



## MEMORANDUM

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**To:** St. John's Anglican Church, Ancaster

**Date:** October 24, 2017

**No. of Pages:** 9

**From:** James Webb, MCIP, RPP

**Re:** Preliminary Planning Assessment  
Proposed Development, 280 Wilson Street East, Ancaster, City of Hamilton

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WEBB Planning Consultants have been retained by St. John's Anglican Church to undertake an assessment of development applications that have been submitted for the property located at 280 Wilson Street East, Ancaster.

Provided below is a summary of the development proposal and our analysis having regard to the guiding planning framework for this area which includes the City of Hamilton Urban Official Plan, the recently adopted Wilson Street Secondary Plan, the current and draft Zoning By-laws. In completing this assessment we have reviewed the Site Plan and supporting studies prepared for the project including a Planning Justification Report, Urban Design Brief, Cultural Heritage Impact Assessment and a Tree Protection Plan.

The assessment concludes with our preliminary planning opinions regarding the merits of the planning amendments necessary to implement the proposal and recommendations for follow-up.

### 1.0 PROPERTY DESCRIPTION

The subject property is located on the East side of Wilson Street East, immediately to the north of St. John's Anglican Church. The parcel has 18 metres of frontage on Wilson Street, a depth of approximately 90 metres, and an area of 0.23 hectares (0.57 acres).

The site is currently developed with a 2 ½ storey brick building located in close proximity to the street edge. The current brick structure was constructed in 1870. The building has since undergone renovations with a two storey addition at the rear which accommodates residential uses.

As noted in the Heritage Assessment completed by Mcallum Sather, the existing building is a Listed Heritage building pursuant to the City's Inventory of Buildings of Architectural and/or Historical Interest, Hamilton's Heritage Volume 2 - September 2002. Referenced as the "Gurnett Store", the property and building are not designated by the Ontario Heritage Act.

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As stated in the supporting studies, the development concept for the lands is directed by the intent to preserve the existing building based on the heritage attributes and it's contribution to the historical fabric of the Ancaster Village Core area.

St. John's Anglican Church is a designated heritage property under the Ontario Heritage Act. Pursuant to a designating By-law that was adopted by Council of the Town of Ancaster in 1991, both the lands and buildings are included in the designation. Pursuant to Provincial and local Planning Policy, any development of adjoining lands shall consider the conservation of the designated heritage property. This Policy basis provides equal importance to both the heritage attributes of the church buildings and the church grounds, the latter including the cemetery that is in immediate proximity to the development proposal.

## 2.0 SUMMARY OF PROPOSED DEVELOPMENT

We have reviewed the Site Plan prepared by Disimone Architect's and provide the following points to summarize the proposed form and scale of development:

- A 3 ½ storey building is situated to the rear of the "Gurnett Store", the total measured height of the building is 16.0 metres whereas a maximum height of 10.5 metres is permitted by the current Zoning;
- The plans are not clear with regard to the location of the half storey, whether within the roof line or proposed as a raised basement;
- The proposed building will contain a total of 22 multiple dwelling units. Based on the site area, the density is equal to 115 units per net residential hectare. No specific breakdown is provided with regard to the number of units per floor or the varying size of the dwelling units;
- The building has limited setbacks to the boundaries of the property, a rear yard setback of 0.0 metres, a northerly side yard setback of 1.0 metres and a southerly side yard, abutting the St. James Church, of 1.2 metres;
- The intensity of the built form is equal to a lot coverage of 60%, the landscaped open space is 362 square metres, less than 10% which is low;
- A site grading plan has not been prepared, it is unclear how the proposal will match grades with the adjoining church property, retaining walls may be necessary to achieve the height transition;
- On-site parking is provided as a combination of surface parking and underground parking beneath the residential building. A total of 4 parking spaces are proposed for the existing commercial building and 44 for the residential use. 7 of these spaces are surface parking the balance beneath the residential building;

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- The submission included rendered perspective drawings illustrating the architectural treatment for the elevations. The building will incorporate a sloped roof, windows are shown in the roofline but unclear if these are necessary to accommodate usable floor area or simply an architectural treatment to add variety to the roof profile;
- The southerly elevation of the proposed building immediately abuts the St. John's Church property, primarily situated against the open space area of the site encompassing the cemetery. The elevation includes windows and balconies which overlook the property of St. John's Church;
- A tree preservation plan has been prepared in support of the development proposal and confirms a number of mature trees located along the mutual property boundary with St. John's.

