

March 31, 2017

Chair and Members of the Planning Committee  
c/o Ms. Ida Bedioui, B.A., AMCTO  
Legislative Co-ordinator  
City of Hamilton  
71 Main Street West  
1st Floor  
Hamilton, Ontario L8P 4Y5

Dear Chair and Members of Planning Committee:

Re: **Applications to Amend the Urban Hamilton Official Plan and  
Zoning By-law No. 87-57  
Sonoma Homes Inc.  
125 Wilson Street East and Majority of 130 Dalley Drive  
City of Hamilton (Ancaster)  
City Files: UHOPA-16-16 and ZAC-16-040  
Our File No.: 2012/34**

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On March 21, 2017 Planning Committee held a public meeting regarding the above-noted applications. David Premi, Architect provided an overview of the architectural and urban design features of the proposed 3 storey, 19 unit building and City staff and I outlined the proposed changes to the Urban Hamilton Official Plan ("UHOP") and the former Town of Ancaster Zoning By-law No. 87-57 ("ZB"). The decision was deferred until the April 4<sup>th</sup> Planning Committee meeting.

At the March 21<sup>st</sup> Planning Committee meeting, the Chair did advise that Councillor Lloyd Ferguson did voice a concern about the number of modifications required to the RM6 Zone regulations. The purpose of this letter is to expand upon the purpose of the proposed modifications to the Residential Multiple RM6 Zone regulations and to provide some historical information regarding the number of modifications approved for other development sites within the Ancaster community, primarily the Ancaster Wilson Street Secondary Plan ("AWSSP") area.

Attachment No. 1 shows the modifications approved for various sites within the former Town of Ancaster. The number of modifications range from 6 to 15. 10 modifications are proposed for the subject lands. This letter does not provide any planning analysis or opinion on the modifications approved for other sites.

In our opinion, the actual number of minor variances/modifications to regulations is not, in and of itself, indicative of good planning. There are many variables that apply including the configuration of the site, adjacent uses and natural vegetation as well as the appropriateness of a regulation in light of current planning policy and urban design principles.

The draft Zoning By-law Amendment ("ZBA") supported by City staff and to be considered by Planning Committee and Council contains 13 site-specific regulations. Of these, 2 actually provide an increase to the regulation. The minimum lot area and lot depth of the subject lands exceed the Zoning By-law requirements.

One (1) site-specific regulation does not modify a regulation but adds a regulation for clarity. It states that no direct access to Dalley Drive is permitted. This provision for no access to Dalley Drive is also contained within an agreement between the developer and the City (required at the time of purchase of a portion of 130 Dalley Drive). This addresses a concern raised by both City staff and Dalley Drive residents. This added regulation also states that 1 driveway is permitted from Wilson Street. The matter of 1 versus 2 driveways was addressed through the resolution of an appeal of the current C3-655 Zone which permits a medical clinic/office.

Of the ten (10) modifications to the regulations:

- 1 modification is required to remove the requirement for a children's play area. This regulation has been modified a number of times in the City where a development is designed for and marketed for adults without children or where there are parks or play facilities nearby.
- 1 modification addresses the provision of five (5) tandem parking spaces within the underground parking area. Most Zoning By-laws require all parking spaces to be unobstructed. Therefore a modification is required for tandem parking spaces.
- 1 new regulation is required to permit parking spaces 3.0 metres from the front lot line. This is not a modification to an existing regulation but is added for clarity purposes. In our opinion, this is an appropriate separation distance and the 7 space parking area will be partially screened given the change in grade (lower), municipal trees to be planted in the boulevard, at the owner's expense, and private landscaping.
- 1 modification is required to reduce the planting strip along the west side of the lot from 3.0 metres to 1.0 metre. This is reflective of the reduced west side yard which is discussed further below.

