
Subject: RE: ZAC12-010 PROPOSED BUILD MILLEN ROAD

From: L. S.

Sent: May-11-14 8:51 PM

To: Caterini, Rose

Subject: ZAC12-010 PROPOSED BUILD MILLEN ROAD

Good day Mayor Bratina, Cirs McHattie, Farr, Ferguson, Merulla, Jackson, Whitehead, Pasuta, and Morrow:

My name is Lorraine Smith and I am a Ward 10 resident. I reside at _____ in Stoney Creek and my backyard backs onto one of the properties of the proposed build. I was included in the 71 person petition that was submitted to you on March the 24th 2014 asking you to support the planning committee's recommendations to deny the official plan amendment and zoning amendment for lands located at 257, 259 and 261 Millen Road. I have also written letters to Maria Pearson and Joe Muto since the announcement of this proposal expressing my concerns, the main of which being loss of privacy. We were initially told (and shown from the proposed two building diagram proposal) that no balconies would face toward Hemlock Avenue. The revised one building plans now show several balconies facing into our yard. The original two building plan seemed better as most balconies faced into the buildings themselves and the height was a more appropriate "fit" for the area. How would you feel about balconies facing directly into your backyards??

Our own ward councillor chose to declare "an interest in common" and we have had no one to represent our concerns in this matter. Where we witnessed Clr Duvall step up for his community to ensure their concerns were all addressed prior to site plan process, we go unrepresented.

Many of us are concerned about parking issues, lack of green space, traffic issues etc, etc and it seems all of these concerns have fallen onto deaf ears.

I can live with a build being behind my residence as long as it is done with the privacy of the immediate neighbours in mind which this clearly is not. It is also greatly lacking in parking availability and as far as I know, a traffic study was never conducted either.

I am requesting that you please reconsider your original vote and not adopt the by-law. This particular build does not conform to the majority of builds in the neighbourhood and is not compatible.

Thank you for your time

Lorraine Smith

Subject: RE: Bill No 116 and 117 - ZAC-12-001 AND OPA-12-001 , Millen Road - Council Meeting May 14 2014

From: Viv Saunders
Sent: May-12-14 9:33 AM
To: Caterini, Rose
Subject: Bill No 116 and 117 - ZAC-12-001 AND OPA-12-001 , Millen Road - Council Meeting May 14 2014

Good Morning Honourable Mayor and Council

To truly resolve an issue, the end result should be viewed as being Win-Win-Win (City-Residents-Developer) and currently the perception is a Win-Lose-Win. I'm hoping we can work on that perception.

I am writing to you to respectfully request that you please read through our concerns and give them some thought before adopting any Official Plan amendment and Zoning amendment for lands located at 257, 259 and 261 Millen Road. I appreciate the fact that you have the difficult task of weeding through an abundance of correspondence on a daily basis, but we sincerely hope that you can place this item higher up on your list of priorities and truly study the details submitted.

A prologue was written to this "short story" and sent to a select few councilors last week on a less formal basis. Some edits have been made and we are requesting that today's email forms part of the public record. We're hopeful that this will not simply "be received". It is the neighbours' request that another discussion ensues in regards to this very personal issue.

An amended by-law is to come before you at the May 14th Council Meeting. This amended by-law will incorporate revisions made between Planning Staff and the Applicant since your March 26th deliberations.

Due to the regulations, the public has not privy to these revisions nor will they be provided with an opportunity to make representations and/or comments: *..(In accordance with Section 35(17) of the Planning Act, Council can make revisions to a proposed By-law after the Public Meeting without having to give any further notice)*. It is common practice that the local councillor is part of these discussions to ensure that the public's concerns are addressed and issues are resolved prior to bringing this to Council. In this particular case, representation for the residents was and is not available. The Act does not state you can't give notice; just that you don't have to. Even under these unique circumstances, City Staff have chosen to **not** give the public notice of these revisions.

If you feel these 2 facts alone (no representation and no notice) are unfair and do not fit into the principles and values of the City regarding public engagement and due process; you of course, have the option to make a change and send a positive message to our neighbours.

As mentioned in previous meetings and emails, a small group of residents are more than willing to sit down and work with the developer and City Staff. City Staff have agreed to allow a meeting at Site Plan, but no offer has come forward to do this prior to the adoption of the amended by-law.

A recent review of the **actual** builds that are occurring in our Ward as compared to the builds that were **proposed** to Council in order to facilitate zoning changes has revealed to us that *substantial* changes to parking, egress/ingress, design, and landscaping are being approved at the Site Plan Control Stage. Changes that you, (because you've delegated that power) or the public (because it's not a public process), have no input into. Are you aware of this? Are you okay with that? It has become very apparent to us that more detail and attention needs to be paid at the Zoning Stage; for a lot of reasons, not the least of which quite simply, you owe it to the public. And please don't get me wrong. I'm not suggesting that this level of detail and/or public participation needs to occur with every planning application received. The costs wouldn't be justifiable. I do however believe that when you are provided with current dated documentation from @ 86 individuals from an original circulation list of 117 residents, someone should be attempting to either educating the public or working *with* the public *prior* to adopting a change. This would be a great step towards building a stronger community by removing the "Us and Them" environment and mistrust that currently exists.

