ancaster businesses in the downtown core. The traffic on Wilson and Rousseau is already congested and can not tolerate a further increase in volume. The building complex as proposed will detract from the aesthetics of this part of Ancaster. For these reasons, I propose that the development not proceed.

I request that the City remove my personal information from my submission.

Regards,

[REDACTED]

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From: Wendi Van Exan

Sent: February 24, 2022 7:54 PM

To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>

Subject: Re: Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.

RE: Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.

As residents of Ancaster for almost 50 years and having seen many changes throughout those years both good and bad, we are wishing to submit our total opposition to this proposed development

There are so many reasons behind this opposition , a total disregard for the Wilson st secondary plan being one of the top ones. This proposed development is far to large for the lands where they want to put it.. It does not fit the Heritage village that is Ancaster and which we want to keep.

And as a resident on Rousseaux St suffering now with the increased traffic and the dangerous driving especially with people turning up Academy (across from our driveway) to avoid the Wilson/Rousseaux light we can't even imagine the state of this road when one adds either a retirement complex or apartments.

And of course we all know what happens to Ancaster when there is a problem on the 403. How will that intersection handle those issues?

In general we agree with the staff report saying this is not in keeping with the existing character of the neighbourhood.

We certainly hope that the City of Hamilton listens to the residents of this town. I have met no one in the months since this was announced who can understand how on earth this development can even be considered. We would hope you would deny this application and that any further application

from these (and any other developers) should be required to accommodate the Heritage criteria for development and the Wilson st Secondary plan.

Yours truly

Richard and Wendi Van Exan

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From: Chris Kruter
Sent: February 24, 2022 8:23 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: UHOPA-22-004/ZAC-22-011

Dear Sir,
Looking at the proposal I never saw such ridiculous monstrosity .

This will be the end of the Village of Ancaster .
The reason is that the rich people will get richer and Ancaster will be destroyed .
Respectfully ,
Chris Kruter
A very upset citizen

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From: Noora Grifi

Sent: February 24, 2022 8:29 PM

To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>

Subject: Lands Located at 392, 398, 400, 402, 406, and 412 Wison Street East and 15 Lorne Avenue, Ancaster.

Dear Mr. Vrooman,

I am writing to inform you that I strongly disagree with the project. Educated assessments have already been emailed to you from the local community regarding the rationale- including traffic and inconclusive research on waste water disposal and hydrocarbons in the soil.

The design definitely does not meet the Ancaster Heritage Landscape expectations.

The above stated development should be denied, and any future application should be required to accommodate to the Cultural Heritage Landscape criteria for development and the Ancaster Wilson Street Secondary Plan.

The village and people of Ancaster deserve better.

Regards,

Noora Grifi

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From: Gayle Villeneuve
Sent: February 24, 2022 9:23 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Development at Wilson & Academy

Hello Mr Vrooman,

Re: Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wison Street East and 15 Lorne Avenue, Ancaster.

I have been a resident of Ancaster for 22 years and I am in favour of development but not this time on this property with this disrespect for a heritage building and disrespect for the people of Ancaster!

- 1.Regarding the Mar Phillipo house, this heritage building should be incorporated into the development, not moved with risk to the back corner where no one will appreciate it.
2. Traffic, traffic, traffic – the building is too big! The development is three times the height allowed under the Ancaster Wilson Street Secondary Plan (AWSSP). The Maywood neighbourhood is already plagued with cut-throughs between Rousseaux and Wilson Streets, especially at peak hours. Drivers want to avoid the long lineups and delays at this major intersection. Maywood has among the narrowest public streets in Hamilton, with sidewalks on one side only. This is dangerous for pedestrians and children.
3. Too many stories – it’s against the rules of Ancaster’s plan
4. Waste water – how will this huge development handle the waste water issue that exists in Ancaster?

In conclusion, this development should be denied, and any future application should be required to accommodate to the Cultural Heritage Landscape criteria for development and the Ancaster Wilson Street Secondary Plan.

I implore you to consider the implications of this development and deny the application in full.

Yours truly,

Gayle Villeneuve

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From: David Wallis
Sent: February 24, 2022 9:25 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Continued disappointment of Ancaster Village Planning

Good Day Tim,

As a long time resident of Ancaster, I continue to be perplexed and disappointed at the lack of Vision for the Development of Ancaster Village.

I continue to be disappointed at the City of Hamilton not standing up to lack lustre development, no push back on height, size and what seems to be Development deciding on what Council, Councillors, Mayor will and can do eventually.

You have an opportunity with vision and support...to complete Ancaster into a boutique village like Unionville, Niagara on the the lake etc.

Ancaster has a secondary plan that continues to be flouted and balked at. No respect from Development, little or no enforcement from the city and the cycle continues. It is quite sad.

I will give 1 win at the push back to recent Amica plans, after the disaster of Brandon House being torn down during questionable circumstances.

Within the pocket of our village with rich history and unique old character at risk, the decisions made are ever more important to get right.

The current plan of the Manchia & Spallaci development should be scaled back and enforced to comply with the secondary plan in place.

I hope you and they entire council are up to the challenge or sadly Wilson Street will look like any street from anywhere.

Sincerely,
David Wallis
Ancaster, ON

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From: Marc Bader

Sent: February 24, 2022 9:33 PM

To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>

Subject: Re: Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.

Mr. E. Tim Vrooman, City of Hamilton
Planning and Economic Development Dept.
Development Planning, Heritage and Design – Suburban Team
71 Main Street West, 5 th Floor, Hamilton, ON L8P 4Y5

Mr.Vrooman,

The residents of Ancaster are just about fed up with the city trying to make Ancaster look like Mississauga. A sea of building structures having nothing in common but bricks, steel and cement. We want to keep Ancaster as a small town with a wonderful heritage. That's why a lot of people moved here - to get away from a typical city scape.

According to the Ancaster Wilson Street Secondary Plan the plans for this development are totally out of line. Obviously the developers ask you for a mile hoping they will get half a mile. In this case they are asking for 10 miles, hoping they will get 5.

If you touch the Marr-Phillipo house, the developers know it will fall apart and that's exactly what they want.

Traffic in Ancaster because of its growth of 3 storey town houses wherever developers can build them is already horrid. Why make it worse?

How about making a lovely park right in the middle of the village where people could come and enjoy an open space - maybe go skating in the winter, maybe have a picnic in the summer. Developers are taking all this away- what a pity.

Marc Bader
23 Norma Crescent
Village of Ancaster ON L9G 4V8

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From: Sandra Starr

Sent: February 24, 2022 9:39 PM

To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>

Subject: Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.

Hello,

I am opposed to the proposed 8-storey development based on the building height, scale, massing, footprint and compatibility with the village. In addition to traffic, sewer and remediation of the site – all of which details and data are incomplete or "opportunistic" at best.

This proposed development is a close parallel to the recently proposed Amica development at Rousseaux and Wilson where the planning committee recently recommended denial.

The property at the corner of Wilson Street and Academy falls within the historic village core. I feel strongly we need to preserve Ancaster's unique position as the second earliest established village in Upper Canada. This belief is supported by the creation of the **Ancaster Wilson Street Secondary Plan a short 7 years ago** which has been totally ignored recently by developers. The Ancaster Wilson Street Secondary Plan was created with public consultation and was to govern for 20 years. How an application that so blatantly disregards the building height, scale, massing, privacy, overlook, setback and compatibility with the village moves to this stage in the city's planning department is beyond me. We are wasting tax payer resources and the public's time when consultation already took place and there is a governing document. What is the point of creating governing documents with input from all stakeholders if they are simply ignored when developers with deep pockets approach the city?

With respect to the Ontario Planning Act, Section 2, does this proposed development not grossly exceed both height and footprint parameters?

In terms of traffic, the data cited by the consultants' report is incomplete. It shows only traffic at peak hours. The developer's traffic study data demonstrates that traffic on Wilson and Rousseaux streets during peak hours is already at or close to capacity. This was also stated by the Salvini Traffic Study recently completed for the Amica development on the Rousseaux/Wilson intersection. The Salvini Study gave a much clearer picture of the pressure on local streets at all hours of the day. With respect to protection of public safety, this nearby intersection cannot take any more traffic, especially at peak periods – the traffic delays are not just felt at the

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pinch point of Rousseaux and Wilson Street, but extend past Golf Links Road and McNiven Roads 2 km away during peak periods. This is a public safety concern for EMS, especially when we are already reading about the number of Code Zeros in our city.

The Ancaster Wilson Street Secondary Plan, developed to protect our historic town's cultural and heritage resources, establishes a goal of 50 people per hectare in portions of Ancaster which includes the Village Core from Rousseaux Street to Dalley Drive (a very short 1.2 km section). This request is in no way in the spirit of the Ancaster Wilson Street Secondary Plan.

The list of bonafide concerns continue. After all the "sewergate" articles in the Spec, and the sewer backups in the homes downhill from this proposed large-scale development, it is doubtful that the sewer infrastructure can take such an enormous development or leave any "bandwidth" for any other development of the street. Council considered mitigating this with an overflow pipe into Ancaster Creek this past summer which was, thankfully, rejected, which means the potential problem remains. In speaking with a staff member at Water & Sewer, if I understood them correctly, they say they do a study after the application is approved. That seems backwards to me and will cost taxpayers in the City of Hamilton (rather than the developer). The Old Dundas Road pumping station is a longstanding issue and it is unlikely it can support the additional effluent from these large-scale developments. Period. Is this proposal feasible with the City's Stormwater Management Master Plan? I understand the staff report related to the proposed Amica development said, "The Functional Servicing Report (FSR), prepared by S. Llewellyn & Associates Limited and dated August 2021, does not provide population projections for sanitary waste water. Growth Management staff have advised that based on the FSR and other information, these applications are not supportable."

And the silent issue here is what happened to the alarm bells about hydrocarbons in the soil?? The data presented is inadequate. The City was adamant that this site needed to be remediated. The Mayor even weighed in with an Opinion piece in the Spectator on November 5th, and wrote, "The piece also ignores the fact that the house sits atop six to eight metres of contaminated soil in some spots that needs to be remediated". So, where's the plan to remediate which is an environmental issue? How is there no mention of this in the proposed development????

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Currently, there is not enough parking in the quaint historic core for the local shops, restaurants and services. The City's By-Law No. 05-200 states a total of 332 parking spaces are required for the proposed development. The proposed development will, however, only deliver 256 parking spaces for residents leading to a further shortfall of parking and yet another bylaw violation.

I support thoughtful intensification. I consider this 8-storey proposal a blatant disregard for the Ancaster Wilson Street Secondary Plan. These exceedingly high buildings will dwarf everything in the village and promote further traffic issues. In addition, the proposed architectural style in no way blends with the Cultural Heritage Landscape of the historic Ancaster village.

In conclusion, the massive proposed 8-storey development fails to meet numerous criteria from sheer mass, height, footprint and lack of incorporating heritage features and design. Additionally, there are real concerns regarding the additional effluent, hydrocarbon contamination and traffic. Given the sheer magnitude of all of these factors during a time in history when all resources are scarce and staffing shortages prevail, why are we wasting city resources entertaining such brazen proposals that so clearly do not come anywhere close to following any of the established bylaws and plans. I encourage the city to enforce its bylaws and governing documents and DENY these proposals and simply say, "no".

The city needs to be tough on developers ensuring they don't waste any more of anyone's limited time and resources until a REASONABLE proposal is received. JUST SAY NO!

Respectfully,

Sandra Starr
Ancaster Resident

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From: Darren Earl
Sent: February 24, 2022 10:00 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Cc: Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>; clerk@hamilton.ca; Office of the Mayor <Officeofthe.Mayor@hamilton.ca>
Subject: Zoning By-Law Amendment for 392, 398, 400, 402, 406, and 412 Wilson Street East

Dear Mr. Vrooman,

I am writing you to express my concerns with the application for development in Ancaster at 392, 398, 400, 402, 406, and 412 on Wilson Street East.

I feel this proposal is too big of a deviation from the Ancaster secondary plan. This development is very out of character for the street scape within a historic district.

In particular the amendments to the following.

1. Height: The 8 storey proposals is excessively over what is outlined within the secondary plan and should be denied.
2. Setback: The setback to both Wilson street and neighboring property is not sufficient for both pedestrian or drainage.
3. Density and usage: The increase in density for the area would be very significant. I know on the surface the area does not appear dense. However given the historic nature of the road infrastructure and its already high traffic use for people trying to get to the Link. Such a high number of units would create a significant burden on the community.
4. Relocation of Marr-Phillipo House: It is an absolute tragedy that we would allow the moving and effective destruction of the Marr-Phillipo House. It should remain in its current context within the Ancaster village
5. Heritage: As outlined in the official “Ancaster Wilson Street Secondary Plan” Ancaster is heritage neighborhood and buildings within it must make every effort to maintain context of the community. Ancaster is a pre confederation community that is quickly being stripped of its heritage. In comparison Niagara on the Lake is a destination known across Ontario for unique historic character, they accomplished that with strong heritage bylaws.

I would very much like to see the Hamilton planning department take a firm line with this and future developments that densification and redevelopment have to be done with the community contexts in mind. The secondary plans were developed for a reason and should be the assumed guidelines not something that should be changed at the whim of every developer.