The standard RM6 Zone requires a minimum lot area of 0.4 hectares and the draft ZBA states a minimum lot area of 0.44 hectares (existing size). The building area to be rezoned is only 0.21 hectares as it does not include the private open space lands. The open space lands, sold by the City to the developer, will continue to serve as a buffer between the proposed development and single-detached dwellings on the north side of Dalley Drive. These open space lands transferred from public to private ownership and will be owned by the future condominium corporation.

Of the remaining seven (7) modifications, three (3) are required given that the private open space lands have not been included in the calculation of density, lot coverage and landscaping.

- To calculate density, the UHOP contains a definition of net residential density. Net Residential Density means:  
  
"the number of dwelling units per net residential hectare on a lot or block basis. "Net residential hectare" includes all of the lands comprising the principal and accessory residential uses, and includes all the buildings, structures, driveways, parking areas and other amenities for these uses. "Net residential hectare" excludes public lands comprised of streets, parkland and other open space, and storm water management facilities."

The open space area will serve as an amenity for the future condominium corporation, i.e., not public land. Therefore, it can be argued that the open space lands should be included in the density calculation. If included, the density is 43.2 units per net hectare. This is well within the permitted density in both the UHOP and the ZB (70 units per hectare) and no modification for density would be required. City staff has calculated density excluding the open space lands and the density is 91 units per hectare. Medium density residential developments at 95 Wilson Street West and 153 Wilson Street West were approved with densities of 131 units per hectare and 161 units per hectare respectively.

- The above rationale also applies to the modification required for lot coverage. Excluding the open space lands, the lot coverage is 50% whereas 25% is permitted. Including the open space lands, the lot coverage would be 23% and no modification would be required.

The medium density residential developments at 95 Wilson Street West and 153 Wilson Street West were approved with lot coverages of 45% and 44% respectively. Both these properties are rectangular in shape and do not exhibit the constraints inherent to an irregular, triangular-shaped building area. The current 25% lot coverage is based on the commensurate setbacks (7.5 metre front yard and 9.0 metre side and rear yards). Efficient, compact urban form and urban design principles (locating facades closer to the street line) do not synch with the former Town of Ancaster Zoning By-law regulations. The lot coverage is higher on the subject lands primarily given its configuration and reductions in the front yard setback and the west side yard setback which allow the building to be built on the deepest portion of the building area. Similar reductions were approved for the current C3-655 Zone.

- The above rationale also applies to the modification required for landscaping. The required minimum landscaping is 40% of the lot area. Excluding the open space lands, the landscaped area is 26% of the area to be rezoned for the building, i.e., not the total lot area. Including the open space lands, the landscaped area is 71% and no modification to the ZB would be required. Medium density residential developments at 95 Wilson Street West and 153 Wilson Street West were approved with landscaping at 30% and 34% respectively. In our opinion, it is reasonable to allow 26% landscaping for the subject lands given the exclusion of the open space lands and the configuration of the lot.

The significance of the 3 modifications to density, lot coverage and landscaping must be viewed in light of the unique size, configuration and private open space located on the subject lands.

The four remaining modifications relate to: minimum front yard; parking; height; and minimum west side yard.

- As noted above, the front yard required is 7.5 metres. The building will be located 3.0 metres from the front lot line. This allows the building depth required and the pedestrian/building interface required. Medium density residential developments at 95 Wilson Street West and 153 Wilson Street West were approved with front yards of 1.5 metres and 3.0 metres respectively.
- The parking requirement is 2.33 parking spaces per unit (including 0.33 visitor parking). The development is providing 2.0 parking spaces per unit. The visitor parking ratio of 0.33 is met, however, 31 parking spaces are provided underground rather than 38. It is common to assign 1 parking space to each condominium unit. The subject lands are on

a transit route and close to the Village Core. The Parking Justification Study supports the reduced parking ratio, as does City staff. Medium density residential development at 153 Wilson Street West was approved with a parking ratio of 1.75 spaces per unit.