You may have your own valid reasons for approving this change, (some of which were mentioned during the Planning Committee meeting and the Council meeting), but we wanted to share with you additional information you might not be aware of as well as provide you with some thoughts on various comments made during previous deliberations.

Quality of Build – no argument there. This particular developer does excellent work as evidenced by previous builds. His work is to be commended, and has been by the awards won. The issue is the type of build in this location

Secondary Plan - There was some discussion about the relevancy and the usefulness of the Western Development Area/Poplar Park Neighbourhood Plan in determining the need to follow this plan due to its age. While I agree that plans get amended and can change over time due to new regulations, etc, please be advised that this particular plan, which forms part of the Urban Hamilton Official Plan, was Council Adopted: July 9, 2009 / Ministerial Approved: March 16, 2011 and Effective Date: August 16, 2013 and appears to have been reviewed as part of the City Wide Secondary Plan Review @2007 – 2009 process which took place prior to inclusion in UHOP. Excerpts from various Reports state: "*Secondary Plans are ... adopted through Official Plan Amendment into the Official Plan to ensure that their intent is legally binding.*" ... "*Given that Secondary Plans have the ability to implement and impose binding direction for community development ... Secondary planning can be an effective tool for implementing policies for intensification, incorporating density targets and applying the recommended growth option through GRIDS for specific areas of the City.*" .. "*Any proposed Secondary Plan must be consistent with the 2005 Provincial Policy Statement (PPS)...*", the Province directs municipalities to encourage intensification, provide a mix of housing types, protect natural and cultural resources, and use existing services efficiently. All of these aspects are considered in the Secondary Plan review process." "*There are many Secondary Plans which have already been completed over the past 15 years. These Secondary Plans will be incorporated into the new City of Hamilton Official Plan. The existing approved Secondary Plans are:...* **WARD 10 6. Western Development Area Secondary Plan**"

And then again in September 2009, a report to the Planning Committee stated: "*Information was also collected regarding the issues and opportunities in each Ward during meetings with many of the Ward Councillors...*" Generally, Secondary Plans include a land use plan with implementing policies that are adopted into the Official Plan to ensure that their intent is legally binding... These plans provide specific policies for those areas of the City where more detailed direction is needed for land use, infrastructure, transportation, environmental protection, urban design, or similar matters beyond the general framework provided by the Official Plan. Secondary Plans also provide opportunity to promote consistency in new developing areas and compatibility within existing areas in need of revitalization.

Development which conforms to these policies makes communities a better place to live, work, and play. ..."Secondary Plans which provide legal policy direction." ..." The next step was the preparation of individual Ward packages, which included a copy of the consolidated Ward map with information on GRIDS and the Hamilton Transportation Master Plan, the draft Urban Official Plan, a Parks Phasing plan, copies of any Secondary Plans and Neighbourhood Plans in the identified Ward. The analysis was done on a Ward by Ward basis as this approach allowed staff to utilize other studies and information available in a universally understood format. This package formed the basis for further review and consideration for Secondary Plans. Staff also requested meetings with all the Ward Councillors to discuss the issues and opportunities for Secondary Planning and Community Strategies in their wards. Staff met with many of the Councillors, as their schedules allowed, over the summer of 2008. A package (as noted above) was customized to each individual Ward and provided to the Councillors at the meetings. For those Councillors who were unable to meet, the package was provided and follow-up was conducted. A summary of the items discussed was prepared to analyze the input that the Councillors provided, and incorporate this information in determining the priority areas.".." In addition to determining areas for new Secondary Plans, a review was done of the existing Secondary Plans to establish when each of the plans was originally prepared. From this information, the Secondary Plans were ranked based on eligibility and the need for review." ..." There are a number of Secondary Plans that have previously been completed or

are pending completion in the former municipalities. These Secondary Plans will remain in effect and will be incorporated into the new Urban Official Plan as Volume 2 - Chapter B. Some of these Secondary Plans are quite old, and may be ineffective in promoting current sustainable development and intensification principles that are required through local and provincial planning documents. If this is the case, these plans may be updated to conform to new standards or be eliminated if it is determined that they are no longer needed to guide growth and development of the area"

"An additional implication of preparing Secondary Plans in a reactive manner, is the lack of direction for a larger area when individual planning applications are submitted."

