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Delivered by Email

Mayor and Members of City Council
 City of Hamilton
 c/o Legislative Co-ordinator
 Planning Committee
 City of Hamilton
 71 Main Street West, 1st Floor
 Hamilton, ON L8P 4Y5

Dear Mayor and Members of Council:

**Re: Applications for Official Plan Amendment (UHOPA-16-11) and Zoning By-law Amendment (ZAC-16-029) (the “Applications”)
 925 Main Street West and 150 Longwood Road South (the “Subject Lands”)
 Comments from Wilstar Management Ltd. (“Wilstar”)**

We are counsel to Wilstar, the property manager and representative of the owner of lands known municipally as 981 and 1001 Main Street West in the City of Hamilton (the “Wilstar Lands”). The Wilstar Lands are immediately west of the Subject Lands and immediately east of the Columbia International College (“CIC”) campus at 1008 Main Street West. Together, these three parcels make up a block of land bounded by Main Street West to the north, Longwood Road South to the east, Highway 403 to the south and a Highway 403 off-ramp to the west.

We understand that CIC is seeking permission to redevelop the Subject Lands with a high-density form of temporary student lodging with retail uses at grade. Wilstar has a number of concerns with the proposed redevelopment, as outlined in this letter, and cannot support it in its current form.

As a preliminary matter, Wilstar is troubled by the fact that the City released its 78-page staff report that contains the details about the Applications only today, less than one business day before comments are to be submitted. This letter represents Wilstar’s preliminary comments on the Applications; Wilstar reserves the right to provide additional comments as more information becomes available.

The Wilstar Lands

Wilstar operates two twelve-storey purpose-built rental buildings on the Wilstar Lands containing 470 units. These buildings house a diverse population of families, seniors, professionals and students within 1-, 2- and 3-bedroom units. They provided needed rental housing in an area where this type of housing is scarce; only one other substantial rental building exists in the Westdale area.

Wilstar is in the midst of a substantial investment in refurbishing the buildings on the Wilstar Lands to better serve the residents of the community.

Unfortunately, both students and staff of CIC regularly trespass and loiter on the Wilstar Lands. In particular, groups of students congregate on the Wilstar Lands, primarily at the western entrance, to smoke, leaving cigarette butts and trash in their wake. This activity is highly disruptive to Wilstar's tenants and staff. Wilstar has reported this activity to CIC on several occasions but no satisfactory solution has been provided, and the issues persist.

Wilstar is concerned that the proposed redevelopment in its current form will exacerbate these concerns and destabilize the existing residential uses on the Wilstar Lands. As the proposed buildings are intended for student housing, and the Wilstar Lands are situated between the proposed housing and the CIC Campus, one can expect significantly more intrusions on the Wilstar Lands.

Stability of the Neighbourhood – Compatibility of the Proposed Development

The portion of the Subject Lands proposed for redevelopment is located within the Neighbourhoods designation in the Urban Hamilton Official Plan (the "UHOP") and is presently designated Local Commercial in the Ainslie Wood Westdale Secondary Plan (the "Secondary Plan").

Policies 2.6 and 2.6.7 of the UHOP provide that Neighbourhoods are regarded as stable areas. Changes that are compatible with the existing character or function of the neighbourhood are permitted. "Compatible" is defined as "land uses and building forms that are mutually tolerant and capable of existing together in harmony within an area. Compatibility should not be narrowly interpreted to mean "the same as" or even as "being similar to"."

Policy 3.6.7(d) of the UHOP directs that development provide adequate landscaping and buffering where required, and be compatible with existing and future uses in the surrounding area in terms of heights, massing and an arrangement of buildings and structure.

Similarly, the Secondary Plan identifies the Ainslie Wood Westdale area as a balanced stable community in which the diverse needs of all stakeholders are met. It directs that a diversity of suitable housing choice for families, students, seniors and others be provided (Policy 6.2.4(a)) and that conflicts between adjacent land uses be reduced by buffering and distance separation (Policy 6.2.4(f)).

Policy 6.2.5.5(b) of the Secondary Plan provides that the residential densities of High Density Residential 1 uses shall generally be 50-125 units per gross hectare. The Applications propose a density that is double the high end of this range. Policy 6.2.5.5(c) provides that redesignation to High Density Residential 1 uses may be considered on sites where compatibility with adjacent uses can be ensured.

The proposed development, in its current form, does not appropriately account for the potential for incompatibility with the development on the Wilstar Lands. Specifically, there is a significant risk that incidents of trespass by CIC students will increase when the Wilstar Lands become a conduit between the Subject Lands and the main CIC campus. The Applications therefore do not conform with the UHOP and Secondary Plan policies concerning land use compatibility and threaten the stability of the surrounding neighbourhood. This is especially problematic when the Wilstar Lands

make a substantial and necessary contribution to the rental housing stock in the area and houses positions of the community who may be more sensitive to the adverse effects noted above, including families with children and seniors. A fence or other permanent barrier, erected on the Subject Lands to the satisfaction of Wilstar, is required to mitigate this issue.

Creation of Complete Communities

The Growth Plan for the Greater Golden Horseshoe, 2017 (the “Growth Plan”) directs municipalities to ensure the creation of complete communities by requiring the provision of a range and mix of housing options and densities and diversification of existing housing stock.

The UHOP and the Secondary Plan incorporate the policy direction of the Growth Plan by providing that Neighbourhoods are intended to function as complete communities including the full range of residential dwelling types and densities as well as supporting uses intended to serve local residents (UHOP Policy 3.2.1).

The Applications propose a specific form of transient residential development that will serve only one private enterprise, CIC. Moreover, it appears that the needs of the student residents will be served almost exclusively by the development (e.g. through private meal plans), and so integration with and economic benefit to the broader community will be minimal. As such, the Applications do not contribute to the creation of a complete community and the proposed redevelopment is, in our view, not the form of residential development contemplated for the Neighbourhoods designation. Further, if seniors and families are discouraged from living at the Wilstar Lands due to conflicts with students, this critical policy direction is undermined.

Safety Concerns

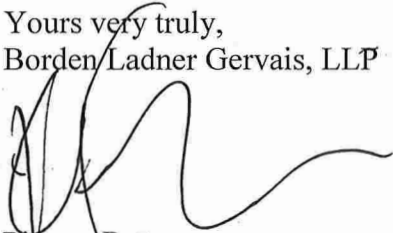
The Provincial Policy Statement, 2014 requires that new residential development maintain appropriate levels of public health and safety (Policy 1.4.3(e)).

The Wilstar Lands are surrounded by a heavily treed ravine-area that is partly adjacent to the Subject Lands. Wilstar is concerned that the proposed redevelopment will encourage acts of trespass that threaten public safety on its lands. It requires the Subject Lands to be developed with a permanent buffer and in a manner that discourages trespass activity.

Conclusion

Thank you for the opportunity to submit these comments on the Applications on behalf of Wilstar. Kindly notify us of any decisions or other developments made in respect of the Applications.

Yours very truly,
Borden/Ladner Gervais, LLP


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