- The permitted height is 10.5 metres. The height requested is 11.0 metres. Initially it was thought that 10.5 metres could be met without a modification. However, height is measured from the averaged finished grade around all sides of the building. While the height is met at one corner of the building it is not met at another. Therefore the height modification from 10.5 metres to 11.0 m is required. Medium density residential development (townhouses) at 97-111 Wilson Street East was approved with a height of 11.0 metres. 95 Wilson Street West was approved with a height of 14.6 metres.
- Given the irregular triangular-shape of the building area, the building must be located along the west portion of the site, adjacent to a single-detached dwelling. Required side yards for a proposed apartment building in the RM6 Zone are 9.0 metres and the distance between a single-detached dwelling and an apartment building must be 18.0 metres.

The west side yard is, at a minimum 1.2 metres with a maximum of 4.0 metres at the southwest corner of building. A fence will be provided between the two properties and columnar trees will be planted for screening purposes. In our opinion the 9-18 metre separation distance between a single-detached dwelling and an apartment building is more appropriate for higher apartment buildings, where overlook is an issue. Acknowledging the proposed reduced side yard, the architect has eliminated windows from the west façade and washroom windows are placed higher on the façade to avoid overlook. The proposed townhouses at 97-111 Wilson Street East were approved with a side yard of 2.1 metres whereas 7.5 metres is required. 95 Wilson Street West was approved with side yards of 2.0 metres and 3.0 metres whereas 9.0 metres is required.

The subject applications were reviewed by the Ancaster Community Council on December 5, 2016. David Premi attended the Community Council meeting and provided a detailed description of the proposed building. In our opinion, the proposal and the design were well received.

To summarize, each modification to a zoning regulation must be assessed based on a number of planning considerations. One (1) modification may raise a significant concern whereas 15 modifications may raise no concerns. As stated above, in our opinion, the 10 modifications proposed, individually or cumulatively, are supportable without the inclusion of the private open space lands. Should the private open space be included in the lot area for density, lot coverage and landscaping calculations, then the modifications are not required.

The subject lands are located within a Transition Area and Community Node, as identified in the AWSSP. The Transition Area is located between the emerging Uptown Core and the historic Village Core wherein residential uses are encouraged. The proposed modifications to the RM6 Zone regulations will facilitate the construction of a building that addresses all of the urban design parameters within the AWSSP Urban Design Guidelines and reflects the type of new development envisioned. The subject lands are located at the doorstep to the Village Core in close proximity to the award winning Ancaster Gateway Entrance Feature. Despite certain site constraints related to the configuration of the building area and the hydro corridor, the site has been designed and engineered to provide for a signature building in this location. In our opinion, the zoning modifications should be supported to enable the building to proceed and to assist in meeting the goals and objectives of the AWSSP.

The developer and their consultant team has worked with, and met with staff from various departments over the past few months to address all comments provided. City staff support the proposed development and the associated zoning modifications required to facilitate the development.

We trust that Planning Committee will take the above comments into consideration when deliberating on the proposed amendments to the UHOP and Zoning By-law No. 87-57.

Yours truly,  
**WELLINGS PLANNING CONSULTANTS INC.**

A handwritten signature in blue ink that reads "Nancy Friday". The signature is written in a cursive, flowing style.

Nancy Friday, MCIP, RPP

Copy: Jason Thorne, General Manager, Planning and Economic Development  
Steve Robichaud, Director of Planning and Chief Planner  
Yvette Rybensky, Senior Project Manager  
Valeria Maurizio, Planner I  
Michael Chiaravalle, Sonoma Homes  
Carmen Chiaravalle, Sonoma Homes  
Ward 12 Councillor Lloyd Ferguson