If developers are continually allowed to chip away at our heritage, we soon have nothing left. This fight is not specific to Ancaster, it applies to all of Hamilton as we struggle to meet provincial densification targets. I implore city council to show that densification and heritage preservation must work together.

Hamilton is emerging as power house within the GTHA and one of our greatest assets is our physical heritage. It draws in new residents, tourists and even film studios. If we let it slip away brick by brick, we will never get it back.

I would very much like to be kept informed about this development and maintain my right to appeal.

I would also like to note that I am a resident of Ancaster but do not live within Ancaster village core.

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Regards
Darren Earl

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From: Jan King

Sent: February 24, 2022 10:39 PM

To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>

Subject: Messrs Manchia and Spallaci/Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.

Dear Mr Vrooman,

As a concerned citizen of Ancaster, I wish to express my views on the current application to develop an 8-storey building at the corner of Wilson and Academy. We need to honour the zoning and Secondary Plan, set forth for Ancaster in 2013 which allows for a building height of 9 meters. This development proposal would not only dwarf the surrounding buildings but would not be consistent with the surrounding streetscape of the neighbourhood. Unfortunately, we have lost some very significant historical buildings on Wilson Street and the potential move of the Marr Phillippo building is of grave concern.

The proposed structure is unattractive and does not compliment the character of Ancaster village. Ancaster is steep with Canadian history, let's develop buildings that reflect the style and design of this era.

I do not oppose reasonable intensification which meets our current bylaws, zoning and infrastructure limits, however, this proposal is so far outside the required boundaries! Please abide by the 9-meter height restriction and at least try to blend in with the historical appearance of the neighbourhood.

If you want to be part of the community, please listen to the community.

Thank you,

Jan King

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From: hello

Sent: February 24, 2022 11:39 PM

To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>

Subject: Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wison Street East and 15 Lorne Avenue, Ancaster.

Mr Vrooman

I write in response to the development application at Wilson St and Lorne Ave.

The scale of this structure is overwhelming in this neighbourhood. It does not meet the Wilson Street Secondary Plan specifications.

The design, as indicated, does not meet or reflect the requirements of the Cultural Heritage Landscape status for Ancaster Village.

Regarding waste water disposal, in the past we have had issues with the pumping station on Old Dundas Road, does Wilson Street have the capacity to carry the extra load from this development?

I am very concerned about the proposal put forth by Manchia/Spallaci

George Bennett

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From: Dianne Auty
Sent: February 24, 2022 11:56 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: UHOPA-22-004/ZAC-22-011

Dear Mr. Vrooman,

I am in opposition of any change of existing zoning which would permit such a building as proposed for properties at 392, 398, 400, 402, 406, 412 Wilson St. E. and 15 Lorne Ave. , Ancaster.

The massive size of this proposed building is completely out of character with this area and there is nothing attractive about the building itself.

Aside from the size and appearance of the building, there are several other reasons to reject it.

1. Traffic

The traffic on Wilson St. is already quite heavy and it spills over onto neighbouring streets. Traffic even now cuts through the library parking lot and down Lodor St. to avoid traffic lights, which in turn endangers people going to the library and children going to the playground. The large number of units in this proposed building will only compound the problems.

2. The environment

There will be environmental harm resulting from the construction as well as from increased population and vehicles - noise pollution, air pollution, light pollution.

3. The need to move a heritage building to accommodate this building should also be enough concern to reject this proposal.

4. Will taxpayers be paying for all the necessary changes to infrastructure this project will bring about?

5. Is this really the type of housing needed here? People moving here are looking for family homes. Who are these units geared to?

I do not see this being a positive addition to Ancaster. Please consider who is really profiting from such a proposal.

Sincerely,
Dianne Auty
Ancaster, Ont.

Stay calm, be brave, watch for the signs.

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From: Cynthia Watson
Sent: February 25, 2022 12:08 AM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Messrs Manchia and Spallaci

Mr. Vrooman,

I live in the Maywood neighborhood of Ancaster. I am opposed to the development proposed at the corner of Wilson St. and Rousseau. Besides the fact that they snuck in the destruction of a heritage inventoried gem called Brandon House that marked the grand entry into Ancaster, the complex is in no way befitting of the heritage buildings and feel of the third oldest police township in Ontario.

Just a few years ago, maybe 4, Councilman Ferguson stopped Spallaci from building 6 semi homes on the corner of Lodor and Academy, one block away from the now disputed site, because the infrastructure could not handle it. What has changed that this 8 storey complex won't be a drag on the same infrastructure? I live on Lodor St. I know that the Dundas grid cannot handle what is here. Our electricity flips off and on often. It goes down in storms for hours and it is a major nuisance. Where is the sewage going? Can the water mains handle it? Probably not. I am not an engineer but I can't see it.

Lodor St. is approximately 20 foot wide. We already have traffic problems on the street that Councilman Ferguson flat out refuses to address. He even refused after a woman pulling her toddler in a wagon was almost hit by an idiot driving up on the sidewalk because a car was parked across the street and another oncoming car was going around it. He refused after multiple neighbours met with him about it. These incidents multiply when there are problems on the 403. I have watched my neighbour's bushes get run over by cars trying to get by under similar circumstances. My neighbour as well as myself have almost been hit by cars speeding down Church or Lodor streets using it as a cut through. My incident was around midnight as I take walks after my afternoon work shift. I was crossing the street at a corner and a truck was speeding down from the park. Where is the traffic that this development promises going to be going instead of on Wilson? Lodor St. and Academy St I forgot, this will also double traffic getting out to the Linc and 403 on that two lane road.

Do we want this? No. A resounding NO. My husband and I bought here for the small village feel. We are in our sixties and factory workers. We can't afford to relocate. We don't want to look at this and see what it will do to this quaint area with so much charm. We don't want to have to deal with even more traffic on our little street. We oppose this development as well at the one on Church St. by Veloce.

Have you or anyone on council even been to Ancaster, spent the day in the village. Met the residents? Other than Ferguson that is who just wants to call us names. Probably not. Most of us do not want this here. We do not want Marr Philipo house moved and we DO NOT want any further destruction of the rich heritage here.

Sincerely,

Cynthia Watson

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Lodor St.
Ancaster ON, L9G 2Z2

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From: Patricia Cole-Stever
Sent: February 25, 2022 12:40 AM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Regarding the Manchia/Spellaci Development in Ancaster, ON

Mr. T. Vrooman
City of Hamilton Planning and Economic Dept.
Development Planning Heritage and Design-Suburban Team
71 Main St., W 5th fl.
Hamilton, ON
L8P 4Y5

Re: Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands located at 392, 398, 400, 402, 406, and 412 Wilson St., E and 15 Lorne Ave., Ancaster, the proposed Manchia/Spellaci Development.

Mr. Vrooman

I am writing to you with regard to the above-mentioned application for amendments to development. I respectfully request that you strongly consider the proposed development and how it will negatively affect the community. Along with referencing the actual development, I also ask you to consider how amendments and changes to existing zoning and by-laws reflect poorly on City staff and erode the trust of the citizens staff are supposed to be working 'with' or for, not against. I am referring to the current Urban Hamilton Official Plan and the Ancaster Wilson Street Secondary Plan versus the plans and amendments submitted by Spellaci, which clearly avoid any conformity to anything already existing.

I ask you to consider why you *would* allow for an increased density of residents along the addresses above mentioned, of Wilson St., E ~ an already congested area for traffic during rush periods? I ask you to consider pedestrian safety and an increase of noise pollution for residents due to traffic increases. I ask that you consider the overreaching height and density of the proposed development and its non-conformity ~from a visual perspective, to any of the heritage buildings in the area. The extra vehicular traffic and inadequate parking are further issues to consider. Emergency response to a large residential development such as the one proposed will be differed at peak hours due to traffic congestion and a lack of actual road way for emergency vehicles to pass safely through in gridlocked traffic; there will be wastewater disposal issues and leaching of toxins into the soil from large scale construction and development to contend with. Please consider that the plans by the developer are a gross interpretation of architectural 'style' and fails to fit into the cultural and historical vibe of the area; there are already projected restrictions to the **current** infrastructure as it will fail to support the immense scale of the proposed development; the push of increased peak-period traffic on to the side streets in the area; the flared tempers and well-being of the good

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citizens of this community when they feel threatened by their own City and community planners about what is to come of their beloved home. The additional costs of emergency services due to a population density increase, increased road maintenance due to greater usage, increased garbage pick-up due to an increase in residents, on-time snow clearing... are these costs reasonable for the City ... hence the tax payers, to carry? I ask you... *what is good*, about this development??

It is this writer's opinion that development not be considered appropriate for the location at which it is proposed to occur. It does not take into consideration any of the Cultural Heritage Landscape criteria which currently exists and indeed allows for excesses of the use of current infrastructure and City services.

I ask that you fairly consider your decision and how it will impact this community. Please base it upon evidence, or the lack of evidence from unfinished or incomplete studies, data or reports submitted by the developer; the clear opposition by area residents and knowledge that the City already has.

In final remark, I will ask that if you have not received a copy of my opposition as addressed to the City of Hamilton Planning Committee which convened on February 15/22, please contact me and I will be happy to provide it to you.

Respectfully submitted,

Patricia Cole-Stever
15 Millcreek Ct.,
Ancaster, ON
L9G 4Z3
[REDACTED]

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From: [REDACTED]
Sent: February 25, 2022 1:58 AM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Response to Spallaci/Manchia Development on Wilson Street, Ancaster

In the case of the proposed development on this site, I oppose the design seeking approval because of its massive scale and height which is incompatible with the existing historic character of Wilson Street and adjacent neighbourhood and the close proximity of such a large complex to the pedestrian sidewalk.

In the case of the relocation of the Marr-Phillipo House, Heritage Planning staff recommended denial of the relocation, as did the Hamilton Municipal Heritage Committee and the Permit Review Committee. I oppose the change in this recommendation by the Planning Committee for reasons given by both Heritage Committees. Clearly stated in the Ontario Heritage Act, designated buildings are protected from demolition, unsympathetic alteration and risky relocation. Our Hamilton Master Plan states that heritage buildings, particularly pre-Confederation, are important resources to the community and our quality of life and ought to be preserved. Now developers are making policy for the City and our communities and they are being supported by our planning department and Council in their defiance of City Heritage Conservation policies and provincial laws.

Sincerely,
Carol Priamo

Vice Chair, Architectural Conservancy of Ontario, Hamilton Region
Heritage Board Member, Beasley Neighbourhood Association
City of Hamilton Heritage Permit Review Sub Committee
City of Hamilton Policy and Design Working Group
Heritage Hamilton Foundation Board of Directors
Friends of Century Manor, Vice Chair

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From: [REDACTED]
Sent: February 25, 2022 7:30 AM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Opposition to Proposed Development at Wilson St. E. and Academy St., Ancaster

Dear Mr. Vrooman,

I am writing in strong opposition to the proposed 8 story "mixed use" development at Academy and Wilson Street East in Ancaster; reference: "Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 392,398, 400, 402, 406 and 412 Wilson Street East and 15 Lorne Avenue (Ancaster Ward 12)".

I live a short distance from the newly proposed development and often spend time in or pass through the area concerned.

Traffic along Wilson Street and Rousseaux is already quite heavy even during non peak hours. At peak travel times traffic can be heavily backed up on both roads. The problem is further compounded where an accident on the 403 drive additional traffic on to either or both of these roads. During these situations it is not uncommon for it to take more than 20 minutes to travel between Fiddlers Green and Rousseaux. The streets in this neighbourhood are, without question, not designed to accommodate the volume of traffic that would ensue if the proposed development was allowed.

I understand that, according to the Wilson Street Secondary Plan, buildings can be a height of 9 m only and must be consistent with the character of the existing neighbourhood. I have seen pictures of the proposed development. The proposed new building clearly exceeds these height restrictions and certainly is not in character with the buildings in my neighbourhood. It would be a gross overdevelopment of this site and change the character of the area substantially.

I am not aware of evidence of adequate waste water pipe capacity for this area. Addition of large buildings may also negatively impact the natural watershed including Ancaster creek.

I understand that the Niagara Escarpment Commission does not support this development and that the proposal does not comply with the Niagara Escarpment Plan (NEP). Apparently the Urban Hamilton Official Plan (UHOP) requires NEP conformity - therefore, as the NEP does not support the proposal, the UHOP also cannot support it. The proposal to remove all trees on the site and replace them with trees on top of the parking garage is ludicrous. Green space in all parts of Ancaster is vitally important and one of the reasons I chose to live in the area. Developments in the past 5 years with development have already removed many mature trees and cause the loss of natural green spaces. I understand that removing the trees at the proposed new development site also violates the city's Climate Emergency Plan.

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For the above reasons, I request that this proposed development be stopped.

I expressly request that the City remove my personal information from my submission.

Sincerely,

A solid black rectangular redaction box covering the signature area.