### 3.0 REQUIRED PLANNING APPROVALS

As described in the Notice of Application mailed by the City, the following planning amendments are necessary to implement the proposal:

#### 3.1 Secondary Plan Amendment:

- To permit a height of 3 ½ storeys whereas only 2 ½ storeys are permitted

#### 3.2 Zoning By-law Amendment – VA Zone of Ancaster ZBL:

- Building height of 16.0 metres whereas 10.5 is permitted;
- Stand alone residential building containing 22 dwelling units whereas the current Zoning would permit existing residential uses and one detached dwelling;
- A rear yard setback of 0.0 metres whereas 9.0 metres is required;
- Lot coverage of 60% whereas 50% is permitted;
- Reduction in on-site parking for the multiple dwelling building;

#### 3.3 Zoning By-law Amendment – Proposed CMU Zoning

A new comprehensive Zoning By-law is being prepared by the City of Hamilton with the Regulations for Commercial and Mixed Use Areas to be adopted by City Council in November 2017. 280 Wilson Street is proposed to be rezoned as "C5a" Zone – Mixed Use Medium Density. While not currently in affect, the proposed Zoning represents City Council's position and should be taken into consideration in evaluating the merits of the proposed redevelopment.

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### 3.4 Site Plan Approval & Plan of Condominium:

The development will also require approval of an Application for Site Plan Approval and a Draft Plan of Standard Condominium. These Applications implement matters including detailed design and infrastructure, and tenure for the proposed residential Condominium building.

## 4.0 PLANNING FRAMEWORK

The key land use policies and regulations that are intended to provide guidance on the development of lands include the Urban Hamilton Official Plan (UHOP), the recently adopted Wilson Street Secondary Plan, the Zoning By-law of the former Town of Ancaster, and the draft Commercial and Mixed Use Zoning that is intended to apply to commercial properties on a City-wide basis.

### 4.1 Urban Hamilton Official Plan (UHOP)

The Urban Hamilton Official Plan (UHOP) is the upper tier planning document for the City that sets out the land use Policies intended to guide the growth and development of the City. Volume One of the UHOP provides the general Policies with detailed Policies being implemented through the Secondary Plans contained in Volume Two of the Plan.

According to the Land Use Plan of Volume One, the Wilson Street corridor is designated as a Mixed Use Medium Density area which is generally intended to develop as a mixed use area with an emphasis on achieving compact development patterns that will evolve over time as mixed use areas.

Consistent with Provincial Policy, the UHOP provides Policies to implement intensification throughout the urban area with a focus on growth within the built-up areas of the City. The proposed development of 280 Wilson Street is an example of intensification as the lands are currently underutilized and the proposal will develop the property at a higher density than currently exists.

The UHOP provides criteria to evaluate residential intensification developments and we would highlight the following criteria per Policy 2.4.1.4 (a):

*"The relationship of the proposal to existing neighborhood character so that it maintains, and where possible, enhances and builds upon the desirable established patterns and built form."*

The above establishes a threshold wherein new development is to maintain, and where possible, enhance established neighbourhood character. This criteria is our view is not met by the proposed form and scale of development, in particular, the development of the interior portion of the lot with minimal setbacks, does not enhance the desired character.

## 4.2 Ancaster Wilson Street Secondary Plan

Adopted by City Council in July 2014, the Ancaster Wilson Street Secondary Plan generally applies to lands adjoining Wilson Street from Montgomery Drive to Meadowbrook Drive, extending out to incorporate abutting lands. The Plan was the subject of an OMB appeal and is now in full force and effect as a Secondary Plan under Volume Two of the Urban Hamilton Official Plan.

The length of the Wilson Street corridor varies with respect to its function and built form. To recognize this diversity, five "character areas" are identified, the subject property and St. John's are within the Village Core area which extends from Rousseaux Street to Halson Street.

The Secondary Plan outlines specific policies for each of the character areas, for example, the Village Core is recognized as one of two main commercial areas. The implementing Urban Design Guidelines for the Secondary Plan also provides area specific guidance on the design for new buildings and lands.