What messages are being sent:

Are we to assume, since the intent of Council appears to be to not adhere to the Secondary Plan, that the Western Development plan, even after being reviewed by Staff and after being adopted by Council is a non-binding legal document that does not conform to the Provincial Policy Statements and the Places to Grow Act and does not provide legal policy direction?

Are we to read into this, that amendments to the Secondary Plan in a reactive manner when an individual planning application is submitted, is showing a lack of direction?

Or are we to understand that the Secondary Plans that are in effect in the Official Plan conform to the new standards, are considered effective, should be legally binding, and hence, should be adhered to?

Has anything materially changed since the plan's adoption that we're not aware of that would explain your approval of this OP amendment and Zoning amendment?

Neighbourhood Plan – The Poplar Park Neighbourhood plan appears to have also been reviewed sometime between 2007 and 2009 as part of the overall Western Development Secondary Plan Review. As per the current UHOP: "**1.2.7** Neighbourhood plans are policies adopted by council resolution and do not form part of the Official Plan. Any proposal for development or redevelopment must conform to the designations, and policies in the Neighbourhood Plan. **1.2.8** Any amendment to the Neighbourhood Plan

must be evaluated using the provisions of Policies F.1.1.3 and E.1.1.4 and shall require a formal Council decision to enact the amendment."

Policy F.1.1.3 is currently under appeal, so presumably, you only need to have regard to Policy F.1.1.4 right now which states "**1.1.4** When considering amendments to this Plan, including secondary plans, the City shall have regard to, among other things, the following criteria: a) the impact of the proposed change on the City's vision for a sustainable community, as it relates to the objectives, policies and targets established in

this Plan; and, b) the impact of the proposed change on the City's communities, environment and economy and the effective administration of the public service"

Is it just me or is your head spinning from the wording for Neighbourhood Plans? Everything I've been told and read in reports up to this point has lead me to believe that Neighbourhood Plans are basically a working tool and are just a guideline; yet our Official Plan states "any proposal..MUST conform.." . In my mind, this would place the emphasis first and foremost on the Neighbourhood Plan. Do you read this differently?

Our understanding is that the Poplar Park Neighbourhood plan was already reviewed, compared to the City's vision for a sustainable community and sound planning principles were applied as recently as 2008. This plan clearly shows this neighbourhood is predominantly Low Density Residential; single family homes. No where in this neighbourhood do we currently have Medium Density Residential. In fact, within all 8 Neighbourhood Plans in the Western Development Area Secondary Plan, there are only 2 Medium Density Residential zones. One that is completely surrounded by roads and a Neighbourhood Park in the Corman Neighbourhood, and one on Highway #8 that abuts Commercial buildings and backs onto a higher density zone than what is being proposed to you. I would also like to point out that there are no HIGH density zones within all of these neighbourhoods. I am referring to this proposal as HIGH density because in my opinion, by definition, 104 units per hectare is HIGH density.

The impact of these proposed changes on the community should be evaluated carefully and a clear understanding of any changes to the City's vision should be transparent prior to agreement for a zoning change. Is it the intent of Council to change the vision of Millen Road to a future node/corridor and build to that scale? If so, approval of this amendment would be in keeping with that vision.

In conclusion, I have to ask, that if it is the will of Council and the intent of Staff to not adhere to the Secondary/Neighbourhood Plans throughout the City, then why have them in our Official Plan?. And why have citizens/staff/councillors in various neighbourhoods go through all that anguish in developing the plans when you won't take a stance and back these plans? I can't even imagine how much time and funding it has taken to review, develop, and defend, to even get to the point of adopting a Plan. Has it, and will it continue to be considered a misuse of funds, a lack of direction and/or an appeasement?

During the March 26th Council meeting some Councillors mentioned that they were not aware of exactly what concerns the Public have so it was difficult to decide how to proceed. At the time, we were unaware the specifics needed to be re-iterated after the Planning Committee meeting since a majority voted to deny these applications. In hindsight, we can see how that may have influenced your discussions, so the following list is being provided to you:

- 1. Height –**

The Staff report states *"One of the letters raised an issue with respect to the overall height of the building. Staff had considered similar concerns with the original submission of the application, in particular due to the proposed location of the two buildings in the original concept which were shown along both the southern and northern property lot lines. In this regard, staff advised the applicant to revisit the proposal by centrally locating the building and providing revised urban design criteria, including an angular plane review and sun/shadow study. By doing so, the impact of height is drastically reduced, especially since the OPA restricts the maximum height to three-storeys. Further, the parent Multiple Residential "RM3" Zone provision for height is not being modified. Therefore, staff believe that the proposed infill development is considered compatible and appropriate"*

The Public stated *"the building height is not a good fit with the neighbouring properties"*

During the Planning Committee, the majority of the councillor's were in agreement, that a 3 storey build on a totally residential street is not compatible with the existing heights of primarily single storey residences, and 1 ½ storey residences.