**COMPARISON OF NUMBER OF VARIANCES**

**125 Wilson Street East and 130 Dalley Drive – Proposed Modifications to RM6 Zone**

	Maximum Permitted	Modifications (Based on Area to be Rezoned RM6-685)	Modifications (Based on RM6-685 and Private Open Space Lands)
Minimum Lot Area	0.4 ha	0.44 ha (increase)	
Maximum Density	70 units per ha	91 units per ha	43 units per ha (meets ZB)
Maximum Lot Coverage	25%	50%	23% (meets ZB)
Minimum Front Yard	7.5 m	3.0 m	3.0 m**
Minimum Side Yard	9 metres (18 metres to dwelling)	1.2 m	1.2 m**
Parking	2.33 spaces per unit	2.0 spaces per unit	2.0 spaces per unit
Children’s Play Area	1	None	None
Maximum Height	10.5 m	11.0 m	11.0 m
Minimum Landscaping	40%	26%	71% (meets ZB)
Minimum Planting Strips	3.0 m	1.0 m (west side yard)	1.0 m side yard (west side yard)
Tandem Parking	None	5	5
		<b>10 Variances</b>	<b>7 Variances*</b>

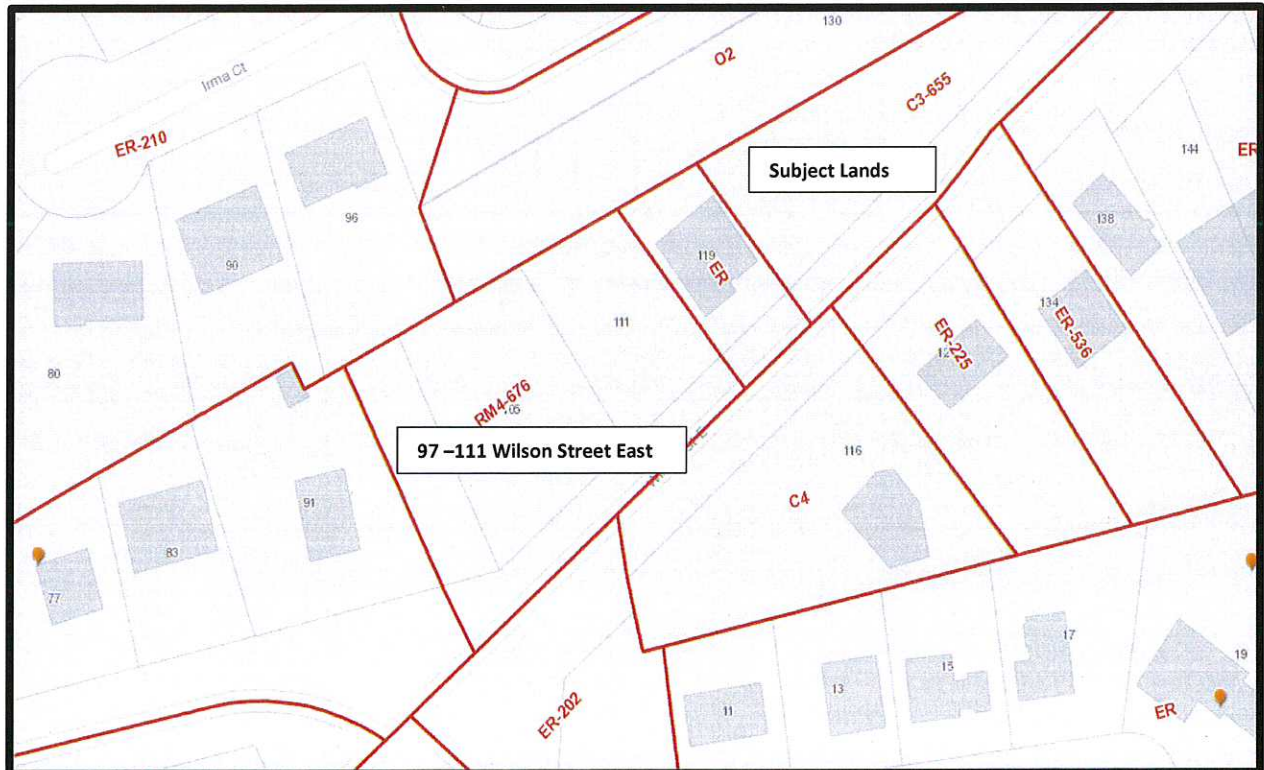
\*There is no public open space on the subject lot to reduce the lot area (net lot area). Therefore, if the total lot area is used for density, lot coverage and landscaping, no variances would be required and the number of modifications to the regulations is reduced to 7.

