

Applications to Amend the Urban Hamilton Official Plan and Town of Dundas Zoning By-law No. 3581-86 for Lands Located at 264 Governor's Road (PED19041) (ward 13)

Comment representing residents: Carol and David Moffatt

In moving to Dundas in 2013 after retiring, my husband and I wanted to reside in an urban community with an appreciation of, and connection to rural, natural landscapes. We chose the Highland Park area, within a community of mainly bungalows and side splits, with some 2 story homes (8 m tall). The neighbourhood consists of homes between 40 and 55 years old. Properties are well cared for and well vegetated.

We have serious concerns that the proposal for 264 Governor's Road has one and only one goal – to maximize profitability. The proposal disregards existing neighbours and neighbourhood character, existing residential by-laws (either in word or intent). Further, it disregards environmental provisions and the intentions of the Provincial Policy Statement "Places to Grow", and fails to consider the site-specific hazards and limitations of the property itself.

Preserving the Environmental character of the neighbourhood

We live in a community where the interface between nature and the urban environment is one of integration, not of separation. Most residents not only accept but also welcome the fact that deer and rabbits commonly use our properties, that red foxes and skunks often wander our streets, that coyotes sometimes track our back fences, and that a wide variety of songbirds and birds of prey are regular denizens of our spaces. A trend toward native gardening is spreading, and many residents have added pollinator gardens to attract native bees and butterflies. We feel that any new development that truly integrates into the neighbourhood should be designed to reflect this critical part of what it means to live in the West Highland area. This proposal seems not just to ignore that character, but to work in opposition to it.

Storm water management

Storm water management is an on-going issue for our area, which has had decades-long problems because we live atop deep, fairly flat fine clay soils on a ridge between two ravines. Modern understanding of ecosystems has also taught that simply channeling water downstream is not a sustainable option, especially in a flood-prone valley town where our water becomes other people's (and ultimately everyone's) problem.

My husband and I happily reside at 9 Lynndale Dr. Dundas, immediately next to 264 Governor's Road. We are avid gardeners, naturalists and environmentalists. We have a deep understanding of the challenges of water management in this urban area. Over the years we have taken extensive measures to manage water on our own property, retaining rainwater on site and facilitating infiltration and groundwater recharge while reducing storm water runoff from our property to near zero. With the HCA 2018 Watershed Report Card highlighting the importance of mitigating more frequent extreme weather events due to climate change, and the potential inability of our infrastructure to function properly under those conditions, we knew there were challenges we had to address. We have put substantial money and time into the management of runoff for our own use and protection, while ensuring that we impose no new stresses on our neighbours, some of whom still experience

basement water problems, or on the local environment. We have had to manage occasional overland flow from the higher areas of 264 Governor's Road during spring melt and severe storms.

In our own yard, we have disconnected downpipes from the storm sewers, added 7 rain barrels, installed downspout diverters, added significant organic compost to our topsoil, terraced sloped gardens, and added swales and a raingarden to retain runoff and enhance infiltration into the groundwater. We have added over 60 trees and shrubs to intercept precipitation and runoff and to enhance infiltration. Nevertheless we have continued to have some springtime water issues. These will almost certainly be compounded with extensive urban development on our property boundary.

We share this high level of respect for the environment with most of our neighbours, and expect nothing less from new neighbours who plan to profit from their proposal.

Community-based Planning

Following the principles of community-based engagement (as espoused by Jason Thorne, General Manager of Planning and Economic Development in an interview to the CBC in 2014) and principles of the Provincial Policy Statement "Places to Grow", any change of zoning and intensification should integrate into the existing neighbourhoods and be planned in such a way that it fulfills existing needs in the community, enhances the neighbourhood, and mitigates negative effects on people and the environment as much as possible. That Urban Solutions sees no contradiction with this philosophy and their development proposal for 264 Governor's Road is astounding. They have not amended a single point on their website since their most recent update of April 2018. After nearly a year of purportedly reviewing community comment, no changes have been posted on their website, sent to residents (whose emails they requested for "updates" in an April 2018 meeting) or included in their final submission. Clearly community concerns and input are of no concern to them. While it is important that developers turn a profit, maximizing that profit must not guide the city's planning decisions. Councillors, this is what you are tasked with guaranteeing, not only for us, but for all residents in Hamilton caught in today's extreme development boom.

The current planning cycle based on GRIDS2 encompasses growth over more than 20 years. Intensifying development to prevent urban sprawl is one aspect of this process, but so is developing communities so that they function more efficiently, meet unserved needs, encourage alternative transportation and reduce negative environmental impacts. With the scarcity of available development land in Dundas, and the status of large parts of the valley as a nationally, provincially and locally important natural area, it is important that wise decisions be made regarding rezoning. There is no clear urgency to convert this Urban Reserve land to a specific planned use, and **we urge that the city do a more thorough examination of community needs and priorities before approving this change.** Approval cannot be easily undone.