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From: Sarah Bentham

Sent: February 25, 2022 8:23 AM

To: Bob Maton <[REDACTED]>; Vrooman, Tim <Tim.Vrooman@hamilton.ca>

Subject: Development on the Wilson/Academy corner in Ancaster

Dear Mr. Vrooman,

I am writing in opposition to the proposed development on the corner of Wilson and Academy Streets. As a fifth generation resident and mother of three small children I cannot imagine an Ancaster in which the mega developments are even under consideration. Moving a fragile Heritage building to make way for this is reprehensible. Every year before Covid, Academy street was the beginning of the yearly Heritage parade; we would eagerly watch the floats and bands prepare to celebrate Ancaster history. Within the last few years the city and developers seem to be intent on stomping out that history at any cost; will parades even make sense going past these developments?

I do hope common sense will prevail and the greed of developers does not overpower the will of those who will have to live with the outcome.

Thank you for your time,

Sarah Bentham
80 Academy St, Ancaster

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From: Robert Wilkins

Sent: February 25, 2022 8:48 AM

To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>

Subject: Manchia and Spallaci development application for 392,398,400,402,406 and 412 Wilson St E and 15 Lorne Avenue

This email is for the purposes of commenting on the above application(s). I will not be commenting on the specific individual OP, zoning or Secondary Plan sections as others will be doing so. I do want to put this application in context. It must be considered not only by its non-compliance with current zoning but also by its flagrant over-development of a significant amount of land in our historic village. Notwithstanding that we need some alternative housing in and around Ancaster this proposal does everything to the max. Ancaster is the 3rd oldest community in Ontario-- 1793. In 1793 land was not at a premium and there were humble buildings with spaces between them -- we had a three dimensional street scape. You could see the side of a building, the front, the side, a side yard etc. This compares to later developments such as Dundas -- 1846 est wherein land was at a premium and the streetscape is essentially a single dimension. The planners of the former town of Ancaster and the current City of Hamilton have recognized this and provided protection for over 60 years. These planning documents have been respected and new developments in the village have complied -- why should this be the exception. The important protections included a height limit, a special provision in the new comprehensive zoning bylaw which requires side yard setbacks between buildings and design and material guidelines in the new Secondary Plan. This development doesn't respect any of these provisions. In fact when you consider how many properties this application entails, it is basically trying to do an "end-run" around the minimum side yard provision by having one massive building covering all these lots. The new buildings in the village to date have respected the planning provisions and still been successful. I was responsible for the new smaller stone buildings at 231 Wilson St E and 253 Wilson St E (the clock tower building). I have had the pleasure of doing other new buildings and renovating others in the village. All done in the context of the existing zoning. I only mention this to let you know that one doesn't have to do "maximum" development to be successful. I can assure you that there was a "line-up" of people that wanted to go in those "historic looking" new buildings. The scale and size of this new development contravenes the design and material guidelines and will destroy the look and feel of one of the oldest humble streetscapes in Ontario. There will be future opportunities for condominiums near the village on lands such as Mount Mary. Kindest regards Bob Wilkins

--

Please note that my email address has changed to [REDACTED]

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From: Nancy Hurst
Sent: February 25, 2022 8:48 AM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Support for intensification in Ancaster

Re: Application for Official Plan Amendment and Zoning By-Law
Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15
Lorne Avenue, Ancaster.

Dear Tim,

Thank you for the opportunity to provide feedback on the above application. As an Ancaster resident, I am in favour of missing middle density (2-5 storeys) being allowed here. It is my belief that the Ancaster Secondary Plan is out of date and needs to be revised in light of the absolute necessity of municipalities to meaningfully address the climate emergency. Hamilton has declared a climate emergency and allowing well planned infill projects to be built within all neighbourhoods across the city is one step we can take to do our part. Additionally, Hamilton City Council has voted for no urban expansion so gentle density in the city is now crucial if we are to avoid sprawl onto farm fields.

My thoughts on this project are:

- up to 5 storeys is acceptable along Wilson st.
- keep the Marr Philippo house where it is and incorporate it into the design as the Amica project down the road is proposing to do with those two heritage homes.
- keep to heritage design with the project
- mandate a percentage to affordable housing as we are in a desperate housing shortage and Ancaster must also do it's share to provide affordable homes to residents.
- require green building standards that don't use fossil fuels such as solar and heat pumps.
- mixed use with commercial on the ground level will add to the vibrancy of the area and hopefully encourage more variety than the current glut of denture clinics in Ancaster village.
- underground parking only

As a related ask, I believe we need to drastically increase transit to Ancaster as the bus service here is much too infrequent. More neighbours will mean more traffic unless we provide decent transit options for new residents.

Thank you for the opportunity to provide comment on this application.

Kind regards,
Nancy Hurst
Ancaster

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From: Lori Kormos
Sent: February 25, 2022 9:12 AM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Proposed development at Wilson/Academy in Ancaster

Good morning Tim,
I am writing to voice my opposition to the proposed development at Wilson/Academy in Ancaster.

It is my understanding that the Secondary Plan for Wilson Street includes a maximum height of 9 metres and the building must be in keeping with the character of the village. This proposal meets neither of these requirements. In fact, it is my opinion that the building will ruin the character of the street.

I am also saddened to hear that the existing proposal includes a plan to move the heritage home that sits on the property. Even if it survives the move, it will no longer be visible from Wilson Street, further eroding the character of the village.

Finally, traffic congestion that will result from such a large building will cause undo harm to the community, both in terms of the volume of cars moving along Wilson Street and on the surrounding streets. If allowed to go ahead, there is no way to mitigate the harm. It will permanently damage the village.

It is my hope that council will reject this proposal and request that a new proposal (that meets the secondary plan) is submitted in its place.

Thank you,

Lori Kormos
Ancaster.

Sent from my iPad

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From: Richard Wallace
Sent: February 25, 2022 9:22 AM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Wilson & Academy Ancaster development

Attention: City Clerk

Re: Applications for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406 and 412 Wilson St. East and 15 Lorne Ave., Ancaster

I wish to express my concerns in regard to the proposed development at 392, 398, 400, 402, 406 and 412 Wilson St. East and 15 Lorne Ave., Ancaster

This proposal flies in the face of the Ancaster Wilson Street Secondary Plan which was the result of an intensive consultation with experts in the field as well as concerned residents wishing for the best development of Ancaster. The community and its well being should not be dismissed lightly at the call of any developer. The current height restrictions may be somewhat restrictive to overly profitable development, but the Ancaster Wilson Street Secondary Plan allowing for a height of 9 meters needs to be adhered to in the best interests of the community. To grant the proposed height allowance would not conform with the current neighbouring residences, would restrict neighbourhood view lines, invade neighbouring privacy, and demean the character of the neighbourhood.

The building and extensive paving of the properties would deny the absorption of rainfall by needed greenspace. Ancaster has already shown that it currently cannot effectively deal with waste water runoff from this area. Households on Old Dundas Rd. which are below this proposed development have suffered damage and expenses incurred by what is currently a problem. Along with development plans for the property at Wilson and Rousseau Street, whatever that may turn out to be, as well as the other developments planned along Wilson Street at 393 Wilson St. E., at 327-335 Wilson St. E., at 280-282 Wilson St. E., at 154 Wilson St. E., and at 223 Wilson St. E. the effects on the waste water system would be over-burdened. This is a serious issue.

The planned automobile access for this development is apparently requested for Academy St. This location is very close to Wilson St. The old stone building on the south east corner of Wilson Street fronts right up to the sidewalk on the street. There is a balcony with pillars on the front of the building which partially obstruct vision of traffic coming down Wilson Street from the south, and with parked vehicles at the metered parking spaces in front of the building the sight line is so badly restricted that residents on Academy wishing to turn left from Academy drive east on Academy, up Lodor to Church Street so they can enter Wilson street safely at the stop light there. On top of that there are daily delivery trucks parked parked unloading right where the entrance to the proposed site would be. There is nowhere else for them to locate. This restricts an already narrow street. Traffic making right turns onto Academy have no vision of what is ahead until they have made the turn. This is a real safety issue.

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Housing around the proposed building would suffer light restriction from shading by this overly high building affecting gardens and privacy. Current height allowances should be adhered to.

This plan does not regard the history, or the character of the community. It is contrary to the Secondary Plan that was developed with great consideration for the well being of the community while still allowing for considerate development. These properties could be tastefully developed within the current zoning and by-laws.

I would request that the proposed development not be accepted by the Committee

Regards
Richard Wallace
Ancaster ON

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From: Hazel Ryan
Sent: February 25, 2022 9:56 AM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Development on Wilson st Ancaster.

Dear Mr Vrooman,

My family has lived on Academy St in the Maywood area of Ancaster for 40 years and I would like to add a comment to the discussion around the proposal for an 8-storey development on the corner of Wilson and Academy.

It seems to me that the overwhelming scale and density of this proposal is totally out of keeping with this residential area and will seriously affect the quality of life for local residents as well as being a visual blight on Wilson St.

I recall the original proposal in 2015 was for a maximum height of 5 stories which at the time seemed monstrous enough.

It is very disappointing to realize that our local councillor seems to have the interests of developers a priority in his thinking.

I really hope that you and your department will reject this application !

Thank you for reading this.

Yours sincerely,

Hazel Ryan.

Sent from my iPad

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From: Anka Cassar

Sent: February 25, 2022 11:51 AM

To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>

Subject: Re: Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wison Street East and 15 Lorne Avenue, Ancaster.

Dear Tim,

I am an Ancaster resident and I am writing to you to provide some input on the noted development application. I feel that Ancaster residents will have to accept gentle densification in order to accommodate population growth within our urban boundary. This being said, the proposal for a 8 storey structure is too tall but I believe a 4 storey building would fit in nicely with the aesthetics of the town and would maximize the amount of housing it provides. I understand that the Ancaster Secondary Plan has height restrictions but we are facing a climate emergency and cannot sprawl out and instead need to infill and build up. The developer can even keep the Marr Phillip house and incorporate into the design, it could become a cute Coffee House or Bakery. Having commercial units on the main floor and housing above will help Wilson Street become an attractive, walkable and sustainable downtown. Parking would be better suited to be underground and permeable paving, solar panels, a grey water recycling system and even roof top or terrace plantings would make it an even more environmentally sustainable build. There is a concern for increased traffic, but if a walkable community is created residents will no longer need cars and with the increased density, hopefully public transit will become more frequent and desirable in Ancaster. The potential is there and with some changes I feel this could be a development that would benefit all.

Thank you,

Anka Cassar

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From: Rebecca Simpson
Sent: February 25, 2022 12:07 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.

Dear Mr. Vrooman,

Thank you for taking time to review input from Ancaster community members regarding the proposed development at Wilson and Academy.

I am in favour of preserving our farmland by increasing density within urban boundaries and I strongly advocate that this is done in a reasonable, responsible way that enhances our existing community. I think we have a wonderful opportunity to create walkable, safe, and beautiful neighbourhoods that accommodate people of all ages and reflect a commitment to the environment.

The current proposed development at Wilson and Academy does not reflect these goals. It grossly disregards the Ancaster Wilson Street Secondary Plan as well as the requirements of the Cultural Heritage Landscape status.

To increase densification, it is imperative that we create walkable neighbourhoods. Basic necessities, such as public transit, grocery stores, pharmacies, and banking must be within walking distance. These necessities are not adequately available at this site. The proposed development would therefore rely heavily on car traffic in a way that can not be supported by the local roads. There are very few inroads to Ancaster and allowing a development that will impede flow at this key juncture will have catastrophic ramifications on the whole city.

One of the main reasons people love living in and visiting Ancaster is because of its green space. The proposed structure is massive and offers little in the way of landscaping. Its height is three times what is allowed under the Ancaster Wilson Street Secondary Plan and would cast significant shadows on neighbouring properties, further limiting the landscape of the area. I fear this would set an unfortunate precedent and erode the natural areas that make Ancaster so special.

In Canada, we have little built history compared to other countries. Given that Ancaster is home to some of Canada's oldest buildings, I think it is important to preserve its architectural heritage. Wilson Street is a main component of this history and development here should adhere to the requirements of the Cultural Heritage Landscape status. The architectural style of the proposed development attempts to conform to the neighbourhood heritage context but I find that the modern elements pull focus from the historical references instead of highlighting them. Additionally, it is disappointing that the Marr-Phillipo historical building would be moved and quite likely damaged to accommodate this development.

Given the recent concerns regarding wastewater disposal within Ancaster, I think it is also important that the Functional Report be required to assess peak flow sewage waste disposal data. Any development at this site must have the necessary infrastructure to support it such that existing properties and green spaces are not at risk of damage.

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I am deeply concerned that allowing the development to proceed as proposed will cause significant and irreparable damage to the neighbourhood and will only encourage further such developments that will inevitably destroy the charm of Ancaster while causing significant environmental harm. I hope that the current proposal will be denied and that any future application will better reflect the needs and character of the community.

Thank you for your consideration, Mr. Vrooman.

Yours sincerely,

Rebecca Simpson

Bachelor of Architecture and Urban Planning, University of Toronto

Ancaster Resident

[REDACTED]

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From: Doug Amos
Sent: February 25, 2022 12:11 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Academy/Wilson development Ancaster

Please respect Ancaster's history and deny this development

regards & tx
Douglas Amos
Ancaster

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From: David Pentland

Sent: February 25, 2022 12:29 PM

To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>

Subject: Re: Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.

Mr. E. Tim Vrooman, City of Hamilton

Planning and Economic Development Dept.