\*\*The existing zoning is C3-655. The modifications for this zone (medical/office use) included a reduced front yard and west side yard (4.8 m and 1.7 m respectively). Therefore the matter of reducing these regulations has previously been decided upon (Council then OMB). It could therefore be argued that there are only 5 “new” variances to the regulations associated with the proposed RM6 Zone, including permitting tandem parking and requiring no play area.



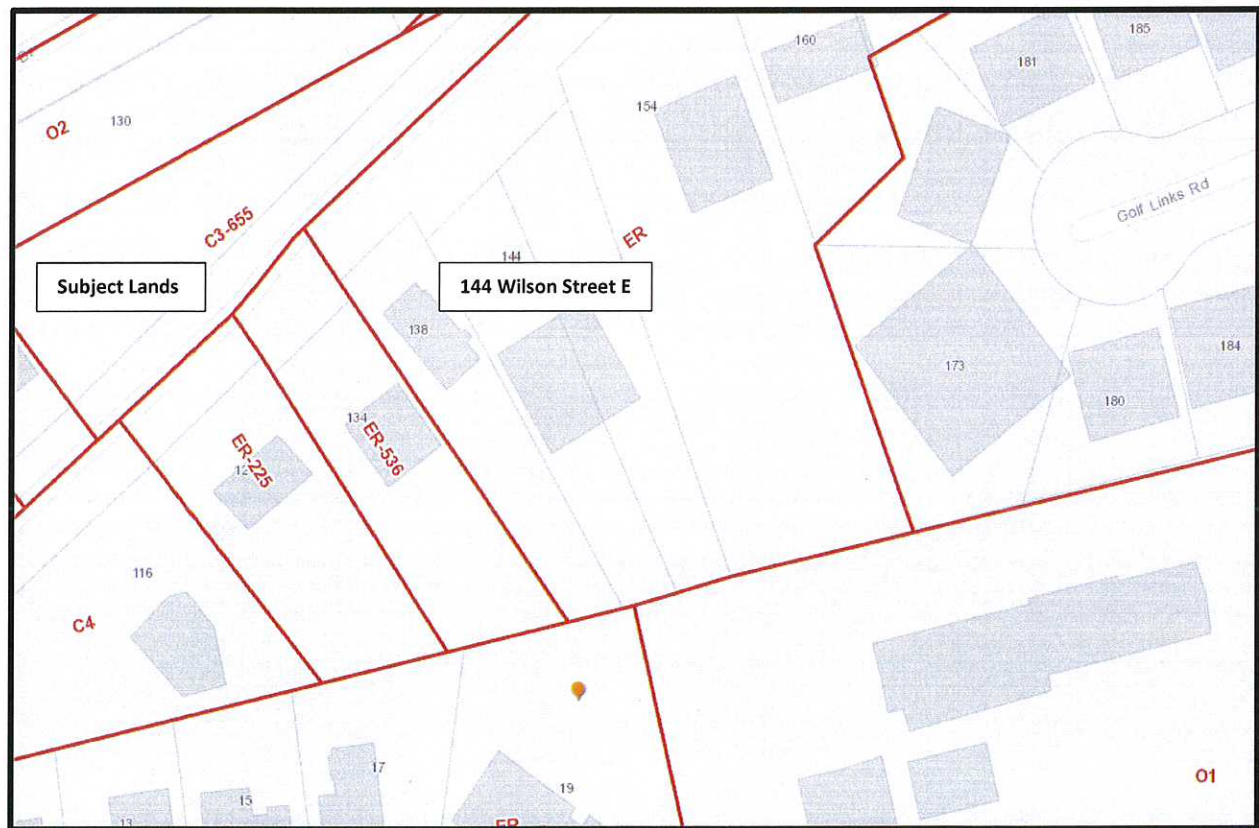
**97, 105 & 111 Wilson Street East – Proposed Modifications to RM4 Zone (RM4-676)**