In addition, there is conflicting information on file. The proposed Site Plan sent with the Public Notice shows 13 ms and a variance being required since the maximum height is 11ms. The Staff Report doesn't indicate. The Elevation Report is illegible. The Angular Plan Study shows 10.68 ms and a pitched roof.

The Urban Design Brief states the roof will be flat to keep it under the 11ms. The Planning Justification Report states "the proposed building height for the apartment is 13ms which represents a moderate 2m increase.."

2. **Intensity** – You are being asked to approve a modification to allow 104 units per hectare. A conservative estimate of 1.5 people per unit would equate to **146 people per hectare**. According to the Growth Plan, infill development in built-up areas do not have any regulations for people per hectare. There are regulations for downtowns and there are regulations for urban areas, but not infill development in built-up areas. Your own common sense and objectivity is to be relied upon in this situation. Has the vision for Millen Road has changed and is the will of Council to change that street to be more in line with a Node/Corridor built form?

If so, proceeding with this particular proposal is explainable and in all fairness, should be shared with the residents in the area. This would also be a much more transparent process for the developers and less speculative for them. I've been told other residents has been approached to sell, after this development is done. There's no way of knowing if this is a strategical move to silence opposition or an indication this build is simply phase 1. I mention this only because you should be aware of the precedent you may be setting. Based on the detailed Land Use Plan map, it doesn't appear that this is the vision for Millen Rd.

Our Neighbourhood Plan has a projection of 55 people per hectare and our Secondary Plan has an estimate of 54 people per hectare. You are being asked to approve a modification that is more suitable to the Province's Downtown Growth Centre density targets.

You can't say this is an appropriate intensification project based on pressures placed on Council under the Growth Plan when the project is conservatively 146 pph and the GRIDS model is to build the area to 54-55 people per hectare. Since it is primarily 1 bedroom units, I've used a conservative estimate of 1.5 people per unit above.. If we use the actual model of 2.46 people per unit in our Ward, the people per hectare for this project would equate to 239 !!! (4x the model, and 10x the surrounding properties)

Actually, , I guess you can say it's "appropriate" but we would be interested to know what you might think is "inappropriate".

3. **Density** – As per UHOP:

"Scale 3.4.4 For low density residential areas the maximum net residential density shall be 60 units per hectare"

'Scale 2.3.2.7 Sub-Regional Service Nodes shall generally have some of the higher densities within the City with a target density of 100 to 150 persons and jobs per hectare across each node.

' Scale 2.3.3.7 Community Nodes shall generally be planned to achieve a target density of a 100 persons and jobs per hectare.

" Scale 3.5.7 For medium density residential uses, the net residential density shall be greater than 60 units per hectare and not greater than 100 units per hectare.

Scale 3.6.6 In high density residential areas, the permitted net residential densities, ...Shall be: ...) greater than 100 units per hectare and not greater than 200 units per hectare in all other Neighbourhoods designation areas.

In addition, Appendix B – Secondary Plan Residential Density Chart is contained in the Urban Hamilton Official Plan. Page 2 of this chart indicates that 104 units per hectare is High Density 1 for areas that already have a Secondary Plan in place. Although, the zoning is currently for a density of 20 – 40 units per hectare, the existing neighbourhood has a built form more in keeping with Low Density 1

You are being asked to set a precedent that changes a Neighbourhood's density from extremely low density to high density (even though it appears Staff are mistakenly reporting this as medium density)

4. **Parking** – Listening to Council, you either already have a firm stance that it is okay in your mind to transfer/repeat existing parking problems out to other neighbourhoods; or you truly believe making parking spots unavailable or too small to maneuver for residents will force them to seek alternative forms of transportation that will be better for the environment; or you feel that since we have a clear and current by-law in place for the parking standards in the area, it should be abided by.

You are being asked to modify the requirement of 64 parking spots down to 56 (although I count 54 on the plans)

You are being asked to completely ignore the requirement that parking, when the 40 units per hectare is exceeded, is to be located underground or enclosed in main building

You are being asked to modify the requirement and provide relief for common parking so that parking spaces can be 1.5 metres to the northerly lot line and 2.0 metres to the westerly lot line. By-law requirement is 3 metres.

You are being asked to modify the existing By-law requirement that states parking is to be located 3 ms away from all the single detached properties that are adjacent to these lands. Bill is reducing this to 1.5ms away from the neighbours

You are being asked to modify the requirement in order to have parking spaces located 1.5 ms from the building. By-law requirement is 3ms away from the building

You are being asked to reduce the requirement of the size of the parking spots that are 90 degrees perpendicular spaces from 2.75 m x 5.8 to 2.6m x 5.5m

You are being asked to reduce the requirement of the size of the parking spaces that are other than 90 degree perpendicular spaces from 3 m x 6m to 2.6m x 5.5m

You are being asked to completely ignore the by-law requirement For Parking Designated For Vehicles of Physically Challenged of 7 marked spots. The plan shows only 1; for a proposal that is a senior's condo apt.