With respect to detailed land use policies, the property at 280 Wilson Street is designated as Mixed Use Medium Density. The lands are also included in the Pedestrian Predominant Street overlay which establishes additional detailed design policies to guide built form with the intent of creating vibrant streetscapes and a more pleasant pedestrian environment.

Policies for the Mixed Use Medium Density (MUM) designation confirm that a range of commercial uses and multiple dwellings are permitted, either in mixed use or stand-alone buildings. The longer term intent is for these areas to develop as truly mixed use areas. Policies do not set specific density provisions.

Building height is generally permitted up to 6 storeys in the MUM designation, however, the detailed policies of the Secondary Plan provide an area specific notwithstanding provision that requires a minimum building height of two storeys and a maximum height of three storeys.

As noted, properties located along Wilson Street are subject to the Pedestrian Predominant Street overlay and the corresponding Policies of Volume One of the UHOP and the Secondary Plan. This has significant implications with respect to built form as Policies for Pedestrian Predominant Streets state a maximum building height 2.5 storeys within the Ancaster Core. This Policy direction takes precedence over the height policies for the MUM designation.

The Secondary Plan includes policies for Cultural Heritage. These are relevant to the subject property as St. John's church is a designated heritage property and the Village Core is identified as a Cultural Heritage Landscape. As 280 Wilson is a listed heritage property, its redevelopment is also subject to the Heritage Policies, albeit to a lesser degree than a designated property.

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Taken in broad context, the Heritage Policies would require that the redevelopment demonstrate that the heritage attributes of St. John's are conserved by the proposed development. In our view, the assessment of impacts would include both built heritage and heritage landscapes such as the cemetery at the rear of the church property that is characterized as a naturalized open space area having significant cultural heritage value.

Policies require that these elements of the landscape are to be conserved and protected. The proposed building mass exceeds permitted height provisions, this condition is exacerbated by minimal separation from the interior lot line, in our view the scale and massing of the proposal conflicts with the intent to protect and conserve cultural heritage.

#### **Summary of Key Secondary Plan Policies:**

Permitted uses include residential and commercial uses, to be developed in either standalone or mixed use buildings;

Building height is capped at 2 ½ storeys for Pedestrian Predominant Streets;

Urban Design Policies encourage the retention of the cultural heritage character of the Village Core, new buildings should be built at the street edge;

Cultural Heritage Policies state that heritage resources, including built heritage and cultural heritage landscapes, shall be protected and conserved.

#### **4.3 Town of Ancaster Zoning By-law**

The subject property is presently zoned as "VA" – Village Area Zone according to the Town of Ancaster Zoning By-law No. 87-57.

The permitted uses of the VA zone are limited to a commercial buildings existing at the date of passing of the By-law and residential uses existing at the date of the passing of the By-law. Multiple dwellings in the form of an apartment building are not a permitted use, the Zone Change submitted by the proponents seeks to add this as an additional permitted use.

Performance Regulations of the VA Zone relevant to the proposed development include the following, the required modification are noted in brackets:

- Maximum Lot Coverage: 50% (60%)
- Minimum Side Yard: 0.0 metres, 1.5 metres if abutting a residential zone;
- Minimum Rear Yard: 9.0 metres (0.0 metres)
- Maximum Height: 10.5 metres (16.0 metres)

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- Parking Regulations: 58 spaces required (48 spaces provided).

#### 4.4 Proposed Comprehensive Zoning Amendments (CMU)

The City of Hamilton is in the process of implementing new Zoning Regulations to implement the City wide policies of the Urban Hamilton Official Plan and recently adopted Secondary Plans. The proposed Commercial and Mixed Use (CMU) Zoning has been considered by the City's Planning Committee and is tentatively scheduled for adoption by City Council in early November, 2017.