	<b>Maximum Permitted</b>	<b>Modified (Approved)</b>
Minimum Lot Area	0.4 ha	0.24 ha
Maximum Density	37 units per ha	42 units per ha
Maximum Lot Coverage	30%	35%
Minimum Front Yard	7.5 m	3.0 m
Minimum Rear Yard	7.5 m	6.0 m
Minimum Side Yard	7.5 m	2.1 m
Maximum Height	10.5 m	11.0 m
Minimum Landscaping	45%	40%
Minimum Planting Strips	3.0 m	1.4 m abutting a side yard
Minimum Privacy Area	35 sq. m.	33 sq. m.
Children's Play Area	1	None
Building Separation	3.0 m	2.5 m
Location of Parking Space from Front Lot Line	6.0 m	3.0 m
Location of Parking Space from Detached Residential Zone	3.0 m	2.8 m
Parking Strips abutting Parking	3.0 m	1.4 m
		<b>15 Variances</b>



**144 Wilson Street East – Proposed Modifications to C3 Zone (C3-674 under Appeal)**

	Maximum Permitted	Modified (Appealed)
West Side Yard	7.5 m	2.1 m (existing)
East Side Yard	7.5 m	6.0 m (existing)
Parking Space in Relation to the Street	2.0 m	1.4 m
East Setback of a Parking Area to a Residential Zone	2.0 m	1.1 m
West Setback of a Parking Area to a Residential Zone	2.0 m	1.2 m
Minimum Planting Strip for a Parking Area abutting a Street	3.0 m	1.1 m
		<b>6 Variances</b>





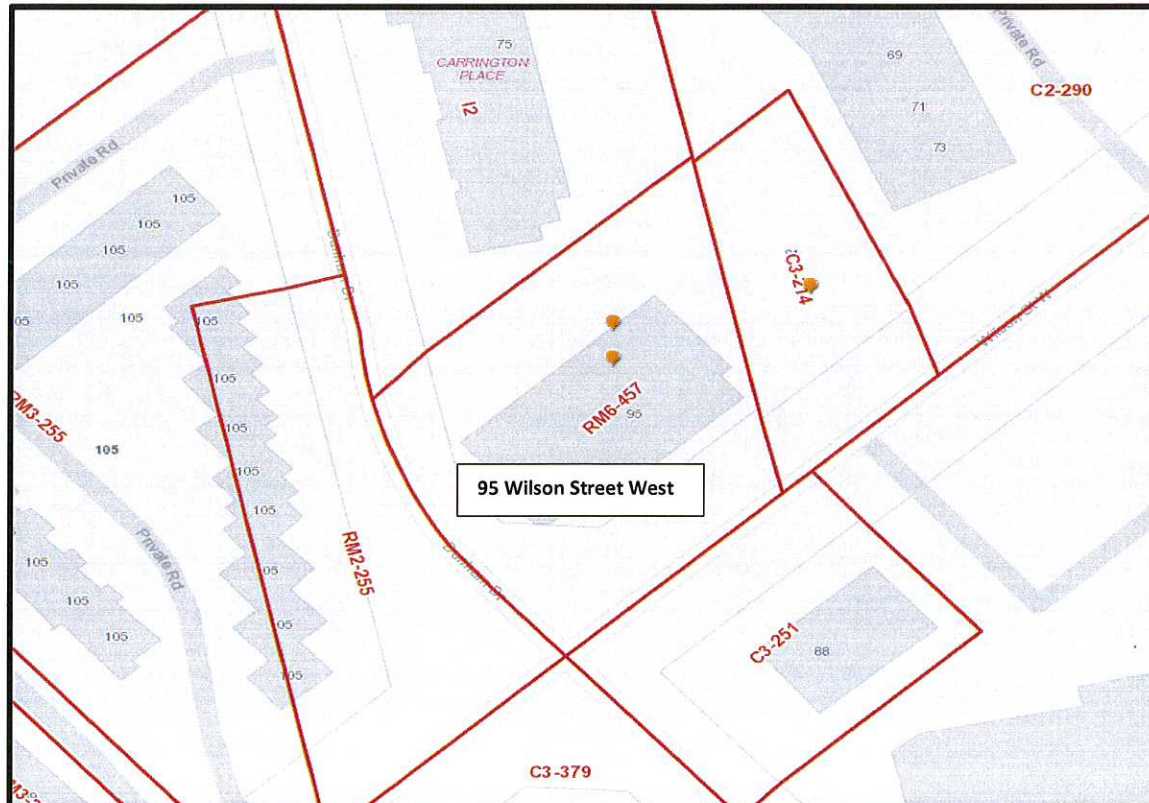
**153 Wilson Street West – Approved Modifications to RM6 Zone (RM6-665)**