You are being asked to completely ignore the City of Hamilton's Barrier Free Design requirements

Staff are of the opinion, based on their Staff Report, that "*the proposed development is targeting an aging resident market that will not demand excessive parking allocations*"

Are you in agreement that the by-law requirements listed above even represents *excessive* parking allocations?

In looking at other municipalities, some have Planning Guidelines in place that specifically state a less than 10% reduction in parking is considered a minor adjustments. Major adjustments are when the reduction in parking is 10% and over. A major adjustment triggers a requirement for a Parking study to show that adequate on-street parking is available or can be substantiated due to other factors. The request before you is for a reduction of 16% for common parking. The reduction of 96% for parking for the physically challenged hasn't even been mentioned.

5. **Traffic:** - no Traffic Study is on file or appears to be a requirement at Site Plan. During the Planning Committee meeting a resident voiced her concerns with "*-excessive traffic on Millen Road which already has major issues with speeding*" At that time, some councilors appeared surprised a Traffic Study was not required by Staff, while one councilor felt it would be a waste of money. It appears Millen Road has been built to accommodate speeds up to 70 km/h (although 50 is posted) and that Public Works/Council is quite aware but doesn't see a problem in knowing that the actual traffic speeds are between 61 km/hr and 67 km/hr. This concern has not been addressed.

6. **Privacy** - The Planning Justification Report requested to be written into bylaw – "*no balconies shall be permitted in the side yards abutting the north and south property lines.*". The Urban Design Brief (for the original 2 buildings) stated "*there is only one end balcony on each building end of the proposed buildings which would be facing the Deerhurst neighbours and also facing Millen Road. The current design has taken into consideration the affect on the north and south neighbours and their privacy, therefore there are no balconies facing the neighbours on these two faces and all the other units face the inner entry courtyard to the development*"

The Staff Report states *"Two of the letters indicated that they had a concern related the loss of privacy and the overall impact of the development..., in response to these concerns, staff requested that the applicant revisit the original concept of two buildings, with a proposal of a single building centrally located on the lands which, as revised, are now further removed from the existing single detached dwellings. This is the current concept, and it is staff's opinion that this addresses the concern raised about privacy.. , staff are satisfied that the proposed balconies would not negatively impact the neighbouring properties"*

The revised one building plan now has **10 full balconies** and 4 partial (end) balconies on the north (facing Deerhurst) and south (facing Millen) sides; & **4 full balconies** and 4 partial (end) balconies on the west (facing Hemlock) and east (facing adjacent property on Millen) side; albeit setback further than the original proposal.

I'm not sure this was a change for the better. Perhaps the original design build of 2 bldgs would have been better?

(I don't know if you have a balcony where you live, but we added one off our 2nd floor bedroom a few year backs. I was amazed how far and how much I can now see. The siteline from my balcony now extends from Lake Ontario to the QEW/Grays Road bridge, with a whole lot of windows, hot tubs and backyards even though there's 20+ year willow trees in between). No matter what the Angular Plane Study shows, visually, I can't get my head around the proposal that a 2.1m high fence and more extensive landscaping will provide privacy to the current neighbouring properties from the 2nd and 3rd floor residents). In addition, the Angular Plane Study showing an angle of less than 45 degrees was referenced during discussions as being the deciding measurement of privacy. We've read that Angular Plane Studies are a means of determining the compatibility of a transition in height. It shouldn't be construed as meaning the development is providing an acceptable level of privacy.

In addition, the Council minutes refer to an increase in the fence height and more landscaping to help with "parking", but the letter from planner does not reflect these changes.

7. **Landscaping:** Residents' stated *"The applicant is also proposing that landscaping not be less than 22 percent where 25 percent is required. Staff considered this to be minor where we considered it to be major considering that the applicant is cutting back on space for everything. Resid It seems as though he has to "squeeze" everything into this space because there isn't enough room for a 40 unit building structure, adequate parking and landscaping"*

Council was provided with a letter/email that appears to address concern which stated *"Landscaped Open Space: increased from 22% to 25% (an addition of 880 sq ft) to conform to the by-law."*

Our April 9th email, still unanswered, stated *"With respect to Landscaped Open Space – the calculations appear to be wrong. The by-law clearly states Front Yard is to be excluded from calculation to meet minimum 25%. If it goes through as is, without exceptions, major problems will occur down the road. Current plan appears to be about 9% when the minimum is 25%. Someone needs to check our figures though"*

In addition, you are being asked to modify the existing by-law requirement of a 3 metre landscaped strip around the property and reduce this to 1.5 metre landscaped strip..

