

Pilon, Janet

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**Subject:** FW: ZAC - 16-008: 560 Grays Road  
**Attachments:** council submission.docx

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**From:** Lakewood Beach Community Council [mailto:LakewoodBeachCC@hotmail.com]  
**Sent:** August-09-16 12:16 PM  
**To:** clerk@hamilton.ca  
**Subject:** Fw: ZAC - 16-008: 560 Grays Road

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**From:** Lakewood Beach Community Council  
**Sent:** August 9, 2016 12:15 PM  
**To:** Caterini, Rose  
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**Subject:** ZAC - 16-008: 560 Grays Road

Rose, can you please add the attached submission to the Council Agenda re; today's Planning Committee meeting agenda item #6.2 and ensure it forms part of the official planning records.

Thank you,

Lakewood Beach Community Council

Enhanced green space and noise attenuation features, although welcomed, do not represent good land use planning when an existing OMB ruling is on file for the lands directly across the street stating Commercial zoning is the only viable option due to the road network.

For those members that are new to Council and to refresh the memories of others, this development originally began with a proposal for 36 townhomes back in November 2011. During 2012, the application was received and after a couple of attempts of working out the problems in the Functional Servicing / Stormwater Management, the applicant filed an appeal to the OMB for Council's non-decision in August 2014. The application at that time never came before Council or to a Public Meeting.

Following that appeal, we came to this Committee in September 2014 the result of which was a direction for the Ward Councillors to meet with our neighbourhood and obtain our Issues List. This direction was overlooked, so we again came to this Committee in February 2015 to provide a list of concerns. We made another presentation on what we deemed were the issues to be worked out at the looming OMB hearing scheduled in March 2015. That presentation primarily focused on the changing of the lands from Commercial to Residential.

Some of you may recall that on March 11<sup>th</sup> 2015, a Motion was passed at Council to hold 2 Public Information Meetings to ensure a process similar to an Environmental Class Assessment was followed with regards to Stormwater Management. The day after that Motion, the applicant withdrew their appeal at the OMB. That March 11<sup>th</sup> 2015 Motion, which we believe

still stands, also directed Planning Staff to come back to Committee with the preferred option.

This report back to this committee also appears to have been overlooked.

The Stoney Creek portion of the lot currently has an **H –Holding Provision**. Removal of a Holding Provision is mandatory before evaluating merits of ANY redevelopment.

We don't even know what the H is for. When asked, we were told no one knows for sure. It is presumed the H is on file to work out servicing of the lot. The Applicant has not applied to remove the Holding provision, yet the amended Zoning By-Law as written has arbitrarily removed the Holding Provision. We do not believe this is in keeping with the Planning Act.

We'd also like to know why the Notice of the Public Meeting is silent on removing the H and why we weren't given 20 days notice, as per our Official Plan, for removal of a Holding Provision.

Lead time to public on removing H is 20 days (we were given 17 days)

I'd now like you to please turn your attention to the Staff Report. At a recent OMB Hearing, we were quite surprised to hear one of our City Planners clearly state that when Staff receive a development application, their role as quarterback to the process, is to "get around" the wording in our Official Plan in order to recommend Approval. Interesting choice of words. The city Planner didn't state "follow the OP" or "adhere to our OP", but clearly advised the OMB Chair his role was to "get around" our OP.

In light of that revelation, we view the Staff Report differently now and we have some pertinent questions:

On Page 4 of Property Description, an area that is 69ms x 117.9 ms equates to .8135 hectares. Why does the area show as being 1.07 hectares? The previous planning file indicated the lot size was smaller – specifically 1.02 hectares. We were involved in a file in the past where we were told Planning doesn't do a detailed calculation on the actual area until after Council approves. When our Official plan has a cut off of 100 units / hectare for medium density, an accurate area is needed now. 106 units on 1.02 hectares is 103 units/hectare. 106 units on .8135 hectares is 130 units / hectare yet the Staff Report and proposed By-Law before you is showing maximum 99 units/hectare. For comparative purposes there are only 28 homes within the 120ms Circulation Area of this application. Excluding the park and the highway, the current density is approximately 15 units/hectare in the immediate vicinity.

In addition, our Official Plan shows the Ministry has approved Frances Ave on the Road Widening Appendix to be 26 ms wide in the future. Frances is currently @ 13ms. The additional 13ms required to widen Frances doesn't appear to have been accommodated although Transportation Planning Staff pointed this out in their comments to the lead Planner. It appears none of the road widenings have been taken into account nor is the 1.07 hectares accurate

At the outset of an application, we believe it is important to establish exactly how many units per hectare a proposal represents, - how can we be proceeding through the planning process without even knowing if this is a high density build or a medium density build?