Development Planning, Heritage and Design – Suburban Team

71 Main Street West, 5 th Floor, Hamilton, ON L8P 4Y5

Dear Mr. Vrooman:

Please substitute this for my previous email from this morning.

I seem to be having some computer problems preventing proper editing.

I wish state my opposition to the Application for Official Plan Amendment and Zoning By-Law

Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.

Development of the subject lands should be in accordance with the existing Official Plan and the Ancaster Wilson Street Secondary Plan which allows a height of 9 meters only and requires that buildings be consistent with the character of the neighbourhood.

“The Official Plan provides direction and guidance on the management of our communities, land use change and physical *development* over the next **30 years**.”
Urban Hamilton Official Plan, September 2013 Chapter A: Introduction

“Provincial plans and municipal official plans provide a framework for comprehensive, integrated, **place-based and long-term planning** that supports and integrates the principles of

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strong communities, a clean and healthy environment and economic growth, **for the long term.**" Provincial Policy Statement 2020

In this regard, approval of the proposed amendments raises two questions.

1. **Is this Bad Planning?** Since the proposal is contradictory to the intent and letter of the Official Plan and Wilson Street Secondary Plan and there has been no radical change in circumstances, either the original Plan is flawed or the proposed amendment is flawed.
2. **What is directing development in Hamilton?** Since the amendment was proposed by other than Hamilton's Planning Department, approval of the proposed application would suggest that development is being directed by considerations other than Hamilton's stated long term plan.

Thank you for ensuring this letter will appear before the Planning Committee of the City of Hamilton.

David Pentland

293 Woodworth Drive

Ancaster ONT.

On Fri, 25 Feb 2022 at 11:14, David Pentland <[REDACTED]> wrote:

Dear Mr. Vrooman,

Please see my attached objection to the subject application.

Thank you.

Dave Pentland

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From: shannon kyles
Sent: February 25, 2022 12:44 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Opposed to development on Wilson at Academy

Hello,

I would like to register my opposition to the proposed development in Ancaster at Academy at Wilson.

The ignores the Designation status of the Filippo Marr house, is contrary to the Secondary Plan in Ancaster and will virtually destroy the main street of Ancaster. As one of the oldest towns in Ontario, this proposed development should be rejected on every level.

Yours Very Truly,

Shannon Kyles

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From: David Molnar
Sent: February 25, 2022 1:05 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Manchia and Spallaci proposed development at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue (Wilson and Academy Streets), Ancaster

Dear Sirs/Mesdames,

Please do not approve this proposed development!

It has become so commonplace for developers to ignore the established guidelines – and there are so many “minor variances, zoning changes, official plan amendments, relief from height restrictions and countless other requests to stray far from the established guidelines for developments in any given area that the guidelines appear to be totally meaningless. Developers and builders seem to expect that the rules will be bent, stretched or ignored completely and frankly, that attitude and practice must stop now!

How can anyone with good intentions submit a proposal for buildings which are so out of context with the established areas in which they are proposed to be built? How can any one submit proposals for buildings which are two, three and even several times the established maximum height limits and expect to be taken seriously? I believe I understand the logic behind the idea of “urban intensification” which has become the current buzzword among developers recently but a historic town like Ancaster which is the third oldest community in the Province of Ontario (behind Niagara on the Lake and Kingston) is not an urban centre and cannot be expected to look like downtown Hamilton or Toronto. Can you imagine the response if a developer attempted to submit a proposal similar to the subject proposal in a community such as Niagara on the Lake? Why do you suppose that nothing even remotely resembling the proposed monstrosity exists in historic communities such as NOTL, Port Hope, etc.? – because planners there would not entertain such nonsense for a moment and would not allow developers and builders to demolish their existing communities!

Surely there must be a limit to the number of variations and exceptions to any proposed development proposal. Surely, the established guidelines mean something and reflect the norms of the community. Please say no to this proposal. Residents feel abandoned by municipal officials, and are helpless, left to watch their community decimated in the name profit for a few.

Thanks in you advance for your consideration,

Donna and David Molnar
15 Hostein Dr.
Ancaster, ON
L9G 2S4

MOBLE: [REDACTED]

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From: Simon Hardcastle
Sent: February 25, 2022 1:06 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Cc: Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>
Subject: UHOPA-22-004/ZAC-22-011

Good afternoon Tim and Lloyd

Please see my comments below and attached for the proposed development in Ancaster for UHOPA-22-004/ZAC-22-011

Thank you for your time

Simon

UHOPA-22-004/ZAC-22-011

Attn: Tim Vrooman

Well, I must congratulate the developers on this proposal. You have managed to capture absolutely nothing of the Ancaster downtown vibe with this design:

- An 8-story building when no other building in the area is that high
- Probably the most god awful design that does not match any other surrounding buildings
- Being built on one of the busiest roads in the area

And with that being said you have managed to irritate the local community by

- Needing to move a historic building to the back of the property because you do not have the foresight to include it in your plans to probably be used as a bike shed
 - Amazing how the consultant that the developer hired and paid needed the building to be moved for their design
 - Amazing how no one cares about the neighboring homes. Do they have this same contamination problem on their property? Is it under Academy Road leaking into sewage or drinking pipes? I guess it was because the heritage house was in their way of this design so they paid to find the problem!!
- You took down 2 building before the plans were even put in years ago making the parcel of land look like a dump (but I guess that worked in the developers favor)
- No consideration for the houses on Academy:
 - Who will now have the entrance to a customer parking lot at the side of their property
 - Who will now have the underground parking garage entrance/exit at the back of their property. That will be great at night with the lights shining through their windows from vehicles coming up the ramp from the underground parking
- No consideration for the houses on Lorne:
 - With the windows and balconies all looking over their gardens

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- Amazing how there is no picture of the back of the North Elevation which would be looking over the houses on Lorne
- Once again we see renderings of a development without the houses/businesses next to them. Maybe do a rendering of what the development will look like for residents at the Lodor/Lorne intersection, so we can all see what they get to look at each morning.
-

Now let's get to the traffic problems:

- Wow, great insight. Let's turn a residential street into the entrance and exit for the residents and retail customers.
- So, tell me what's going to happen when cars (residents and customers/staff of the commercial units) leave this development and want to head to the Lincoln Alexander Pkwy/403. Will they turn onto Academy, then Wilson Street and then Rousseaux Street? Or will they simply turn on Academy roll through the stop sign and enter Rousseaux street that way, you cut out a set of traffic lights, and all the traffic, that seems like the easiest path, and when they return from the Lincoln Alexander Pkwy/403 they will just turn onto Academy that way to save some time with the traffic at the Wilson/Rousseaux intersection
- Then what about the cars (residents and customers/staff of the commercial units) that want to head towards Fiddlers green way. Will they turn on Wilson street from Academy? Probably not because that intersection is very busy with no lights. So, they will head up to Lodor street then to Church to catch the lights there.

Now with all the cut through traffic as well at this intersection, this will make Lodor, Academy and Church even busier

- There is also no turning lane on Wilson to Academy. So, for the small majority of people who do not cut through Lodor or Academy will have issue turning onto Academy .
- Academy is not a wide road. There will be issues with deliveries for the commercial units, delivery trucks, and moving vans on that road especially with other business opposite the development

It's a shame. The developer really could have made this into something nice for the Town of Ancaster, but instead profit trumps everything. I am looking forward to the when residents move in and realize what they have purchased with all the noise from the traffic and local businesses.

In conclusion, I would like to see this land developed. An 8-story building is way too high. Bring it back down to the 3-story building you are allowed in this area. And maybe have someone else design a building that is more attractive than what they have submitted.

Simon Hardcastle
 Lodor Street

Mr. E. Tim Vrooman, City of Hamilton
Planning and Economic Development Dept.
Development Planning, Heritage and Design – Suburban Team
71 Main Street West, 5th Floor, Hamilton, ON L8P 4Y5

Mr. Vrooman,

Re: Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster, ON.

As a member of the Ancaster community, I write in response to the above development application.

Not having the opportunity to read the actual application documents, I cannot comment on specifics but request that City Staff review the application so:

1. That the proposed [bylaw] amendment meet the general intent of the Urban Hamilton Official Plan and the Ancaster Wilson Street Secondary Plan with respect to building height, scale, massing, privacy, overlook, compatibility, and enhancing the character of the existing neighbourhood and cultural heritage;
2. That the proposed change in zoning meet the general intent of the Urban Hamilton Official Plan and the Ancaster Wilson Street Secondary Plan with respect to setbacks, building height, and massing;
3. That the proposal be considered good planning and is not considered an over development of the site (urban green infrastructure and engineered infrastructure),.
4. That a record of site condition under the Environmental Protection Act be required given the history of subsurface hydrocarbon contamination west and upgradient of the site.

Thank you for inviting input from the community in consideration for your staff report.

Mary Vrabel
158 Sulphur Springs Rd.
Ancaster, ON

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From: David Hamber

Sent: February 25, 2022 1:31 PM

To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>

Subject: My response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands located at 392,398, 400, 402, 406 and 412 Wilson St. East and 15 Lorne Street

Dear Mr. Vrooman:

The gargantuan height and the potential disastrous effect of added sewage and traffic problems which would result from this proposed development in our village are reason aplenty for denial of the application, as it was the case for the old Brandon House property.

Any sense we ever had of the cultural and heritage history of Ancaster will be destroyed. When the camel gets into the tent, there is ruin all around.

We urge those who will have the final vote to take the only responsible avenue and defeat this application.

Sincerely,

David & Lynn Hamber
Ancaster

Sent from my iPad

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From: nancy dingwall
Sent: February 25, 2022 2:43 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Response to amendments: Ancaster

Response to application for official plan amendment and zoning bylaw amendment for lands located at 392, 398, 400, 402, 406 and 412 Wilson st East and 15 Lorne Ave. Ancaster.

Hello,

I write in response to the above development application. This does not in any way conform to the cultural heritage landscape of Ancaster.

Any new development should conform to the neighborhood heritage. This development at the corner of Mohawk Rd and Wilson St. is three times the height allowed under the Ancaster Wilson Street secondary plan.

The traffic which will be generated from this development will greatly increase and will impact an already high traffic area.

The wastewater disposal system is very likely inadequate and unable to carry the extra flow from this development.

With respect to the Filippo Marr house, we need a complete hydrogeology report and an environmental site assessment to fully understand the status of the soil.

Please maintain the heritage of Ancaster and build accordingly after the tragic demolition of the beautiful Brandon House. Also the Filippo Marr house needs to remain where it is so we can all appreciate its architecture.

Thank you,
Nancy Dingwall

[REDACTED]

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From: [REDACTED]
Sent: February 25, 2022 3:07 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: UHOPA-22-004, ZAC-22-011

Dear Sir

This letter is in regards to Urban Plan Amendment File No. UHOPA-22-004 and Zoning Bi-law amendment File No. ZAC-22-011 here-in referred to as the "plan".

My name is [REDACTED] (Milton). My mother, [REDACTED] is the owner of the property at 20 Lorne Ave. Ancaster, ON. L9G 2X5. I am writing this response in representation of [REDACTED], myself and [REDACTED]'s other 2 children, [REDACTED] (Hamilton) and [REDACTED] (Port Rowan). We expressly request that our names be removed from any publication of this response on the City website.

With regards to the plan and amendment noted above we wish to express several concerns.

1. Our family home is at 20 Lorne Avenue which adjoins the plan. [REDACTED] is the property owner. We welcome the need for intensification especially along a major transit route and so the basic idea of building multi unit housing in this area is understood. We are, however, disturbed and frankly horrified that it be 8 storeys tall. This exceeds the definition of "medium density" and a "walkable neighborhood". It is far more reasonable to expect intensification to occur such that density ramps up from single family dwellings to 3 or 4 storey structures and then 8, 16 etc. Building what some would define as a "high rise" right next to low density housing is not good planning.
2.
 - a. How will this affect the value of the property at 20 Lorne. Ave.? Is the developer prepared to compensate the property owner for any losses?
 - b. How will this affect the quality of life at 20 Lorne Ave.? What steps will the developer take to mitigate the added noise, traffic and garbage created during construction and after construction is complete?
 - c. How will this affect the sunlight falling on 20 Lorne Ave.? We look forward to an engineer's report so that we can enter into negotiations for compensation for the loss of sunlight should this plan move forward.

In order to bring sewage lines and gas lines into Lorne Ave the construction companies had to use blasting. Towards the top of the hill, which is an esker, the rocks and boulders get very large. These rocks are suspended in loose sand. The plan calls for underground parking which requires 2 or more subsurface levels. We believe this will require blasting. We require assurances in contract that the developer will take full

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responsibility for damages such as cracks and subsidence to her property. We wish to see any engineering reports pertaining to the geology on the plan.

The plan shows a narrow strip of grass between the property line at 20 Lorne Ave. and an above grade parking lot. The difference in elevation between the parking lot and the property line are not shown but are of concern because there is an existing slope on the 20 Lorne Avenue side. We require assurances in contract that construction on the plan side of the line does not cause further subsidence down the slope towards the plan. We wish to see any engineering reports pertaining to the maintenance of soil slope and stability in this region.