8. **Compatibility/Character** – In my humble opinion, “compatibility” is way too subjective. It is however defined in our Official Plan as evaluating uses in our Neighbourhoods “ *with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking, and landscaping*” It is up to you to compare: the current built form of this neighbourhood, (and these 3 lots; 2 of which are zoned single family and only 1 is Institutional which would allow single family as well as retirement homes, etc.) versus the proposal for one single 3 storey building, using each of these factors:

	Proposal	Existing
Scale –	104 units / hectare	@ 10 units / hectare
Massing – maybe 3,000 in neighbourhood	38,418 sq feet	@ 800 sq ft on either side, upto
Height – upto 11 m / 1, 1 ½, and 2 storey in area	11 m / 3 storey	1 storey on either side and maybe
Siting- (distance from st)	5.8 metres (bylaw is 7.5)	6 metres
Orientation –	unable to determine. Doesn't appear was studied. (definition: facing distances and separation to promote privacy and mitigate overlooks between the residential windows and balconies of one building and the windows and yards of adjacent residential properties).	
Setbacks –	4.85 (f), 17 (r), ?(s)	6 (f), 7.5 (r), 3(s)
Parking –	1.35 / 1 BR unit & 1.85/ 2 BR unit minus 2?	min 2 / unit required
Landscaping – 40%	conflicting % on file	maximum lot coverage allowed is

“Staff are of the opinion that the proposed development is considered compatible with the surrounding area in terms of scale and design” ...Are you?

9. Property Values – Staff seem to have a standard comment here; which is fine. I wouldn't expect a Report to come out stating “Staff are of the opinion the adjacent properties may have a decrease in their property values”. I wanted to point out though, that 1 resident did take a reputable Real Estate agent on site and reviewed the Plan with him. The agent pointed to each home that would be hit with an immediate decline in their property values and he quantified the various % declines to each home. This concern is valid. If need be, an affidavit can be provided.

We've now been provided with other documents that were not made available to us until just last Friday, so our list has grown to include:

Sun/Shadow Study –

A Sun/Shadow Study indicates all of the shadowing effects will occur in the winter months. The residents on Deerhurst will lose their morning sun at the back. The resident on Millen, north and immediately adjacent, will lose their afternoon sun. And the sun will set even earlier in the Winter for those that live at 262, 263, 264, 265, 266, 267 and 268 since by 4:00 p.m. this building will either fully or partially block the sun light for them. (sunlight some might consider crucial at this time of year to help with snow melt, lower heating costs, emotional well-being, those with SADS, etc)

Which translates into

A Staff report that states: "the proposed building will be situated in a fashion that ... allows for minimal shadow impact." .." The applicant has provided subsequent development concepts and study which attempted to address the design impacts of the proposed building..., they also provided a sun/shadow study which assessed the potential impact of the proposed building on neighbouring properties. In this regard, staff are of the opinion that the proposal meets the tests of compatibility, and would conform with the "Neighbourhoods" designation...and minimizes the impacts of shadowing and maximizes light to adjacent properties."

Loading Space –

The Staff Report that states: *"In keeping with newer multiple residential developments within the City, the applicant is requesting that no loading space be provided, whereas one loading space is required. The applicant has advised that deliveries will generally be accommodated for onsite, and larger deliveries will be managed through the future condominium corporation. Staff are in support of the modification as it is considered minor, as loading can still be accommodated onsite."*

In addition to trucks, we would presume that larger vans such as DARTS/Airport Shuttles would be picking up and dropping off residents, as well as possibly TransCab/Taxi services since this location does not have direct access to public transit and limited Saturday/Sunday/After 6 service for the closest bus stop at Barton and by design, is intended to have the residents seek alternative forms of transportation. In my opinion, a provision for a loading space for structures that are intended to be designed for seniors is more of a priority than other types of builds.

Landscape Plan –

A memo from Forestry & Horticulture as a follow-up to the Formal Consultation document which states *"...a Landscape Tree Planting Plan will be required. A review of the site shows that there is minimal road allowance on the west side of the sidewalk in which to create a Landscape Strip and plant trees on Millen Road. The Landscape plan must show the installation of caliper deciduous trees within the soft surface Planting Strip on Private property fronting Millen Road Planting Strips shown to be placed on the North, South & West sides of the site are substandard in width. Tree vigor is directly related to soil*

volume and a width of 1.0m is insufficient. Soft surface areas should appear in the hard surface parking area, even though the number of spaces proposed is less than the number required. This project as presented will create much impervious hard surface area resulting in copious amounts of storm water runoff ... A Landscape Tree Planting Plan prepared and signed by a Landscape Architect taking into account the comments provided above will be required. "

Translates into:

A Staff Report which states: "**The following Departments and Agencies had no comments or objections:** ...