Separate from even having a clear picture as to whether this development is medium density or high density, what we find most disappointing is the fact that we do not have a clear plan to address Stormwater Management or Safety Issues as a result of traffic. Developing these lands has been on the table for a number of years now and yet in our opinion, we are still at a point where **rezoning is premature.**

Flooding is an issue in our area. We all know that. Because of our historical flooding issues, the Hamilton Conservation Authority has been quite emphatic that this development is to have a net zero impact on the Big Pond. Although not mentioned in the Staff Report, an Open House was held in June of last year to review and discuss just the SWM plan with a representative from AMEC. This was done as part of that Council Motion previously mentioned as a quasi Environmental Class Assessment.

We were clearly told, and it was clearly spelled out in multiple emails from HCA, and the Staff Report also confirms, that the ditches MUST remain around this lot to ensure no impact on the quality or the quantity of water to the Big Pond. Yet, throughout this whole Staff Report, sidewalks are repeatedly mentioned where the existing ditches are. The ditches, according to HCA, must remain to ensure there is **no UNDER flow to** the Big Pond. Staff skirted around this issue at the Planning Committee and all comments made seemed to show a lack of understanding of the real issue. It is not about overflow.

**HCA are concerned about a drop in the quantity of water, which leads to soil erosion and flooding.**

And not all the water is being directed to Confed. HCA wants stormwater to keep going into the Big Pond so we don't have soil erosion. They want it via the ditches so the quantity of water we have now stays the same.

In addition to that, we were told at that Open House held last year, Staff had approved the SWM plan presented to the community as the preferred option and there is nothing further to address. When we read the planning file, we found it quite disturbing that the comments from Engineering Staff on the Functional Servicing Report submitted in October 2015 were as follows:

*In regards to the Storm Sewer – it is designed to capture 5 year existing peak flows instead of 100 year peak flows.*

*In regards to Water Servicing – Staff cannot comment on the ability of the existing distribution system to accommodate both domestic demand and fire flow load until a revised Watermain Hydraulic Analysis report has been submitted for review.*

*And that there is now a proposed piped system to discharge water to the Big Pond; which is in direct conflict with what HCA have previously stated and what we were told in regards to the requirement to retain the ditches.*

By our count, there have been a minimum of 5 Functional Servicing Reports submitted from March 2012 until October 2015. You have before you a Staff Report that on Page 17 states HCA want ditches and states Engineering Staff still have issues to work out, yet Planning Staff feel further review at the Site Plan stage is appropriate. This appears to us to be in direct conflict with the requirements under the Planning Act that states lands with a Holding Provision must address **infrastructure prior to considering a development application**. The Planning Staff recommendation also appears to not be in keeping with the Council approved Motion from March 11 2015.

Our second biggest concern is Safety. We do not have a safe transportation network now; nor do we have any assurances one will be implemented. Pushing this issue off to consider until Site Plan shows a complete disrespect for creating a community that places the basic needs of people ahead of tax revenues. We've already presented our 5 Safety Measures to the Public Works Committee and have met with Traffic staff in the Public Works Department. Further work and a report back to Public Works Committee is scheduled for September.

We were hopeful that Planning Staff would have come forward with a plan to co-ordinate our efforts with this development. As evidenced in the planning file, at this point, even MTO have not looked at the Traffic Impact Study for this development. Currently, they are having problems with the study submitted for Green-Millen shores development which need to be worked out first. Based on our

reviews of that study, the study for this development, and the Traffic Count recently conducted – all studies submitted to date are inconsistent with each other. Counts are drastically different, timing of completed developments varies and recommended remedial measures for the infrastructure conflict.

Regardless, we are of the opinion, Traffic Studies are conducted and recommendations are made that are concentrated on the “efficient flow of vehicles”. Recent published articles are challenging this methodology as being old school and not meeting the needs of a community. For example, the route around these lands is a Truck Route. We, along with our neighbours by Millen road, are the only 2 areas city-wide that have a truck route designated on our residential local and collector roads. These roads are not arterial roads. And these roads are not in an Industrial area. They are residential roads that are also part of the Ontario Waterfront Trail Bike Route. This is also not keeping with our Official Plan and the Provincial Policy Statements.

In keeping with Vision Zero, we need a plan that recognizes all users and addresses the need to share our roads. Punting this forward with “let’s wait and see what happens” is not a plan. Without a plan, adding further pressure is unconscionable and conflicts with our mandate to “put people first” under our Transportation Master Plan.