Lorne Ave. is a dead end street. It is very narrow and has no sidewalk. In the 1950s drivers could access the rear of the grocery store parking lot at 412 Wilson via Lorne Ave. A small child was hit by a car and killed on Lorne Ave due to poor site lines, slope, lack of sidewalks and constant traffic. Subsequently access to the rear of the grocery store parking lot at 412 Wilson was closed. We require assurances that this roadway will not be reopened temporarily for construction or permanently for parking access.



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From: Honor Hughes
Sent: February 25, 2022 3:33 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.

Re: Response to Application for Official Plan Amendment and Zoning By-Law Amendment

Dear Sir

We are writing in response to your request for input from Ancaster residents with regards to the above Application. Yet again, we feel frustrated that these developers are missing the mark when they designed this oversized monster of a building, in a location that is in the centre of a heritage village that is trying desperately to preserve its architectural heritage. There is nothing about the design of this building that would fit in with the area's architecture, nor does it conform to the Ancaster Wilson Street Secondary Plan, which was developed in consultation with the public to prevent the situation we are currently facing. Applying to the City for an Official Plan Amendment and Zoning By-Law Amendment for a building that fails to comply for so many reasons is just wasting tax payers' money, time and effort. Applying for an 8 storey structure in an area zoned for 2.5 storeys shouldn't even be up for discussion. An 8 storey building would tower over existing buildings, making the village core dark and there has been no effort made to create a building that tastefully marries the new with the old.

We are also disheartened to hear that in order to build such a bland modern monstrosity, the Marr-Philippo House that stands proud as one of Ancaster's oldest buildings, has to be taken apart and moved out of sight from where it has rightfully stood all these years. The concern to local historians and stonemasons is that this building would likely not survive a move as it is fragile. There has been commentary that as the location was the site of a former gas station that remediation needs to be taken, understandably because of contaminated soil, yet there has yet to be proof that the Marr-Philippo house is actually affected by any contamination from the rest of the site. We feel that the developer could have successfully utilised Marr-Philippo house in its plans in its current location and that this location is clearly not suitable for what they wish to build, given that there is such a property of significance already there.

Traffic in Ancaster is becoming a problem and has definitely grown significantly since we moved to Ancaster 11 years ago. Many people cut through the back roads of the Maywood neighbourhood behind the downtown core to try and avoid lengthy traffic along Wilson Street, particularly when there is an accident on the 403/Linc which means that everyone is trying to find alternate routes. Having huge overbuilt properties comprising multiple units on Wilson Street in the village core will only create more traffic to an already overburdened area. Residents aren't opposed to development and understand that empty lots aren't attractive, but adhering to guidelines put in place for a reason, is expected and is entirely reasonable. We feel that the wheel shouldn't be reinvented by taking such an Application into consideration and asking for input when it clearly goes against everything the City of Hamilton and the public agreed for Ancaster when the Ancaster Wilson Street Secondary Plan was put in place.

When looking at buildings already in the village core, a newer medical building next to Blackbird restaurant (former Rousseau House) and opposite the Tim Hortons Plaza, built a few years ago in of itself looms large for most residents, imagining a building almost three times higher is

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inconceivable. There is another new development proposed for the site of the old Post Office on Wilson Street but its building footprint will at least run behind Wilson Street and will not have the height nor will it be a wide blot on the landscape that this development would be. This proposed development by Messrs Manchia & Spallaci is wide, tall and ugly with no discerning character, just a bland modern featureless box using materials that are out of place in that location. Imagine the likes of Niagara-on-the-Lake, Grimsby, Dundas or old Oakville accepting such a building in the middle of their downtown heritage core. It would not be welcomed. Choosing to build on such a site needs a developer with vision, and an understanding of the responsibility to design a building that would fit into a heritage streetscape. It can be modern, mixing building materials that are tasteful, and not jarring but it has to fit in with its neighbouring buildings. It has to comply with mass, height, footprint as per the Ancaster Wilson Street Secondary Plan. Bring us small boutique storefronts with overhead accommodation, built in complimentary brick tones, roof tiles, fretwork or smaller residential units that mock traditional design and you'd have the public eager but designing a featureless 8 storey box won't cut it with locals.

So we feel strongly that this Application should be denied and the message passed to developers not to return unless their Application complies with existing plans in place for Ancaster. Thank you for considering the input of our community when assessing this Application.

Regards
Honor & Brendan Hughes
Ancaster residents

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From: Karen Hanna
Sent: February 25, 2022 3:56 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Cc: @i [REDACTED]
Subject: Wilson Street and Lorne Avenue Development in Ancaster

Hello, we are writing about the proposal for the land in Ancaster on Wilson and Lorne. We live on Lodor Street and would like to see this property well developed to make good use of the land.

When we look at the plans submitted and stand in front of property as we do most days on our walks, we can't imagine this building looming over the village and destroying the ambiance of the town. It is the opposite of the thoughtful development that has occurred in the past and a real contrast to the exciting Memorial Arts Centre that honours the past and builds for the future.

Many thanks,
Ian and Karen Hanna



Karen Hanna | [REDACTED]
TKB Hanna & Associates Ltd.
<https://tkbhanna.com/> & <https://talenttroublecollective.com/>
co-author Talent Trouble® - <https://www.talenttrouble.com/>

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From: pada venus

Sent: February 25, 2022 4:37 PM

To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>

Subject: Application for Official Plan Amendment & Zoning By-Law Amendment for 392, 398, 400, 402, 406, 412 Wilson Street and 15 Lorne Ave., Ancaster.

Dear Mr. Vrooman,

We are writing this as concerned community citizens respecting the Application for Official Plan Amendment & Zoning By-Law Amendment for 392, 398, 400, 402, 406, 412 Wilson Street and 15 Lorne Ave., Ancaster. We appreciate this opportunity to share our perspective and reasoning in opposition to this application.

The proposed application is disturbing to the extent that this development completely ignores existing bylaws and zoning restrictions. It is offensive in that it ignores the Cultural Heritage Landscape Status. In short, the building's looming height over the rest of the town (3 times higher than what is currently permissible under the Ancaster Wilson Street Secondary Plan), massive size, appalling nondescript, cheap, design would be a scarring, and sadly permanent eyesore on the townscape.

Furthermore, rather than creating development in tune with the lower rooftops and historic references of the town, this development undermines potential economic gains in promoting Ancaster as a historic "escape from the city", a respite surrounded by Conservation for tourism. Should a development of this kind proceed, it would permanently destroy "historic" development potential and consequent economic gains, as experienced by communities who have maximized their unique strengths such as Niagara-on-the-Lake. It is very sad that there is not a better vision for this land, a vision which would develop its potential responsibly and for the benefit economically of existing and future town businesses. A recent example of such a positive development was the neighbouring Barracks Inn.

Traffic, is, of course another problem, with backups occurring daily during commuter times to work and home, and being a full stop on Wilson St. whenever the Highway 403 or eastbound Lincoln Alexander Parkway experience serious accidents. A development of this size would only aggravate this problem, which at present, has no other solution.

We fully support the refusal of this application, and hope that future applications are more thoughtful and respectful of current development restrictions.

Thank you for your consideration.

Yours truly,

Pat Venus

David Venus

376 Brookview Court
Ancaster

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From: Paul White
Sent: February 25, 2022 4:39 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Proposed development at Wilson and Academy Streets, Ancaster

Mr. Vrooman:


I wish to express my extreme disappointment with the Manchia & Spallaci proposed development for Ancaster at the corner of Wilson and Academy Streets. The scale of this proposal seems to display a complete disregard for the Ancaster Wilson Street Secondary Plan.

I am also against the proposal to move the Marr-Phillipo house. This would be a tragic event, and the loss of yet another piece of heritage architecture for Ancaster.

The Manchia & Spallaci development would have a negative effect on the town’s infrastructure in the areas of traffic in the Wilson - Rousseau Street area, and waste water due to the scale of the proposal.

There has been a raised awareness of late of the public’s lack of support for development of this type as proposals such as this seem deaf to the wishes of the neighbourhood. I feel this proposal is just that - deaf to what could and should be done.

Sincerely,

Paul White
24 Lynndale Drive
Dundas, ON
L9H 3L6


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From: benburke benburke
Sent: February 25, 2022 4:01 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: [SUSPICIOUS MESSAGE] Re: Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wison Street East and 15 Lorne Avenue, Ancaster.

Mr. Vrooman:

I am writing to express my dismay at what can only be described as the brazen disregard of the application captioned above for a rules-based planning process.

The cynical will see this proposal as a trial balloon by the developers who, in the event that the proposal is rejected by the City, will hope that the OLT will permit something that be may smaller than the current proposal but in the interests of "compromise" will permit a development far larger than the Ancaster Wilson Street Secondary Plan (AWSSP) would allow.

Scale & Density:

At eight and a half storeys the proposed building is completely at variance with the concept for the Village Core as expressed through the 7-year old Ancaster Wilson Street Secondary Plan which envisaged two and half storeys. It is incongruous to propose an eight-storey building fronting a two lane street. The idea of Pedestrian-Focused Streets as set out in Policy 2.2.8.5 of the AWSSP would be entirely lost. This proposal would if accepted by the City would set a precedent for the creation of a canyon through the Village Core.

The development is a clear breach of design consideration set out in the AWSSP Policy 2.8.12.1.j) ii). Policy 2.8.1 states that "*Development and redevelopment shall be required to demonstrate consistency with the Urban Design Guidelines.*" This development completely flaunts them.

For the sake of our community I ask that you reject this proposed development and furthermore ask that your make it a condition of any future development of the site that it comply with the AWSSP.

Regards,

Ben Burke

Ancaster, ON

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From: Doug Stephens
Sent: February 25, 2022 5:47 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Manchia/Spallaci development application

Mr. Vrooman,

Re: Response to Application for Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster

I'm writing to express my objection to the development plan application referenced above. As you will note from the attached report, this proposed development not only violates current planning by-laws but would also have an extremely detrimental effect on the community, natural environment and infrastructure of Ancaster.

I trust you'll take the sentiment of the taxpayers of Ancaster into consideration and choose to do the right thing by denying this harmful and unnecessary development.

Sincerely,

--

**Doug Stephens
Ancaster Resident**

{Attachment: Letter from Bob Maton PhD, President, Ancaster Village Heritage Community, pgs. 14-18 of Appendix “C” to Report PED22070.}

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From: Aimee Frketich
Sent: February 25, 2022 8:25 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Zoning By Law Amendment for Lands Located at 392,400,402,406 and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.

Hello Mr. Vrooman

I oppose the Application for Official Plan Amendment and Zoning By Law Amendment for Lands Located at 392,400,402,406 and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.

While I appreciate the opportunity to express my opposition, I find it appalling that I even have to. This build is so obviously and extremely defiant of the current bylaws, current zoning and the Ancaster Wilson Street Secondary Plan (AWSSP), it is a disgrace I have to spend my time writing you. However, if I must give you reasons to protect a town that was established over 200 years ago and was one of the first in Ontario then here are some quick thoughts (as I just found out about this deadline today).

- Height - obviously 7 - 8 stories is not within the current 2.5 stories allowed
- This build does not fit in with the character of the town in any way. The Ancaster Secondary Plan requires that new buildings conform to a heritage architectural style. This has already been done well with several of the 'new' builds along the village core, including the Baracks and the corner of Halson and Wilson St., Bravo to this builder. Using appropriate brick and mortar, windows and doors is important to the keeping of a town and its history and intrigue. The most recent building placed directly in the view of locals enjoying good food and drink at the 'Blackbird', formerly Rousseau House restaurant are now forced to look a building that pretends to fit in but does not and I don't want to see that happen again. It is embarrassing and a delinquent reflection of developers interests and illustration of the apathy among our elected officials and city planners.
- The consultant reports included in the Application are inadequate and biased. When a developer pays for the assessments to be done (which he is often heard boasting about how much they cost him) you have to wonder the accuracy. It is embarrassing that these developers feel so confident that they don't even care if people suspect bribery.
- Traffic is already at a tipping point, please see the more accurate Salvini study. Furthermore I drive down Wilson street every morning and night for the past 10 years and it is more than obvious the road way cannot handle anymore traffic. Furthermore the accuracy of the study is also skewed due to COVID restrictions and people working from home have dramatically decreased traffic along Wilson St and will eventually get back to the busy road it was.

I am aware of other discrepancies in the developers assessments for wastewater, hydrocarbons etc. All of which have been accurately expressed to you by Bob Maton. I will not repeat these to you as I know you have been made aware of them and don't want to waste your time.

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I strongly oppose this development and request that it be denied. Any future application should be required to accommodate the Cultural criteria and the AWSSP. I am not against development in anyway but I am against blatant disregard for the people of this town, its unique heritage and the need for a core that is attractive to its people and visitors a like. It should have some fortitude to the community and at minimum require some contribution. Putting store fronts under condos and charging so much rent that no local artist or entrepreneur could afford it is not ok. I believe the developers can easily establish a build on these lands that is within the current requirements and still earn their buck! These developers need to learn to be creative and not in a misleading, arrogant and conniving way but a way that serves them as well as inspires and creates possibility for a vibrant, cultural and community driven area.