According to the draft Zoning Regulations, 280 Wilson Street East is to be rezoned to the "C5a" category – Mixed Use Medium Density, Pedestrian Predominant Street. Consistent with the Policies described above in the review of the Wilson Street Secondary Plan, the following summary of key Regulations of the "C5a" Zone is provided:

- The Permitted uses include a wide range of commercial uses, dwelling units are permitted in conjunction with a commercial use. We interpret this to require a mixed use building form as opposed the standalone residential building as proposed by the applicants;
- Minimum rear yard: 7.5 metres (0.0 proposed);
- Minimum side yard: 7.5 m. abutting an Institutional Zone (1.0 proposed);
- Building height: Maximum of 22 metres (16.0 m proposed)
- Parking: 4 commercial and 22 residential spaces (44 provided)

The C5a Zone also includes Regulations intended to guide built form for new development. Regulations include a minimum of 75% of the lot width as building façade, minimum building heights and the requirement to have building entrances facing the street.

280 Wilson Street and abutting properties along Wilson Street are also subject to Area Specific Regulation No. 570. Consistent with the height policies described above, the effect of the exception is to limit permitted height to 9.0 metres (29.5 feet), the proposal exceeds the permitted maximum by 7.0 metres (21.9 feet)

Based on the draft Regulations, the extent of the non-compliance is greater wherein a side yard of 7.5 metres is required abutting the Church property and maximum height is to be capped at 9.0 metres, measured from grade to the peak of the building. The "C5a" Zone also restricts residential uses, dwellings are permitted in conjunction with commercial uses and shall only be permitted above the ground floor.

## 5.0 EVALUATION AND COMMENTS

The emerging Planning Policies that apply to the Ancaster Core Area permit mixed use and stand alone medium density residential projects. Specific to building heights, we have noted the City's intent to restrict height in the Ancaster Core area to maintain consistency and compatibility with the established built form. Policy and draft Regulations seek to limit height to maximum of 2 ½ storeys, the draft CMU Zoning Regulations implement the intent by capping height at 9.0 metres.

The justification provided in support of the proposal has focused on impacts to the streetscape of Wilson Street. The analysis has provided a limited analysis of impacts to the interior of the block which have a greater impact on the passive open space areas of the Church property.

We disagree with the statement provided in support of the proposal that the gradation of building heights is appropriate with the taller building situated away from the public street frontage. This position is contrary to planning principles wherein the interior portion of the block is regarded as an area for passive amenity space and matters of overlook and compatibility should be of greater concern. The sensitivity of this interface is heightened given the location of the cemetery, an area that should be protected from incompatible development.

In support of the above comment, it is noted that the City's new Zoning By-law Regulations have emphasized the importance of the interface where development adjoins Institutionally Zoned properties. The draft Regulations applicable to 280 Wilson Street require a minimum interior side setback of 7.5 metres based on the Institutional Zoning for St. John's.

The rationalization for locating the proposed building at the rear of the site is preservation of the existing listed heritage building. In our view, the impacts of pushing the proposed building to the rear of the site with no rear yard setback are not justified by preserving a building having limited heritage value, ie: listed, not designated. The development should be reconsidered with an emphasis on locating the proposed building closer to the street edge and either incorporating the façade of the existing building or demolition and replacement with a new building that is in keeping with the heritage character.

## 6.0 RECOMMENDATIONS

Based on our review, we believe there are legitimate concerns with the proposed form and scale of development being proposed for the property located at 280 Wilson Street. There are conflicts with the applicable Planning Policy framework and amendments are required from the current and proposed Zoning By-law Regulations that are otherwise intended to guide appropriate development.

As follow-up, there are a number of related initiatives to be pursued to ensure that the input from St. John's is reflected in the planning process.

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St. John's should request a meeting with the proponents to outline the concerns with the development proposal and seek modifications as necessary to mitigate impacts. At a minimum, the proposed building height will need to be reduced to conform with the Secondary Plan and the placement of the building reviewed to establish appropriate setbacks at the rear and side of the property.

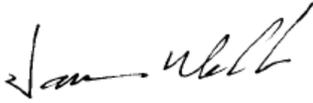
To ensure that the concerns of St. John's are reflected in the City's review of the development proposal, written comments should be sent to the Planning Department for their consideration. These comments will be reflected in any future reporting and will form part of the public record.

The Ward Councilor should also be contacted at the earliest opportunity to ensure that the concerns regarding the proposed form and scale of development are communicated.

Thank you for the opportunity to present this preliminary planning assessment, we look forward to the opportunity to meet with St. John's Church to further explain the findings of our review and address any questions you may have.