	Maximum Permitted	Modified (Approved)
Maximum Density	70 units per ha	161 units per ha
Maximum Lot Coverage	25%	44%
Minimum Front Yard	7.5 m	1.5 m
Minimum Rear Yard	7.5 m	5.7 m
Minimum Side Yard	9 metres (18 metres to dwelling)	5.7 m– east side yard; 9.4 m west side yard
Parking	2.33 per unit	1.75 per unit
Children’s Play Area	1	None
Minimum Landscaping	40%	30%
New definitions of Height and Grade		More for clarity
Structures permitted in Planting Strip	None	hydro vaults, flag poles, signs; utility or landmark structures
		<b>9 Variances</b>



**95 Wilson Street West – Approved Modifications to RM6 Zone (RM6-457)**

	<b>Maximum Permitted</b>	<b>Modified (Approved)</b>
Minimum Lot Area	0.4 ha	0.25 ha
Maximum Density	70 units per ha	131 units per ha
Maximum Lot Coverage	25%	45%
Minimum Front Yard	7.5 m	3.0 m
Minimum Side Yard	9 metres (18 metres to dwelling)	2.0 m from east property line and 3.0 metres abutting Dunham Drive
Parking	2.33 spaces per unit	48 spaces, exclusively for the use of the elderly
Children’s Play Area	1	None
Maximum Height	10.5 m	14.6 m (3 storeys along Wilson Street)
Minimum Landscaping	40%	34%, which includes a 180 sq. m. roof-top amenity area
Minimum Planting Strips	3.0 m	2.0 m between the parking area and Dunham Drive
Yard Encroachment of an unenclosed porch		60 cm
		<b>11 Variances</b>



**1173 and 1203 Old Golf Links Road Approved Modifications to C2 Zone (H-C2-551)**

	<b>Required in C2 Zone</b>	<b>Modified</b>
Minimum Lot Area	2,700 sq. m.	11,196 sq. m. (increase)
Minimum Lot Depth	60 m	44 m
Maximum Lot Coverage	40%	60%
Minimum Front Yard	15 m	15.0 m except 5.0 m to a canopy; 1.5 m to below-grade parking and 1.5 m to above-grad parking
Minimum Side Yard	15 m	1.5 m except 1.5 m to a below-grade parking and 6.5 m to above-grade parking
Minimum Rear Yard	9 m	1.5 m except 0.3 to below-grade parking and 0.9 to above-grade parking
Maximum Height	10.5 m	22 metres – 6 storeys
Parking and Loading		Hotel of 7,397 sq. m. – 301 parking spaces
Parking and Loading	Lot Line – 2m ; Street – 3.0 m	No parking spaces shall be closer than 0.3 m to a street line or lot line
Parking and Loading	Above-grade parking same setback as principal building; below-grade same setback as principal building; minimum rear and side yard setback of 1.5 m and 3.0 m planting strip for a parking area	Not applicable (3 subsections of Section 7.14 (a))
		<b>9 Variances (11 Variances)</b>