Requested Variances to the Official Plan

Along with applying for rezoning, the developer has proposed 7 variances from regulations of the existing planning by-law, in the form of an Official Plan Amendment, to allow the maximum number of high end townhouses that can be squeezed onto the .6 hectare property. Most of these regulations were originally enacted with the intent of minimizing negative effects on existing neighbours, preserving the environmental services provided by the existing uses, providing aesthetic integration into the community, and providing vital amenities to the new residents. The "full steam ahead" approach of this developer is very concerning, given the many expected negative effects on neighbours, changes to the character of the existing neighbourhood and declining property values of the current residents.

The 7 variances requested were explained away at a meeting (April 2018) by Mr. Matt Johnston of Urban Solutions, who declared that “the by-laws are old and tired”. **We are very concerned that the proponents are asking for multiple blanket exemptions in the form of a site-specific amendment of the Official Plan. We are especially concerned that the granting of these variances would be impossible to reverse at the site-planning stage, when we believe that the rationale for several of the variances may be in conflict with changes required to meet site-specific constraints on design and could result in serious environmental harm.** We also feel that the variances requested by the proponent will cause significant harm to us, our property and a number of our closest neighbours. The express purpose of the variances would be to allow even more housing than the by-law permits. We feel that favouring economic gain for a developer who is set on ignoring protections provided for neighbours in the zoning by-laws, while increasing economic costs to those whom the by-laws are intended to protect, is both unfair and contrary to responsible planning and management.

Specific discussion of the requested variances

Variance #1 - INCREASED DENSITY. Every other requested variance depends on the variance requested for density. This property does not fall within a node or transportation corridor as defined in the Official Plan of Hamilton, and is thus not an area currently targeted for maximum intensification. Nevertheless, the applicant is asking to build 29 units (density of 48.4/ h) while the maximum under the current by-law would be 22.1 units (at a ratio of 37 units/h). This is an increase in density of nearly 25%! This variance regarding the density shows a blatant disregard for community concerns and appears simply a way to squeeze maximum profit from the development.

Variance #2 - MINIMIZED LANDSCAPED AREA. The exemption from landscaping requirements would mean that most of the existing trees on the property would be removed with little or no space available to be reforested. It would also see the area of impermeable surface on the property rise to close to 70%. This would severely impact storm water patterns, flooding potential, sight lines and aesthetics for neighbours, wildlife movement patterns and the general character of the neighbourhood as a mature, well-treed urban environment. As mentioned above, density is the key. The current by-law requires a 50% landscaped area. The proposal in question requests a landscaped area of only 32%. The lack of landscaped space also precludes any provision of outdoor public play facilities for children within this development.

Variance #3 - ZERO LANDSCAPED BUFFERS. The planning by-law requires a minimum of 3.0 m buffer along the property lines wherever a townhouse development borders properties zoned for single-dwelling residential. The applicant originally requested NO BUFFERS in the proposal. The elimination of buffers would mean that yards and windows of the constructed units would directly overlook properties and homes of existing residents, without any provision for vegetative screening, which would improve aesthetics, reduce privacy issues, and replace some lost habitat. Their latest version has provided a reduced buffer (2.5 m) adjacent one property, but asserts that a similar buffer overlapping the mandatory backyards be accepted for the three properties that would suffer the greatest loss of privacy. It is unclear how the conflict between calling this space a buffer and allowing new residents freedom to use their backyards as personal space would be resolved. Without buffers, vegetative screens and mandated opaque fencing, five bordering residences face extreme loss of amenity value, privacy and property value. Since such accommodations are possible, their benefits would seem to justify significant changes to the proposed plans. Current residents deserve respect for the years and money they have invested into their properties.

Variance #4 - SIDE YARD SIZES. The applicant has asked for a 60% reduction in the required side yard size on the east side of the development and 67% on the west side. It would allow units to be built 3 m from the property line with no screens or buffers for privacy. While a reduction to 3 m is permitted if no side windows face the boundary, this provision assumes the implementation of the existing provision for 3 m buffers adjacent existing R1 properties. This is distressing, as it means that buildings higher than anything existing in the broad neighbourhood will rise very close to property lines and that, since the land on which these homes will be built is close to 2 m higher than our yard and surrounding neighbours' lots, there will be a very claustrophobic look and feel to the development. As well, the reduction to 2.5 m required on the west side adjacent St. Bernadette's Elementary School may provide challenges for servicing end units once a privacy fence is added within this narrow space. Finally, a blanket 2.5 m site-specific variance for side lots written into the Official Plan Amendment could become a critical factor at the site-planning stage, allowing the developer to push for even closer encroachment on neighbouring residential properties during that non-public process. This is a major concern since the developer has shown no good will to this point.