Yours truly,

**WEBB Planning Consultants**



James Webb, MCIP, RPP

cc: Gerald Aggus, Ross & McBride

October 2, 2017

Via Email

Melanie Schneider, City of Hamilton  
Planning & Economic Development Department  
Development Planning Heritage and Design – Suburban Team

**Re: Files ZAC-17-051 and UHOPA-17-022**

Please be advised that we have serious concerns with the above referenced development proposals. As we have not yet received all of the documents submitted by the applicants we offer only preliminary comments at this time, with the intention of providing additional comments once full documentation has been received.

**1) Errors and omissions in documentation submitted by the applicants**

We are very concerned that the documentation submitted by the applicants which we have reviewed to date contains numerous serious errors & omissions. Specifically:

**a) Heritage Impact Assessment, McCallumSather, April 2017**

- Page 8, ASP Land Use, erroneously shows the subject lands fronting on the north side of Golflinks Road.
- 2.5 Adjacent Cultural Heritage – this section fails to address nearby listed heritage properties and does not identify the Ryerson Chapel, located directly across the street as a heritage property. In addition in the description of St. John's Anglican Church there is no mention of the historic cemetery which is immediately adjacent to the proposed development. The cemetery is approximately 200 years old and predates the church building by 50 years or more. It contains hundreds of historic headstones and the St. John's Churchyard Committee has expended significant effort and financial resources to undertake conservation work on dozens of historic headstones in the cemetery. Historic cemeteries are an important part of the built heritage of a community. The failure of this report to identify the cemetery as part of the adjacent cultural heritage and to consider the impacts of the development on the cemetery and the appropriate setbacks necessary to mitigate such impacts is a major omission which should be corrected.
- Page 24 states that the subject property "is considered a building of interest but is not currently listed or designated as a heritage asset." This statement is in error and contradicts the figure on Page 10 (ASP Character Areas and Heritage Features) which clearly show the subject property as a listed heritage property. Page 2 of the Planning justification report also states that the site contains a listed heritage building.
- Page 32 - the side elevation drawings are mislabelled with north shown as south and vice-versa.
- Page 33 to 35 – The axonometric views provided do not include a true south view as from the cemetery, but rather only a west view from the street. A true south view would show a massive 3.5 storey 52' high structure set back just one metre from the edge of the cemetery and 3 metres from existing gravestones with no intervening vegetative buffer

since the proponent proposes to remove the existing 10 metre+ tall trees along the boundary with the cemetery. Clearly the failure to provide a true south view is misleading and should be corrected. Similarly, the east view fails to show the existing paved public trail in Village Green Park which is within 2 or 3 metres of the proposed structure which will tower over the trail with no vegetative buffer, as the proponents propose to build to the property line with a 0 metre setback and removing all existing vegetation including 10+ metres tall trees. Again this is highly distorted and misleading view that should be corrected.

- Heritage Impacts – the report focuses almost solely on heritage impacts on the Gurnett Store with no mention of impacts on the adjacent historic cemetery.
- Visual impacts (4.5, pg. 38) considers only street view with no mention on the serious visual impacts on the adjacent historic St. John's Cemetery and the Village Green Park and public trail.
- Based on the concerns expressed above we find the Heritage Impact Assessment incomplete and misleading and urge the City of Hamilton not to accept this report unless it is amended to address the shortcomings identified above.