· Forestry and Horticulture (Public Works Department).

Stormwater Runoff –

As per the memo above "*This project as presented will create much impervious hard surface area resulting in copious amounts of storm water runoff*"

The Staff Report states: "*a revised stormwater management report will be required at the Site Plan control stage, given the current concept of one building rather than the initial proposal for two buildings*"

In light of recent and projected storm/flooding events, I'm still amazed that the city continues to consider approving more intense zoning before and/or without SWM reports that are reflective of the site plan design being proposed to support a zoning amendment. To me, this is just not logical. Especially considering Staff's use of the word "copious".

A very rudimentary calculation indicates these 3 lots combined currently have @ 25% of impervious surface. This proposal appears to increase that to @ 75%+ impervious surface.

I've read through the outdated SWM, which for the most part went over my head, but a few things stood out to me:

1. Millen Road was recently upgraded to accommodate 1:**5 year** storm event (I thought the standard was 1:100 now?)
2. The storm sewer drain only accounts for runoff from the **front half** of the all the lots ; not the back half. (presumably because the back half are generally pervious surfaces which this proposal will now change to almost 100% impervious surface)
3. Catchment areas throughout were recommended, but as we know catch basins clog, and at this point we don't know how many will be able to be installed now that the building has changed from 2 to 1 or whether their relocation now increases the risk of runoff to the neighbouring properties.

I'm probably wrong, and would appreciate learning more, but it appears to me that we really don't have the infrastructure in place to build to this intensity? It appears that the infrastructure required and deemed appropriate in 2008 was based on a model of less intensity/more pervious surfaces for all of Millen Road. Am I wrong? Would we be able to accommodate the runoff if 25%, 50%, or 100% of the residents along Millen paved in their backyards?

Other -

Just for clarification, even though the Staff Report states “, *the proposed development is situated on an arterial roadway, along an existing transit route*, it is not on an existing transit route. This caused some confusion previously. One councilor stated, “I asked, and was told there were 2 bus stops close by” so he thought there was direct access.

Complete Streets to Prevent Injury: -

After reading Ryan McGreal’s May 7th article in Raise the Hammer “*Another Senior Citizen Dies after Automobile Collision*” we wanted to bring your attention to the 2012 Ontario Coroner’s Report on Pedestrian Deaths and the factors recommended to prevent pedestrian collisions:

- Reducing vehicle speed through both signage and design (Millen Road is designed for 70 km/hr)
- Increasing the number of crosswalks (Millen Road only has 1 cross walks at Barton to get to the east side where the closest bus stop is and doesn’t have one (according to Google Earth) to get the bus stop on Highway #8. The bus stop one would presume get the most usage as it runs to Fortinos, Eastgate, downtown, etc
- Reducing the crossing distance for pedestrians with bump outs and islands. (Millen Road has no bump outs or islands and will have a future Right of Way of 26.213 metres)

The kinetic energy of a vehicle is an exponential function of its speed. If a vehicle is moving at 64 km/h, the death risk rises to 85%!

Aging in Place/Lack of Supply: -

Some Councillors stated that this development will provide an alternative to those who wish to Age in Place and that there is a lack of supply available for our aging population. Accordingly it was felt that this development is supportable to help with this concern. Setting aside the fact that Ward 10 is projected to **exceed** our intensification targets and our adjacent Ward 9 is projected to meet their intensification targets, in the lower Stoney Creek area, there are 2 brand new developments underway designed for Adult Lifestyle living and seniors residences. Has anyone done the math to substantiate if a lack of supply is in fact still projected for our area?

Conflict of Interest – This is a touchy one. I’m not even sure I should go there; but in for a penny in for a pound!

An interest in common, should not be construed as a Conflict of Interest in my mind. The characterization of the nature of the interest – specifically, whether it is financial or non-financial in nature – has an impact on the duties of council. The implications of the Old St. Boniface Residents Assn vs Winnipeg (City) case were clear. The contrary conclusions would have resulted in the disqualification of the majority of Council in respect of **all** matters that are decided at public meetings. For example, the whole Official Plan itself!

What most residents are telling me they think is a clear and/or perceived Conflict of Interest exists is when the owner/developer is a *personal* campaign contributor of a Councillor who votes on a matter before them. While not a regulation, residents would like to request that in those situations, the Councillor declare a Conflict of Interest.

Some would like to see this carried even further and extend to the applicant/planner and company campaign contributions from owners/developers, but I'm leaning towards others who feel the municipal election provides the requisite scrutiny and that these types of donations did not sway votes, as evidenced from past history.