Variance #5. - INCREASED HEIGHT - The 2-story units, to be built on the back of the property which are proposed for the maximum allowable height of 10.5 m already exceed the heights of the existing homes (maximum ~8.5 m) and would dramatically alter sight lines of the current residents. The height exemption requested (13.0 m) for the units bordering Governor's Road would be totally out of character for the neighbourhood which consists of entirely 1-, 1.5- and 2-story homes, and has no residential housing higher than 10 m. The streetscape of Governor's Road would be turned into a claustrophobic wall of housing on this southern side.

Variance #6 - FRONT YARD SIZES - The minimum front yard exemption requested is 4.22 m. This is, again, a major decrease from the requirements of the by-law. With respect to the 14 units proposed along Governor's Road, they would be built adjacent to a strip allowed for future road widening. One proposed block of buildings would be built with front walls within an existing water catchment area currently critical to storm water management, and on steep slopes. With very heavy clay soil that becomes waterlogged in wet springs, one can imagine what the hydrological and flooding implications could be for adjacent neighbours and residents along Governor's Road and downstream, since we have already seen this catchment overwhelmed in a severe storm in 2017.

Variance #7- PARKING - Once again, the request for reduction in the number of visitor parking spaces indicates that the developer does not have the needs of the greater community nor even those of new residents in mind. One wonders how social visitors, emergency vehicles, maintenance vehicles, repair services etc. for 29 luxury townhouses will be accommodated by eight spaces, none of them large enough to accommodate a contractor's truck with a trailer. Since there is no accessible public street parking, there will inevitably be non-conforming curb parking or lawn parking at times, obstructing traffic flow.

With respect to congestion, the traffic generated on Governor's Road by this development will most certainly affect the West Highland community as cars, buses and trucks will likely try to bypass what could very well be major bottlenecks and traffic congestion on Governor's Road. We would suggest that you speak to Councillor Vanderbeek on how the construction on Governor's Road impacted residents this past summer/fall. Lynndale Dr., Highland Park Dr. and Mayfair Ave, all became bypass routes for traffic. In a community with no sidewalks, several blind curves, and numerous seniors and school children who walk on the sides of the roads, diversion of traffic through these roads presents a significant risk of car/pedestrian accidents.

CONCLUSION

Should the Committee and the Council decide that rezoning to RM-1 is the best decision that can be made at this time, more sustainable plans and models are needed BEFORE ANY SITE-SPECIFIC AMMENDMENTS TO THE OFFICIAL PLAN be granted. Please note our complete opposition to the request for so many blanket variances designed to cram far more units onto this parcel of land than the existing Zoning By-law allows. The By-law's maximum density of 37 units per hectare (22 units) is more than sufficient to allow for reasonable residential intensification and profit. The plan that is currently before us, and its included variances, are not an urban solution for Dundas. Rather, it is an ill-conceived, environmentally unsustainable project that would increase negative effects on neighbours and probable costs for the city, while increasing profits for the developer. We, the citizens of Dundas and of the City of Hamilton, have inherited enough of the mistakes of 20th Century approaches to urban development: storm water and flooding problems, congestion and overdependence on automobiles, lack of rights-of-way to encourage healthier living, and the tendency to over-pave landscapes.

Current planning research has a new recognition that intensification must go hand in hand with:

- on-site water management,
- building resilience against greater frequencies of severe storm events due to climate change,
- maintenance and augmentation of the urban forest, for aesthetics and environmental utility,
- provision of attractive and healthy ways for people to move about and recreate, and
- provision of safe, welcoming environments for children to live and grow.

Council must demand that developers plan for and develop green, liveable spaces and cities, where they are not driven solely by big profits, but rather, where they are required to factor in the needs of citizens and protection of the natural resources and environments of neighbourhoods and communities. Short-sighted approaches to planning and development cannot be undone. This is a 21st Century challenge that cannot be met with a 20th Century development plan like the one before us!

It is worth noting the following, from the Mission and Vision of the Planning and Economic Development Department of the City of Hamilton:

“To be the best place to raise a child and age successfully”

“To provide high quality, cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner”

Councillors, please ask yourselves whether the current development proposal really approaches these lofty objectives.

We would prefer, as stated above, to have rezoning deferred until after full consideration of needs and alternatives. If rezoning is approved at this time, we ask that the Planning Committee please defer the requested Official Plan Amendment and require that the proponent work with the Planning Office to develop a conforming site plan that addresses site-specific issues. If such a plan required minor variances at that time, we believe they could be handled by the Committee of Adjustment on a case-by-case basis.

Thank you for your consideration.

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