Thank you for taking the time to read and consider my thoughts
Aimee Frketich

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From: Sam Kern
Sent: February 25, 2022 8:42 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Condo Opposition

Hello Mr. Vrooman

I oppose the Application for Official Plan Amendment and Zoning By Law Amendment for Lands Located at 392,400,402,406 and [412 Wilson Street East](#) and [15 Lorne Avenue, Ancaster](#).

While I appreciate the opportunity to express my opposition, I find it appalling that I even have to. This build is so obviously and extremely defiant of the current bylaws, current zoning and the Ancaster Wilson Street Secondary Plan (AWSSP), it is a disgrace I have to spend my time writing you. However, if I must give you reasons to protect a town that was established over 200 years ago and was one of the first in Ontario then here are some quick thoughts (as I just found out about this deadline today).

- Height - obviously 7 - 8 stories is not within the current 2. 5 stories allowed
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- The consultant reports included in the Application are inadequate and biased. When a developer pays for the assessments to be done (which he is often heard boasting about how much they cost him) you have to wonder the accuracy. It is embarrassing that these developers feel so confident that they don't even care if people suspect bribery.
- Traffic is already at a tipping point, please see the more accurate Salvini study. Furthermore I drive down Wilson street every morning and night for the past 10 years and it is more than obvious the road way cannot handle anymore traffic. Furthermore the accuracy of the study is also skewed due to COVID restrictions and people working from home have dramatically decreased traffic along Wilson St and will eventually get back to the busy road it was.

I am aware of other discrepancies in the developers assessments for wastewater, hydrocarbons etc. All of which have been accurately expressed to you by Bob Maton. I will not repeat these to you as I know you have been made aware of them and don't want to waste your time.

I strongly oppose this development and request that it be denied. Any future application should be required to accommodate the Cultural criteria and the AWSSP. I am not against development in anyway but I am against blatant disregard for the people of this town, its unique heritage and the need for a core that is attractive to its people and visitors a like. It should have some

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--

Cheers,

Sam Kern

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From: Terri-Lynn Kern
Sent: February 25, 2022 8:46 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Condo Opposition Ancaster

Hello Mr. Vrooman,

I oppose the Application for Official Plan Amendment and Zoning By Law Amendment for Lands Located at 392,400,402,406 and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.

While I appreciate the opportunity to express my opposition, I find it appalling that I even have to. This build is so obviously and extremely defiant of the current bylaws, current zoning and the Ancaster Wilson Street Secondary Plan (AWSSP), it is a disgrace I have to spend my time writing to you. However, if I must give you reasons to protect a town that was established over 200 years ago and was one of the first in Ontario then here are some quick thoughts (as I just found out about this deadline today).

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Regards,
Terri-Lynn Kern

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From: Amanda Frketich
Sent: February 25, 2022 8:59 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Oppose

Mr Vrooman,

The below is an email that was sent to you from a neighbour and dear friend who cares very deeply about the integrity of this town, while it seems like none of the city planners or anyone else profiting from the demise of this town do. I thoroughly agree with everything in said email and hope it doesn't fall on deaf ears like all of the other oppositions to the monstrosities that are built here have been.

Regards,

Amanda Taylor

I oppose the Application for Official Plan Amendment and Zoning By Law Amendment for Lands Located at 392,400,402,406 and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.

While I appreciate the opportunity to express my opposition, I find it appalling that I even have to. This build is so obviously and extremely defiant of the current bylaws, current zoning and the Ancaster Wilson Street Secondary Plan (AWSSP), it is a disgrace I have to spend my time writing you. However, if I must give you reasons to protect a town that was established over 200 years ago and was one of the first in Ontario then here are some quick thoughts (as I just found out about this deadline today).

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- Traffic is already at a tipping point, please see the more accurate Salvini study. Furthermore I drive down Wilson street every morning and night for the past 10 years

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Sent from my iPhone

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From: Nat Frketich
Sent: February 25, 2022 9:20 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Condos

I oppose the Application for Official Plan Amendment and Zoning By Law Amendment for Lands Located at 392,400,402,406 and 412 Wilson Street East and 15 Lorne Avenue, Ancaster. This had better not be passed this town has been destroyed by some pretty corrupt individuals. Sergio is a city planner is this not a conflict of interest? If it isn't it should be. There are a large number of reasons why this is a no go. Congestion of the town is a major one green space is another. I'd be happy to go over all the reasons I oppose this if you'd like to email me back I do not have time to list them all now. There is some kind of corruption going on in this town to allow all this garbage to be built and I for one have recently been making calls to start an investigation as it's obvious there are some pretty greasy pockets on this council.

Sent from my iPhone

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From: Miranda Bratina
Sent: February 25, 2022 10:54 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: 412 Wilson St. E

I oppose the Application for Official Plan Amendment and Zoning By Law Amendment for Lands Located at 392,400,402,406 and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.

Thank you for your attention in this matter

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From: Fiona Cooper

Sent: February 25, 2022 11:41 PM

To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>

Subject: Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 392,398,400,402,406 and 412 Wilson Street East and 15 Lorne Avenue, Ancaster

Hello Mr. Vrooman,

Being residents in very close proximity to the development proposed for the lands detailed above, I wish to place on record our dismay that such a development could ever be considered an appropriate structure in the heart of the historic Village of Ancaster. It would appear that no consideration whatsoever has been given to Ancaster's Cultural Heritage Landscape status. In addition, the architectural style of this structure is not representative of the streetscape in any shape or form and is in no way complementary to the existing structures that have already been built taking into account the character of the neighbourhood.

A development of this size would overwhelm not only the skyline and surrounding buildings, as well as residences in the Village core, but cause further deterioration to existing traffic congestion. "Cut through" traffic is already a cause for concern in the Maywood area. In addition, parking difficulties would also be magnified.

For current residents of the neighbourhood, noise emanating from the building itself, such as climate control apparatus as well as noise created by residents of such an oversized structure, all give cause for concern.

Whilst it is appreciated that density development is required due to the housing shortage, surely protecting this corner of the City, which is in close proximity to so many natural features, should be a priority.

Approving this type of development will only lead to other structures of this type, destroying the Ancaster Village core and the historic atmosphere that it currently enjoys.

Thank you for inviting input from the community towards formulating your staff report. It is with great concern that we watch and wait to hear the outcome, in the hope that this development will in fact, be denied.

Yours truly

Fiona Cooper

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From: Nancy Kowalchuk
Sent: February 26, 2022 12:04 AM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject:

Hello Mr Vrooman

I'm taking the time to let you know that I (and my family) are strongly opposed to the Application for Official Plan Amendment and Zoning Bylaw Amendment for the lands located at 392, 400, 402, 406 and 412 Wilson St E and 15 Lorne Ave, Ancaster.

Nancy Kowalchuk

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From: Margarita De Antunano
Sent: February 26, 2022 12:19 AM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Opposition to 7 floor buildings

Hello Mr. Vrooman I oppose the Application for Official Plan Amendment and Zoning By Law Amendment for Lands Located at 392,400,402,406 and 412 Wilson Street East and 15 Lorne Avenue, Ancaster. While I appreciate the opportunity to express my opposition, I find it appalling that I even have to. This build is so obviously and extremely defiant of the current bylaws, current zoning and the Ancaster Wilson Street Secondary Plan (AWSSP), it is a disgrace I have to spend my time writing you. However, if I must give you reasons to protect a town that was established over 200 years ago and was one of the first in Ontario then here are some quick thoughts (as I just found out about this deadline today). Height - obviously 7 - 8 stories is not within the current 2. 5 stories allowed This build does not fit in with the character of the town in any way. The Ancaster Secondary Plan requires that new buildings conform to a heritage architectural style. This has already been done well with several of the 'new' builds along the village core, including the Baracks and the corner of Halson and Wilson St., Bravo to this builder. Using appropriate brick and mortar, windows and doors is important to the keeping of a town and its history and intrigue. The most recent building placed directly in the view of locals enjoying good food and drink at the 'Blackbird', formerly Rousseau House restaurant are now forced to look a building that pretends to fit in but does not and I don't want to see that happen again. It is embarrassing and a delinquent reflection of developers interests and illustration of the apathy among our elected officials and city planners. The consultant reports included in the Application are inadequate and biased. When a developer pays for the assessments to be done (which he is often heard boasting about how much they cost him) you have to wonder the accuracy. It is embarrassing that these developers feel so confident that they don't even care if people suspect bribery. Traffic is already at a tipping point, please see the more accurate Salvini study. Furthermore I drive down Wilson street every morning and night for the past 10 years and it is more than obvious the road way cannot handle anymore traffic. Furthermore the accuracy of the study is also skewed due to COVID restrictions and people working from home have dramatically decreased traffic along Wilson St and will eventually get back to the busy road it was. I am aware of other discrepancies in the developers assessments for wastewater, hydrocarbons etc. All of which have been accurately expressed to you by Bob Maton. I will not repeat these to you as I know you have been made aware of them and don't want to waste your time.

I strongly oppose this development and request that it be denied. Any future application should be required to accommodate the Cultural criteria and the AWSSP. I am not against development in anyway but I am against blatant disregard for the people of this town, its unique heritage and the need for a core that is attractive to its people and visitors a like. It should have some fortitude to the community and at minimum require some contribution. Putting store fronts under condos and charging so much rent that no local artist or entrepreneur could afford it is not ok. I believe the developers can easily establish a build on these lands that is within the current requirements and still earn their buck! These developers need to learn to be creative and not in a misleading, arrogant and conniving way but a way that serves them as well as inspires and creates possibility for a vibrant, cultural and community driven area. Sent from my iPhone

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From: John and Anne-Louise Watts
Sent: February 26, 2022 12:55 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Application for Official Plan Amendment

I have read the letter from Mr Frketich regarding a request to amend the Official plan re 392-412 Wilson St East and also object extremely strongly to the proposal. The development is in no respects in the interests of the people of Ancaster and Dundas and should be denied.
John Watts MD FRCPC

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From: april gibson
Sent: February 26, 2022 1:26 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject:

I oppose the Application for Official Plan Amendment and Zoning By Law Amendment for Lands Located at 392,400,402,406 and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.

Sent from my iPhone

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From: Cathy Hiuser
Sent: February 26, 2022 2:20 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Ancaster bylaw amendment

>>> As a long time resident of Ancaster I am writing to state my strong opposition to the application for official plan amendment and zoning bylaw amendment for lands located at 392,400,402,406, and 412 Wilson Street E Ancaster and
>>> 15 Lorne Avenue Ancaster.
>>> Yours truly
>>> Catherine Hiuser.

Sent from my iPhone

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From: George McComb
Sent: February 26, 2022 5:10 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Lands

I am writing you as I am opposed to the amendment to lands at 392,400,402,406,422 Wilson st and 15 Lorne ace Ancaster .

This does not at all fit into the official plan and we need height and density restrictions

Thank you
George McComb
95 Moore Crescent
Ancaster
L9g4Z6

Sent from my iPhone

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From: Andrea Dewolfe
Sent: February 26, 2022 7:59 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject:

I oppose the Application for Official Plan Amendment and Zoning By Law Amendment for Lands Located at 392,400,402,406 and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.

Andrea Dewolfe

Sent from my Galaxy

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From: Heather McMurray

Sent: February 26, 2022 8:50 PM

To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>

Subject: Official Plan Amendment and Zoning By Law Amendment for Lands Located at 392,400,402,406 and 412 Wilson Street East and 15 Lorne Avenue, Ancaster.

Dear Mr. Vrooman,

I strongly oppose this development and request that it be denied. Any future application should be required to accommodate the Cultural criteria and the AWSSP. I am not against development but I am against blatant disregard for the people of this town, its unique heritage and the need for a core that is attractive to its people and visitors. It should have some fortitude to the community and at minimum require some contribution. Putting store fronts under condos and charging so much rent that no local artist or entrepreneur could afford it is not ok. I believe the developers can easily establish a build on these lands that is within the current requirements and still earn their buck! These developers need to learn to be creative and not in a misleading, arrogant and conniving way but a way that serves them as well as inspires and creates possibility for a vibrant, cultural and community driven area.

Sincerely,

Heather McMurray,


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From: M. Adams
Sent: February 26, 2022 9:21 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Regarding the Application for Official Plan Amendment

Dear Mr. Vrooman, Ancaster is our home for over 40 years and we love the place. We have always been proud to live here and show our town to friends and family. Our children were raised here and love the town as much as we do. I would never be able to compose a letter like the one I am attaching here so I am sending it as if I had written it because I agree with it.

I want to protect the town. Future buildings should be built to reflect the look and feel of the town as a heritage town and not just be structures built to maximize income at the cost of the feel of the town. There are places on the periphery where this is happening but the town center should be preserved.

