

February 8, 2021

Andrea Holland, Clerk
City of Hamilton
71 Main St. W.,
Hamilton, ON

VIA EMAIL ONLY

Dear Ms. Holland:

**RE: 1400 Baseline Road, Former City of Stoney Creek
Official Plan Amendment 144 and Proposed Rezoning
Bills 17 and 18, City Council Agenda, February 10, 2021**

NPG Planning Solutions Inc. has been retained by Wentworth Common Element Condominium #479 and Lakewood Beach Community Council Inc. in regard to the above matters for 1400 Baseline Road, former City of Stoney Creek, now Hamilton. In accordance with Sections 17 and 34 of the Planning Act, we are providing these formal written comments to City Council prior to the adoption of the Official Plan Amendment by By-law and prior to the adoption of the Zoning By-law Amendment for the subject lands.

The proposed Official Plan Amendment (OPA) and Rezoning for the subject lands are to achieve the following:

- a. OPA – to amend the Secondary Plan to expand the range of permitted dwelling types (townhouses, maisonettes, apartments) on site. Currently only Low-Density Residential uses are permitted. The new designation would permit townhouses, maisonettes and apartments to a maximum height of 9 storeys. A redesignation to Medium Density Residential 3 for the subject lands is also part of the Official Plan Amendment.
- b. Rezoning – to create a site-specific zoning designation to implement the range of permitted uses with site specific provisions. The zoning includes a holding provision for:
 - a. Water/Wastewater Servicing Analysis
 - b. Traffic Impact Study

c. Funding of Works

As part of this City initiated OPA/Rezoning, the following is noted from the staff report considered on January 12, 2021:

- A Functional Servicing Report was not done
- A Stormwater Management Study was not done
- A Traffic Impact Study was not done
- A Noise Study was not done
- An Archaeology Study was not done
- The City did a “massing” study which formed the basis of the zoning regulations however this was not included as part of the staff report, although it was referenced in the staff report.

The determination of several factors related to the ultimate development of the site must be assessed through the completion of the appropriate studies as identified above. This includes servicing, for which internal staff comments raise issues, as well as traffic, noise and more. Every private sector proponent would be required to complete a pre-consultation with the City to identify the necessary studies and only once those studies have been completed would a detailed design for the site be able to be confirmed. Review by internal staff, agencies, and a public process would follow. This did not happen with proposed OPA 144 and the proposed Rezoning – an internal circulation occurred, an unreleased massing study was prepared, and the resultant OPA and rezoning, absent the key studies, was prepared.

The staff report recommends supporting the Official Plan Amendment and rezoning with the resulting By-laws on the Council agenda this Wednesday. It is incumbent upon the City to establish that the proposal fulfills the requirements of the Provincial Policy Statement, A Place to Grow (Growth Plan for the Greater Golden Horseshoe), and the City's Official Plan.

The staff report for the subject lands identifies the residential intensification requirements of the City's Official Plan and the policy “tests” to assess conformity. These have been reviewed and the following are the policies and the review that I have completed.

Policy # and Wording	Achieved/Not Achieved
B.2.4.1.4 Residential intensification developments shall be evaluated based on the following criteria:	
a) a balanced evaluation of the criteria in b) through g), as follows;	Not Achieved – see commentary
b) The relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable patterns and built forms;	Not Achieved/Can't Say – Because the massing study was not released, it is difficult to say. Issues such as height, location of buildings, location of driveways, sun shadow analysis, built form relationships are not communicated.
c) The development's contribution to maintaining and achieving a range of dwelling types and tenures;	Yes
d) The <i>compatible</i> integration of the development with the surrounding area in terms of use, scale, form, and character. In this regard, the City encourages the use of innovative and creative urban design techniques;	Not Achieved/Can't Say – see item b) commentary above
e) The development's contribution to achieving the planned urban structure, as described in Section E.2.0 – Urban Structure;	Likely
f) Infrastructure and transportation capacity; and,	No – there are no servicing studies to be done for water/wastewater; stormwater; transportation.
g) The ability of the development to comply with all applicable policies.	No

And further:

Policy # and Wording	Achieved/Not Achieved
B.2.4.2.2 a) The matters listed in Section B.2.4.1.4;	Not Achieved – see above table

