

October 16, 2020

Lisa Kelsey
 Legislative Coordinator
 Planning Committee
 City of Hamilton
 71 Main St. W.
 Hamilton, ON

Dear Lisa:

**Re: Application for Official Plan Amendment and Zoning By-law
 8475 English Church Road
Willow Valley Holdings Inc.**

Please accept this letter as notice that we will be asking the Planning Committee to defer consideration of this matter at the upcoming Public Meeting on Tuesday October 20. The staff report notes that we have been endeavouring to meet with the local councillor to review this matter. That has most recently been delayed by the complications arising out of the Covid situation. We have finally been able to establish a meeting time with the Councillor. However, the first available date for that meeting is Friday October 30. The date has not yet been confirmed, but hopefully if not confirmed for that date, can be held in the next week or so following the 30th.

The second reason for the deferral will be to ask for further input from the Planning Department. Reviewing the recommendation report, it is clear that staff have not fully assessed the full implications of what is being proposed. Recommendation (a) and (b) for denial are based solely upon the consideration of the severance application on English Church Road. If that were the only matter in front of the Committee, we would agree with staff that the application should be denied and would not be pursuing this with the Committee.

What is missing from the staff report is consideration of transfer of development rights for two residential lots which front onto Upper James Street, and relocating them to a location adjacent to the golf course. The proposal also calls for the consolidation of three small parcels into one large agricultural parcel, which is a highly desirable objective of the Regional Official Plan and the Provincial Policy Statement. Given that the proposal generates no net new development, many of the development related policies of the Provincial Policy Statement are not applicable and should not be considered in the assessment of this application.

It is noted that the focus of the denial is based on the consideration of noise impacts. The Report at the bottom of page 172 and 173 notes that the proponent submitted a Noise Study. However, the Planning Report did not identify the conclusions of that report which stated that the cumulative noise impacts for the proposed lots on English Church Road are acoustically comparable to the noise impacts of the existing residential lots on Upper James Street. Therefore, there is no difference from a noise perspective whether there are two new houses are built on Upper James Street or on English Church Road.

There are other omissions in the staff report, including the absence of comments from Traffic on the comparative benefits of driveways on Upper James Street as opposed to English Church Road, and the results of technical studies which were peer reviewed and confirm the servicing feasibility of each lot.

The staff report also erroneously states that agricultural lands will be lost through this application. That is not true. The lands to be considered for new homes on English Church Road are part of the golf course and are not being farmed. Further, the benefits of farm consolidation resulting from this proposal have not been identified in the report.

We believe it is important for the Committee to fully assess all of the implications of the application which essentially improve the future quality of life for two residential dwellings that are proposed to back onto the golf course as opposed to fronting on Upper James Street, both within close proximity to the Airport. The fundamental question for the Committee is whether it is preferable to have two new dwellings constructed on Upper James Street where future residents will not only be faced with safety concerns, but also noise from both the Airport and the roadway, or to have two new homes built on the quieter side street, backing onto the golf course.

To have a better understanding of the site context, can you please forward the video attached to my transmittal email, prepared by Mr. Schiedel, to all of the Committee members in advance of the meeting.

Mr. Schiedel and I will be in attendance at Planning Committee and will be speaking further to this matter at the Committee.

We are hoping that with the site visit with the Councillor and the consideration by the Committee of the full range of implications of this application, that the application could be supported.

Sincerely,

FOTHERGILL PLANNING & DEVELOPMENT INC.


E.J. Fothergill, MCIP, RPP
President

cc. Steve Schiedel
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Elyse Meneray