**b) Site Plan DeSimone Architect, as circulated Sept 12, 2017**

- The site plan includes a table of Zoning site statistics in the bottom left corner. In this table the minimum side yard permitted under By-law 87-57 within the VA zone is listed as 0 metres and it is claimed that the proposal complies with the by-law with regard to side yard setback. In fact the ) metre side yard standard applies to commercial uses and not to residential uses such as the proposed apartment building. The standard for existing residential uses and any expansion of such uses under the bylaw is a minimum 1.5 metre setback as per Section 25.3 (e). Any supposition that a new residential development would be subject to a commercial rather than the established residential setback requirement is both unreasonable and misleading. As such the site plan should be changed to show a minimum 1.5 metre setback under the existing by-law with an asterisked explanation that this is the standard for existing residential uses and the proposed multi-unit apartment development is not a permitted use.
- A similar error exists in the same table under maximum lot coverage. The bylaw provides for a maximum lot coverage for residential uses of 35%, not the 50% shown in the table. Again this error misleads readers into thinking that the proposal comes close to meeting the lot coverage standard for residential use when in fact it exceeds that standard by 60%.
- The right hand panel of the Site Plan shows site statistics. Under the heading existing building it claims 3.5 storeys (16m) this is not correct and is in fact what is proposed for the new building. Under the Proposed Building it erroneously claims a proposed height of 3 storeys. It also claims a maximum 60% building coverage which is at odds with the 56% claimed in the Zoning site statistics on the same site plan.
- These are serious and misleading errors all of which give the incorrect impression that the proposed development is either in compliance with certain standards in the existing by-law or close to being in compliance when this is clearly not the case. ***We are very disappointed that such inaccurate and misleading information has been included in the preliminary circulation and we feel strongly that the Site Plan must be corrected and included in a revised preliminary circulation with a new date for comments,***

*before any further steps in the process can take place.*

**c) Planning Justification Report, GSP Group, May 2017**

- Page 6 of this report states that a walkway long the south side of the building will connect the building interior with the pathway system within Village Green Park. As a maximum of 1 metre space will exist between the building as proposed and the fence along the cemetery there is no room for such a walkway.
- The Preliminary Site Plan on page 7 shows a delivery entrance on the south side of the front of the proposed apartment building. All deliveries must enter the property via the existing narrow driveway on the south side of the Gurnett Store building (280 Wilson Street E.) Given the very limited space between the existing and proposed building and the location of the proposed port-cochere and accessible parking space it will not be possible for anything but small delivery vans to drive in forwards and then have space to back into the delivery entrance. The only option for larger vehicles would be to back in from Wilson Street. This would be very dangerous and create serious traffic congestion and safety concerns. This is a serious flaw in the site plan.
- Figure 8 on page 8 is incorrectly labelled as "South Elevation – Facing Parking Lot and Park", when in fact it faces St. John's Church & Cemetery.
- Page 35 summarizes the Arborist Report and Tree Preservation Plan which claims that there are only 11 trees on the site 8 of which are "insignificant" and proposed for removal. Several of these "insignificant" are by our estimate 10+ metres in height and 25 cm diameter and they provide the only vegetative buffer between the proposed development and St. John's Cemetery and Village Green Park. The classification of such trees as insignificant is ridiculous. We will provide further comments upon receipt and review of the Arborist Report.
- Page 55 states that having a 3.5 storey 16m tall building overlooking the St. John's Cemetery "does not negatively impact private amenity space and will not conflict with these uses". This is patently false. The proposed development will have a huge negative visual impact on this highly attractive historic cemetery. The cremation gardens in particular which St. John's has recently approved major enhancements to will be towered over by the proposed building with no buffer and no privacy for mourners at graveside services and visitors to the cemetery.

**2) General Preliminary Comments and Concerns**

- We do not object in principle to a residential use including a small apartment building on the subject property.
- We strongly object to any height over the maximum 10.5 metres currently permitted.
- We strongly object to any lot coverage greater than 35% maximum currently permitted.
- We insist upon much greater setbacks and vegetative buffers from St. John's Cemetery and Village Green Park, with a minimum 5 metre setback from the former and 7.5 metres from the latter and the retention of all trees and supplemental plantings to provide enhanced screening.
- We have serious concerns regarding traffic and safety which we will elaborate on after receiving and reviewing the transportation plan.
- We are very concerned that the preliminary circulation contained<sup>d</sup> Site Plan with many

serious errors an that the circulation did not adequately details the very significant variances between what is proposed and what is currently permitted. We ask that a revised preliminary circulation with a corrected site plan and more detailed information of the proposal and it's compliance with current standards be undertaken prior to any further steps in the planning process.

- We request hard copies of all documents submitted by the applicants

Respectfully Submitted,

Frank Ernest

N. Joyce Ernest

Alan Ernest

#### Authorization of Agent

We hereby Authorize Alan Ernest to Act as our agent with regards to all matters pertaining to development proposals for 280 Wilson St. East Ancaster, including City of Hamilton Files ZAC-17-051 and UHOPA-17-022.

Frank H. Ernest N. Joyce Ernest

dated at Ancaster this 2<sup>nd</sup> Day of October 2017.