Policy # and Wording	Achieved/Not Achieved
b) Compatibility with adjacent land uses, including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;	Not Achieved – no studies completed to determine if these issues have been addressed
c) The relationship of the proposed buildings with the height, massing, and scale of nearby residential buildings;	Not Achieved/Can't Say – Because the massing study was not released, it is difficult to say. Issues such as height, location of buildings, location of driveways, sun shadow analysis, built form relationships are not communicated nor is an assessment provided of how these policy requirements are addressed.
d) The consideration of transitions in height and density to adjacent residential buildings;	Cannot be determined – the proposed zoning does include setbacks for the properties to the east however without seeing actual building placement it cannot be confirmed.
e) The relationship of the proposed lot with the lot pattern and configuration within the neighbourhood;	Not Achieved/Can't Say – see item d) commentary above
f) The provision of amenity space and the relationship to existing patterns of private and public amenity space;	Can't Say – without a site layout it is difficult to determine how pedestrian and cycling access will be provided to Fifty Point Conservation Area.
g) The ability to respect or enhance the streetscape patterns, including block lengths, setbacks, and building separations;	Not Achieved/Can't Say – see item d) commentary above
h) The ability to complement the existing functions of the neighbourhood;	No
i) The conservation of cultural heritage resources; and,	Not Achieved – the lands are within an area of Archaeological Potential on Schedule F-4 of the Urban Hamilton Official Plan. No study was done.
j) Infrastructure and transportation capacity impacts.	No

The staff report has identified that the proposal is in conformity with the Provincial Policy Statement and A Place to Grow. The above policies in the City's Official Plan are the foundational policies that determine the appropriateness of residential intensification on the subject lands and implement the intensification requirements of the Provincial Policy Statement and A Place to Grow. With so much information yet to be completed, the principal of increasing height and density on the subject lands cannot be confirmed. Put another way, without understanding issues of density, massing, servicing, traffic and transportation, compatibility (and more, as identified above) and how these issues are addressed in the Official Plan Amendment and Zoning By-law, the policy and zoning provisions should not be adopted. The City's OPA and rezoning have not met the requirements of its own Official Plan for assessing intensification proposals.

With regard to the Provincial Policy Statement (PPS), the City staff report has identified conformity to the PPS. The PPS requires the following:

"1.1.3.2

Land use patterns within settlement areas shall be based on:

- a. densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
- d) prepare for the impacts of a changing climate;
- e) support active transportation;
- f) are transit-supportive, where transit is planned, exists or may be developed; and
- g) are freight-supportive.

Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

1.1.3.3

Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

1.1.3.4

Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety. “

The foregoing policies require intensification to be completed taking into account planned infrastructure; address transportation, traffic and active transportation; appropriate development standards; and more. The City's report identifies that assessment of infrastructure, transportation, noise, parking, and active transportation will be assessed through a future Site Plan. Respectfully, this is not consistent with the PPS which requires that these assessments be completed for all decisions under the *Planning Act*. Similarly, with regard to A Place to Grow, the lack of a fulsome review of infrastructure, transportation, active transportation, and the massing study not being released for public comment, conformity to the policies for the Delineated Built-Up Area and more broadly A Place to Grow cannot be confirmed.

The City has initiated this Official Plan Amendment under Section 17 of the *Planning Act* and the rezoning is under Section 34 of the *Planning Act*. The process is outlined in the Act for obtaining public feedback and the City has further established processes including notification, signage on the site, and public meetings. Questions have arisen regarding notification and the public participation process. Our clients remain concerned that the notification provisions were insufficient for affected landowners and organizations to provide input through the statutory process.

This letter is submitted for Council's consideration in regard to the two bills on the February 10, 2021 Council Agenda. The bills should be deferred until a proper consultation process has been completed, the required studies completed, and a

thorough analysis of the implications of the studies and a refined site design is completed. Our clients are available to meet with the City; however, the necessary work must be done to substantiate the principal of Medium Density Residential development on this site together with fulsome community engagement.

Yours truly,

A handwritten signature in black ink, appearing to read "ML Tanner".

Mary Lou Tanner, FCIP, RPP
Principal Planner and Partner

Copies to Clients