It also appears to us that locating a development that is comprised of 90 studio and 1 bedroom units in an area that has no bus stops is counter-productive to another main goal in our Transportation Master Plan. The TMP references a substantial reduction in the number of single occupancy vehicles on our roads. Common sense tells us that @ 90% of these units will likely be occupied by singles.

In addition to these 2 details, we are also of the opinion that other sections of our provincial statements and of our Official Plan have been overlooked. In the interest of time, we're not going to rehash those sections. The specifics have been well documented during the previous presentations and are on file.

We were trying to think of a good analogy on how the community is feeling and the best we could come up with is Sink or Swim. To us, approving this development is akin to having your neighbor build an inground pool with no regard for public safety. It might look beautiful, but without the proper fencing around it, people's lives are at risk.

So in summary,

- we started out opposed to any residential whatsoever,
- we then resigned ourselves to the what appears to be Council disagreeing with our desire to keep these lands Commercial and saw the merits of a condo apt build which we thought we could persuade our members to support,
- but now that the serious health and safety issues are not being addressed in any concrete way, we cannot support the change in Zoning.

We must admit that this pains us a little. The developer and the community were on board to ensure good land-use planning principles found in our Official Plan and other planning documents were within reach.

For whatever reason though an obvious piece is missing which unfortunately it appears might have to be resolved at the OMB.

If this Zoning Amendment is approved as is, we all lose.

Thank you for your time.



P.S. We do not understand why Staff wouldn't even agree to a minor community benefit like a simple Sun Shelter in our park even though Mr. Silvestri is willing to provide us with one. We're totally perplexed why we've been denied a community benefit that is not unreasonable in exchange for the increase in height and density.

Mr. Silvestri also agreed to provide a bus shelter on the north side of the property to show his support of the community's request for public transit. This development is **not** within walking distance of the new Stoney Creek GO as stated at the Planning Committee meeting.

In fact, Mr. Silvestri is willing to enhance our community by agreeing to all our requests that are within his control.

Coming back to the sun shelter in the park for a moment, we all know that every year we experience more and more Heat Warnings. Because of that, our members asked us to try to get a splash pad at our local park. We thought that since Ward 10 is the only ward without a park with a spray pad, our request would be given some consideration. We were denied a splash pad so the Sun Shelter request we thought was a compromise. The denial of the sun shelter in our opinion is symbolic of a much deeper problem. A problem better left for another day to address.

Although the application before you was given a new number, our 2014 and 2015 presentations along with the approximately 70% response rate in submissions from the public, spoke to changing the zoning.

The concerns raised then were never about townhomes versus condos. It was about residential development of 560 Grays Road.

It doesn't seem quite fair that certain parts of the previous file were brought forward during the planning process but not all of the public submissions are part of the current record. When we've spoken to neighbours, most are of the opinion that they've already written in previously on 560 Grays Road and that they didn't need to "reaffirm their position".

This past week , we received various Comments from the Community as follows:

*I do not want them to build there as it will become dangerous for the people who walk along there. It is already congested as it is. Can you imagine another 130 cars on the road down here on top of what we already have! It would be a cluster mess!*

*Development for any city is a good thing. But this development compromises environment and public safety. How bizarre the idea of building 108 unit condo in that small loop with no regards to public safety and the environment. There are heavy truck, cars, pedestrians around that loop of land.*

*The building will block highway noise but I believe we need ... (safety measures)*

*the biggest reason to fight it would be excess traffic it will create in an already congested zone. If it does pass the least they can do is not allow transport trucks*

*I strongly oppose this development. As the mother of 2 young children on Drakes I feel that the vehicle traffic is already more than enough*

*As much as I hate the development of this site I think it is the best we can get. (How sad is that?)*

*We are totally opposed to this*

*My opinion is that to build a four storey structure on this piece of land is simply ludicrous! It's a death trap for children. I've had enough of the increased traffic congestion making the roads more dangerous here for children and pets, the constant rumbling of construction vehicles tearing up our streets, and the dead wildlife littering the roads!*

*Our primary concern about the proposal is about traffic flow to and from the Service Road and Grays Road.*

*...that(development )would cause a horrific situation for traffic, not to mention safety.*

*While I am not opposed to growth my biggest concern is still regarding the impact on local traffic. In my previous letter I outlined my concerns regarding this issue and it has not changed, only grows stronger as more new owners take possession of their properties. Unless these concerns are handled properly and done prior to the building of this new condo I see nothing but potential disaster!*