I also do realize that at this stage, the cost and threat of an OMB appeal will likely be taken into consideration based on the fact that Staff are recommending this amendment, but I hope I've provided you, and perhaps counsel, with enough information to use to substantiate a denial/tabling of this amendment based on sound planning principles and regulations that are in place. A small group of residents have attempted to meet with the owner to work out a development that everyone can live with in the hopes of avoiding an Appeal. Rather than resolve an appeal, we falsely thought it would be best to avoid one altogether. We're still waiting to hear back. It doesn't look promising. An OMB Appeal at this point in time, in all likelihood, would provide the owner with a quicker resolution. Guess that means, it boils down to, does Council want to have funds spent defending a denial or an approval. You of course also have the option of amending what is proposed and adding a Holding Provision similar to what was recently done for Clr Duvall's residents on Upper Sherman. An appeal will however put the applicant's planner in a rather precarious position. He will either have to defend his original position that a 2 building development is the best option, or back the City's position that a 1 building development is better than his original proposal.

In addition, your thought process might be taking Tactical Taxation, etc into consideration which I'm open to discuss, but quite frankly, this email has evolved into a much longer email than what I thought it would and you might be exhausted from reading ! Current annual tax revenues on these 3 properties is \$17,000 and this build would probably generate \$ 103,400 Obviously, this is substantially more, but other factors or alternatives were not compared. A 26 unit / two story would generate \$67,210. Plus, you may need to factor in the decrease in revenues from the decline in the property values of surrounding homes.

I also wanted to point out that I haven't made any references to PPS, etc. with respect to "consistent with". In reading through those regulations, it became very apparent that one can pick and choose various sections to support just about any proposal in any location. I do however, find it interesting that you are never provided with the sections that are "not consistent with".

In my humble opinion, if you choose to approve this By-Law amendment, you are not only choosing to discredit the validity of the neighbour's concerns and the majority vote of the Planning Committee members but you are also choosing to discredit our Official Plan, our Secondary/Neighbourhood Plans, our GRIDS, our Zoning By-Laws and our Barrier Free Design guidelines. Are you comfortable sending that message?

If there are other factors that may form part of your discussions, or if you need clarification on anything I've written I would welcome an opportunity to discuss them with you.

Thank you for taking the time to read this. I apologize for the length of this email, but since the public isn't part of your deliberations I was trying to give you enough information on all the facts that might be

discussed. There was a lot of "spin" during the previous Council meeting that I am attempting to avoid at this Wednesday's meeting.

Sincerely,

Viv Saunders

P.S. While I have your attention (assuming I still do?), I want to say Thank You. You have a very tough job and I recognize that you have to make tough decisions that for the most part appear to be perceived negatively. I think everyone's over-riding goal is to make Hamilton a better place; 1 neighbourhood at a time. While I happen to disagree with the intended direction of this particular matter, I do recognize that this Council has made some positive changes throughout other areas of the City which truly are appreciated. Thanks!

Subject: RE: ZAC12-010, Millen Road Apt Proposal

From: Suzanne Mooney
Sent: May-12-14 11:43 AM
To: Caterini, Rose
Subject: ZAC12-010, Millen Road Apt Proposal

Morning,

We live in the front door of the above proposal off of Hemlock. We're very concerned about our privacy which will be interrupted by onlookers from balconies. We work all day and we look forward to a relaxing evening in our backyard. Also, we could see a cramped street full of parked cars on Hemlock due to the lack of parking space designated to units on this building. That is a lot of people for such a small place. May as well call this a can of sardines. This plan may add to a phrase of an industrial area as the noise and traffic will be similar.

We like the thought of the first plan with 2 buildings as opposed to one. At least we only have 1 balcony to deal with. Too bad we do not have a counsellor in our area to help us out. We're on our own.

As for the counsellor that mentioned that our street has parking spots for 4 vehicles. We have room for 2 vehicles unless we purchase smart cars.

Our neighbor on the one side only has a spot for 2 vehicles.

We just had our house appraised and the appraiser asked what will become of the space in the back of our house and my reply was that they intend to put in town houses. I did not want to tell him the truth as it would affect the value of our home.

We don't know what to say but that we are not happy with this situation.

Regards,
Unhappy neighbor
Suzanne Mooney

Subject: RE: Millen Road Proposed Senior's Condo Apt

Dear Gentlemen and Ladies

We are Ward 10 senior residents who have Aged in Place and purchased a condo in our neighbourhood.

While searching for a suitable condominium, our top 5 key features were:

1. Underground parking
2. Location
3. Size - over 1,000 sq feet
4. Amenities; such as a common room.
5. 2 Bedroom unit

We've been asked to provide you with this information so that you are aware of what seniors want when looking to Age in Place. It is our understanding that the Millen Rd project only checks off 1 of these items.

Hopefully you will take this into consideration during your deliberations tomorrow evening

Ron and Shirley Dowdy
Senior Ward 10 Residents

c.c. Rose Caterini, City Clerk, for the public record