PLEASE, PLEASE DO NOT DESTROY ANCASTER. PROTECT IT. IT IS A LOVELY TOWN

Thank you,
Margaret Adams
Parkview Heights

Hello Mr. Vrooman I oppose the Application for Official Plan Amendment and Zoning By Law Amendment for Lands Located at 392,400,402,406 and 412 Wilson Street East and 15 Lorne Avenue, Ancaster. While I appreciate the opportunity to express my opposition, I find it appalling that I even have to. This build is so obviously and extremely defiant of the current bylaws, current zoning and the Ancaster Wilson Street Secondary Plan (AWSSP), it is a disgrace I have to spend my time writing you. However, if I must give you reasons to protect a town that was established over 200 years ago and was one of the first in Ontario then here are some quick thoughts (as I just found out about this deadline today). Height - obviously 7 - 8 stories is not within the current 2.5 stories allowed This build does not fit in with the character of the town in any way. The Ancaster Secondary Plan requires that new buildings conform to a heritage architectural style. This has already been done well with several of the 'new' builds along the village core, including the Baracks and the corner of Halson and Wilson St., Bravo to this builder. Using appropriate brick and mortar, windows and doors is important to the keeping of a town and its history and intrigue. The most recent building placed directly in the view of locals enjoying good food and drink at the 'Blackbird', formerly Rousseau House restaurant are now forced to look a building that pretends to fit in but does not and I don't want to see that happen again. It is embarrassing and a delinquent reflection of developers interests and illustration of the apathy among our elected officials and city planners. The consultant reports included in the Application are inadequate and biased. When a developer pays for the assessments to be done (which he is often heard boasting about how much they cost him) you have to wonder the accuracy. It is embarrassing that these developers feel so confident that they don't even care if people suspect bribery. Traffic is already at a tipping point, please see the more accurate Salvini study. Furthermore I drive down Wilson street every morning and night for the past 10 years and it is more than obvious the road way cannot handle anymore traffic. Furthermore the accuracy of the study is also skewed due to COVID restrictions and people working from

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From: Carol Chisholm
Sent: February 27, 2022 12:22 AM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Ancaster zoning law amendment

I oppose the Application for Official Plan Amendment and Zoning By Law Amendment for Lands Located at 392,400,402,406 and 412 Wilson Street East and 15 Lorne Avenue, Ancaster

Carol Chishol

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Re: Wilson Street at Academy; 392 - 412 Wilson Street East & 15 Lorne Avenue, Ancaster. Wilson St. Ancaster Inc. (Wilson Street at Academy)

My comments on the above-noted proposal are similar to those for the recently denied “Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law 05-200... (hereafter referred to as “Brandon House”). The Wilson Street at Academy development plan:

- ignores all of the existing planning policies and good planning practices
- is a massive over-development if the site
- will have unacceptable impacts on traffic, existing infrastructure and runoff (without significant upgrades and expansion), and the surrounding community.

The 'supporting' technical reports:

- do not recognize existing issues and constraints; therefore, the impacts of additional development cannot begin to be properly assessed
- ignore the effects of climate change in their impact assessment
- do not incorporate any sort of sensitivity analysis in their impact assessments to account for any uncertainties in projections or environmental factors
- recommend mitigation recommendations that are over-simplistic and not supported by any contingency measures
- do not recognize the need for monitoring, adaptive management or agency Permits.

The City needs to identify some means of incorporating the cumulative aspects of several approved or pending applications into its development review process.

Heritage:

The plan to relocate the heritage home to the back of the property and the City's approval of this plan make a mockery of the City's heritage building designation process and policies. Approval for relocation was based on a weak, poorly substantiated analysis, a ridiculous rationale and total disregard of the availability of various technologies that would enable removal of contaminated soil without relocation of the building. The heritage guidelines developed for the town core are ignored. It seems the developers forgot the comments they made at an earlier stage that the design would be sensitive to the heritage nature of the village core: The appearance of these buildings speaks for itself...

Regarding the existing infrastructure limitations, which to date have never been clearly articulated:

To imagine the **traffic** flow from residents and shoppers all dumping out the narrow, sloping back road down and on to the already Academy, which is already busy with cut-around traffic, and then fighting to get onto Rousseaux Street with traffic backed up from the Wilson intersection lights, is beyond laughable.

The traffic report recommends the same remedial option (timing changes at the lights) be implemented to address traffic problems at the Rousseaux/Wilson intersection as the other application – a clear example of cumulative issues. If in fact they have not already considered this option, the City needs to implement the timing changes at the Rousseaux/Wilson lights just to address the current traffic bottleneck.

The City is well aware of the existing traffic issues compounded by the challenges posed by the Wilson/Rousseaux intersection and limited options to improve traffic flow, and the related issue

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of cut-around traffic through the Mayfield community. Overarching the local issues is the insurmountable constraint imposed by **Wilson Street. Wilson Street is the single and only through-town road that must also convey emergency services and diverted highway traffic.** The surrounding topography and environmental constraints make even partial new road options in and out of this area impossible. The existing traffic burden needs to be properly quantified and a defensible determination made as to feasible means (if there are any) of accommodating additional traffic.

The City is equally well aware of the existing **sanitary sewer** limitations following the recent sewage back up issues on Old Dundas Road. These issues will only be compounded by climate change – a factor conveniently ignored by the reports and analyses. Who pays for the necessary upgrades and expansions? And when and how are these requirements identified in relation to the development approval process?

Management of **stormwater runoff** from this site, with its excessive 'hard' surfaces, poses the same issues as the “Brandon House” application. Both discharge to the same local section of Ancaster Creek, a sensitive stream already heavily burdened by uncontrolled runoff. Both volume and water quantity management will be very challenging. Technologies are recommended in the Functional Servicing Report, which might work. However nothing is provided in the way of contingency planning or measures (e.g., sensitivity analysis, monitoring and adaptive management, availability of additional mitigation strategies) to provide some degree of assurance that issues can be addressed in the event that any number of potential uncertainties develop.

Preparation for the inevitable OLT challenge:

To present defensible arguments in support of scaling back, or if efforts to negotiate fail, the City needs to prepare for the obvious next step of both developers – referral to the Ontario Land Tribunal (OLT). The developers are well aware that the Province's push for intensification and Ford's recent rejection of existing planning and public process in his efforts to facilitate and expedite development support their plans. However, a thorough review of the Province's *Places to Grow* plan might be useful.

The plan does not state thou shall promote intensification at the expense of everything else. Chapter 3 is devoted to infrastructure requirements. *“The infrastructure framework in this Plan requires that municipalities undertake an integrated approach to land use planning, infrastructure investments, and environmental protection to achieve the outcomes of the Plan”.* There is no point in building large numbers of condominiums if owners cannot access the existing road network or drive anywhere, and shoppers cannot access the commercial entities. Burdening taxpayers to pay for infrastructure expansions or failures following development is beyond unfair. Developers need to pay up-front for what's needed to support their developments. They're the ones who are profiting.

The first step, which continues to elude the review process, is **clearly identifying and substantiating current traffic and infrastructure limitations.**

In preparation for negotiations or an OLT challenge, and even to address current issues, the City needs to undertake a **comprehensive traffic study.** In addition to documenting current traffic conditions locally, traffic burden needs to be assessed in the broader context of the insurmountable constraint posed by the incontrovertible fact that there is and will always be only a single already over-burdened street through the town. **This constraint has to be recognized**

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now. Then, these baseline conditions can be used to undertake a critical analysis of the traffic projections and justification report for this plan. The additional traffic flow from approved and pending developments along Wilson Street also requires integration in such analysis.

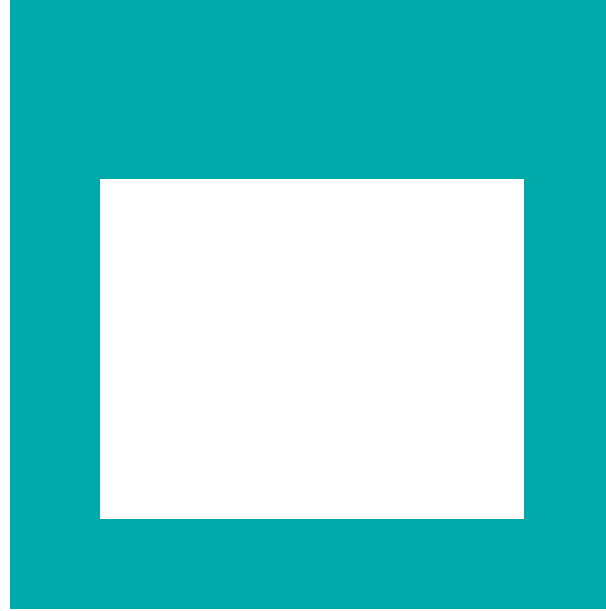
This assessment could be accommodated if the City, possibly with developer funding, completed its traffic planning obligations under the *Environmental Assessment Act*. The City needs to complete the Level 3-5 assessment, or if nothing else, update the *Ancaster Transportation Master Plan* (2011). This plan is outdated and based on long exceeded population projections, and addresses only the first two levels of the Act's requirements.

Similarly, establishing the **current baseline condition of the sanitary sewer capacity** – which appears to be at or above capacity now – would allow the City to estimate the requirements, costs and timelines to upgrade and expand the existing systems. Imposing conditions to any development approval that require waiting for these works to be designed and constructed and maximize feasible co-contributions of developers to construction of these works would put the onus back on the developers to undertake more realistic impact assessments and pay their fair share. Other municipalities have taken such an approach.

The City needs to require developers include sensitivity analysis that integrates climate change projections in their impact assessments, and integrate monitoring requirements and contingencies as part of their recommended mitigation techniques. Development conditions need to require monitoring and contingency plans with integrated and adaptive response plans for sanitary sewer use, runoff management, construction management etc.

The City faces clear challenges in making decisions about these and other development applications. I, and I assume most of the community and town are not against development, and do recognize that growth and change are inevitable. What we are asking is that development be undertaken in a responsible, defensible, sensitive and integrated manner, not like a bulldozer in a playground. Touting growth as being necessary and desirable and ignoring all its implications is not responsible. And it will backfire on the City and the new residents as well as the rest of us.

A. MacMillan,
Ancaster



WELCOME TO THE CITY OF HAMILTON

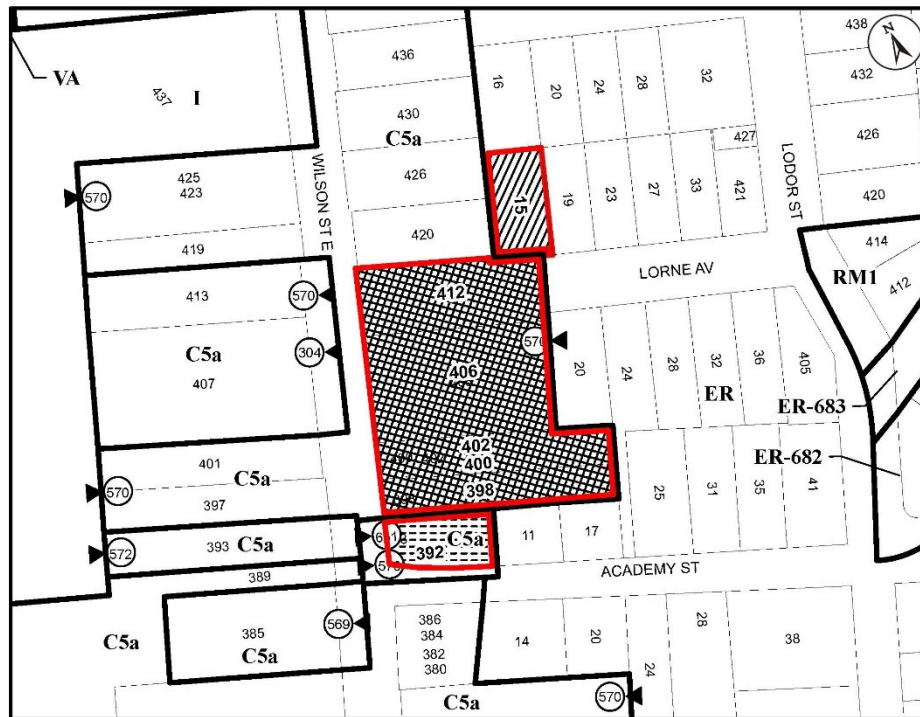
PLANNING COMMITTEE

April 5, 2022

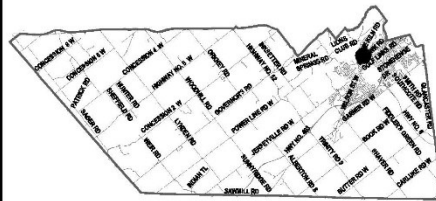
PED22070– (ZAC-22-011 / UHOPA-22-004)

Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster

Presented by: Tim Vrooman



● Site Location



Key Map - Ward 12

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-22-011/UHOPA-22-004

Date:
March 8, 2022




Appendix "A"

Scale:
N.T.S.

Planner/Technician:
TV/NB

Subject Property

392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster (Ward 12)

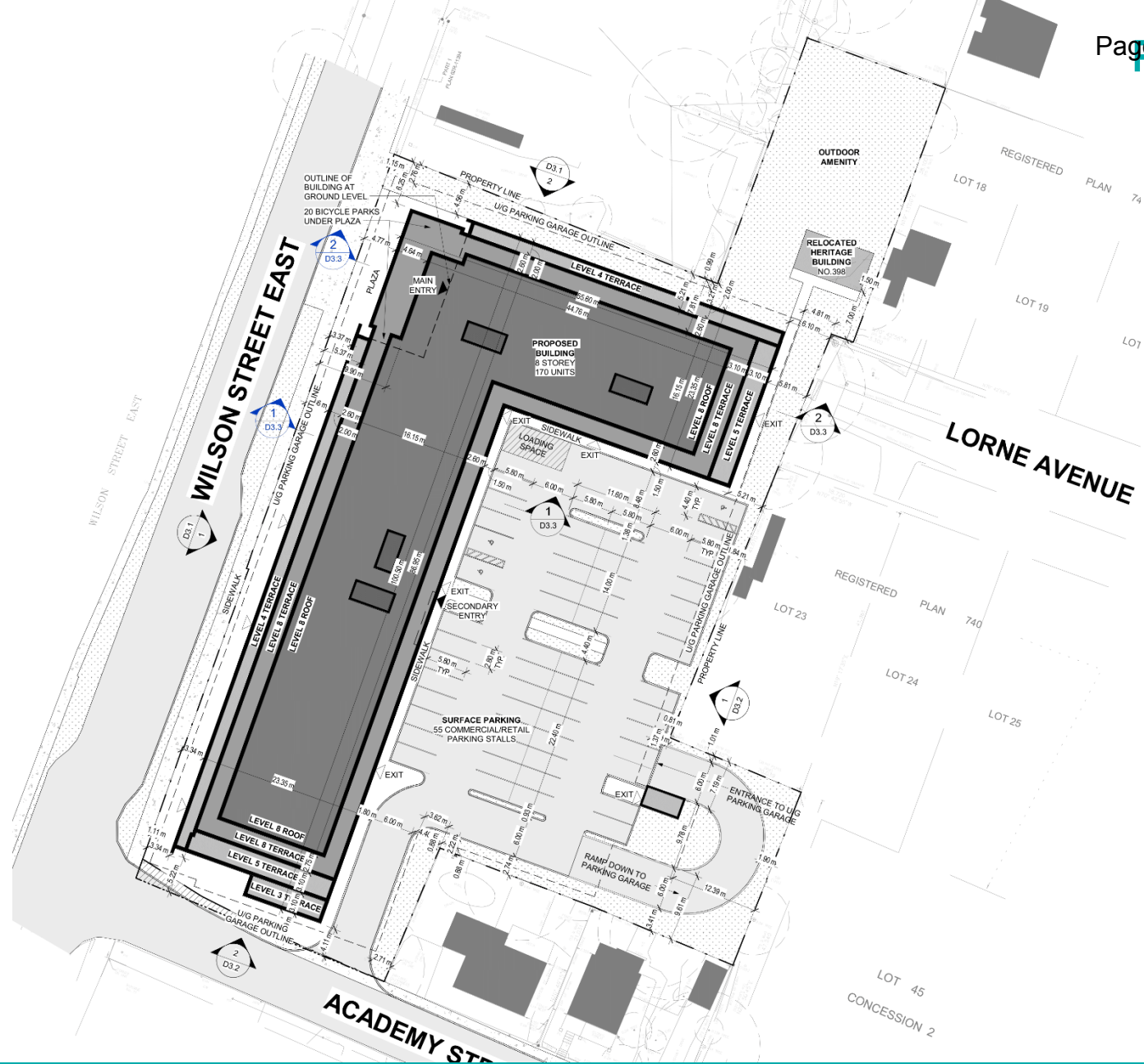
-  Block 1: Change in zoning from the Existing Residential "ER" Zone to a Modified Mixed Use Medium Density - Pedestrian Focus (C5a) Zone
-  Block 2: Change in zoning from the Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone to a Modified Mixed Use Medium Density - Pedestrian Focus (C5a) Zone
-  Block 3: Change in zoning from the Mixed Use Medium Density - Pedestrian Focus (C5a, 570, 651) Zone to a Modified Mixed Use Medium Density - Pedestrian Focus (C5a) Zone



SUBJECT PROPERTY



392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue, Ancaster

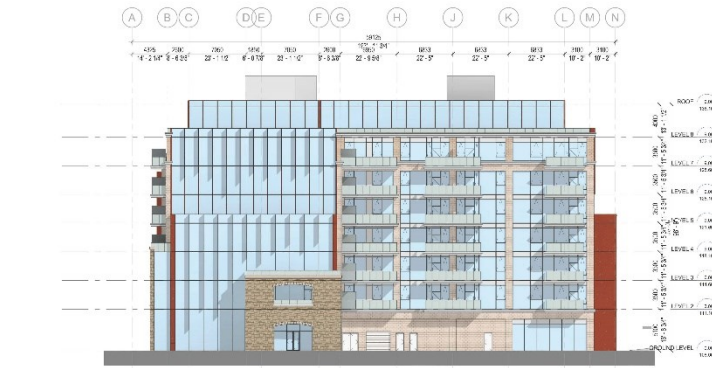




2 NORTH ELEVATION
 1:500



1 WEST ELEVATION (WILSON ST EAST)
 1:500



2 SOUTH ELEVATION (ACADEMY STREET)
 1:500



1 EAST ELEVATION
 1:500



Subject site from north along Wilson Street East



Subject site from southwest across Wilson Street East



Academy Street from Wilson Street East



South side of Academy Street



North side of Academy Street



From Academy Street towards subject site



South of subject site along east side of Wilson Street East



Southwest of subject site along west side of Wilson Street East



Wilson Street East frontage of subject site from south



Wilson Street East frontage of subject site from north



North of subject site along Wilson Street East to north



North of subject site along west side of Wilson Street East



North of subject site along east side of Wilson Street East



Academy Street from interior of subject site



From Academy Street to proposed site access location



15 Lorne Avenue interior of subject site



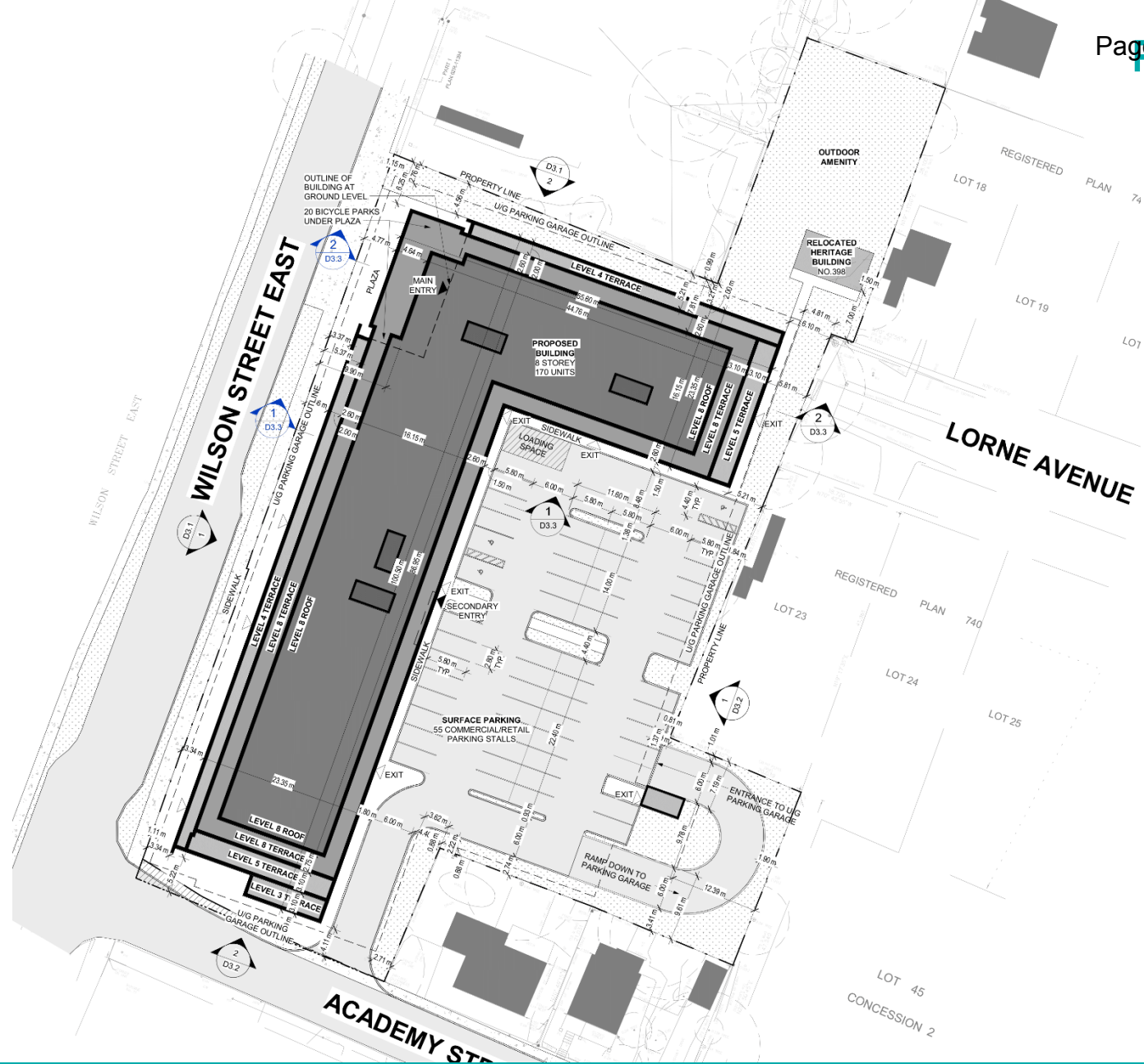
Subject site from south along Lorne Avenue

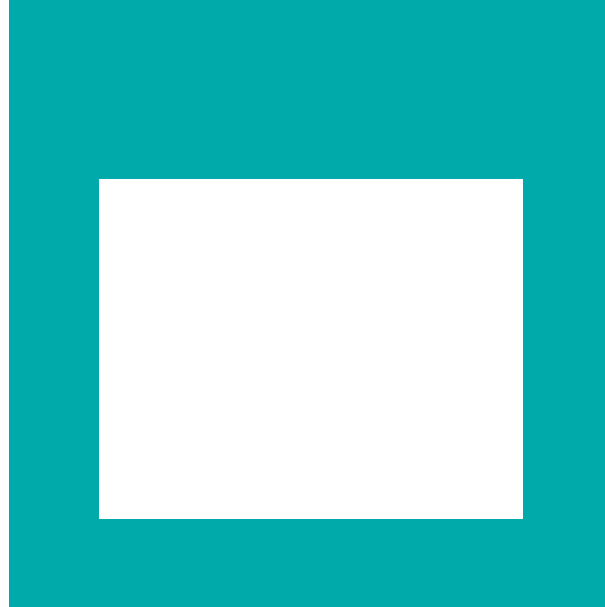


North side of Lorne Avenue



South side of Lorne Avenue





THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE

CITY OF HAMILTON

MOTION

Planning Committee: May 3, 2022

MOVED BY COUNCILLOR J.FARR.....

SECONDED BY COUNCILLOR

Waiving of Street Festival Fees

WHEREAS, over the past two years the COVID 19 Pandemic has significantly impacted the ability for street festivals to occur.

WHEREAS, street festivals are an important tool to support broader economic recovery planning.

WHEREAS, Hamilton Municipal Parking System typically charges a fee to help off-set the loss in revenue where street festivals remove metered on-street parking from service.

WHEREAS, reducing the costs associated with street festivals could accelerate their return.

THEREFORE, BE IT RESOLVED:

- (a) That the fees typically applied to offset revenue losses from metered parking being removed from service be waived for street festivals qualifying under the Special Event Advisory Team (SEAT) process be waived for the 2022 season; and,
- (b) That the estimated revenue off-set for the Hamilton Municipal Parking System be funded from the Economic Development Investment Reserve (112221).

CITY OF HAMILTON

MOTION

Planning Committee: May 3, 2022

MOVED BY COUNCILLOR M. Wilson

SECONDED BY COUNCILLOR

Support for the Issuance of two Manufacturer’s Limited Liquor Sales Licenses (“By the Glass”) for Steel Town Cider

WHEREAS Steel Town Cider is operating at 150 Chatham St., Hamilton, Ontario.

WHEREAS Steel Town Cider began operations in 2017 moved to its current location at 150 Chatham St. beginning September 2020

WHEREAS Steel Town Cider has applied for and received manufacturing licenses and retail endorsements allowing it to brew and sell cider and beer at it’s 150 Chatham St. location

WHEREAS in addition to brewing cider and beer, the business model has a retail, tourism and education component; and

WHEREAS the Alcohol and Gaming Commission of Ontario (AGCO) requires written notice from the Council of the Municipality within which the applicant's site is located confirming that it has passed a resolution in support of the issuance of two Manufacturer’s Limited Liquor Sales Licenses (“By the Glass”) for both cider and beer, for tastings.

THEREFORE, BE IT RESOLVED:

That the Council of the City of Hamilton confirms their support for the issuance of two Manufacturer’s Limited Liquor Sales Licenses (“By the Glass”) for both cider and beer, for Steel Town Cider located at 150 Chatham St., Hamilton, Ontario.

(To be completed by the Clerk)

MOTION APPROVED ON A RECORDED VOTE Yeas: _____ Nays: _____
(Refer to Recorded Vote Sheet)

MOTION DEFEATED ON A RECORDED VOTE Yeas: _____ Nays: _____
(Refer to Recorded Vote Sheet)