

Pilon, Janet

Subject: HIGH PRIORITY FOR TOMORROWS COUNCIL MEETING

Dear Honourable Mayor & Council

RE: Agenda Item 4.10.

Correspondence from David Bronskill, Goodmans LLP respecting 310 Frances Avenue, City of Hamilton, Municipal Comprehensive Review/Official Plan Review - Draft Urban Hamilton, Official Plan Amendment - Conformity Amendment and Draft Rural Hamilton, Official Plan Amendment - Firm Urban Boundary (PED21067(a)).

Recommendation: Be received and referred to the consideration of Item 5.8(a), Municipal Comprehensive Review / Official Plan Review – Draft Urban Hamilton Official Plan Amendment and Draft Rural Hamilton Official Plan Amendment – Firm Urban Boundary (PED21067(a))

I wholeheartedly disagree with Mr. Bronskill's assertion that "The above-noted proposed policy addition to the UHOP is imposing a policy that conflicts with and is inconsistent with the current zoning for the Property". In fact, I believe the opposite is true.

Mr. Bronskill's letter raises some questions I have in regards to why the site-plan process for this development application has not identified the need for the applicant to submit an Official Plan amendment from the outset. Prior to considering the exemption requested in the Council correspondence, please note the following:

(a) Yes, there was a Zoning amendment approved in 2010. There was also a site specific amendment to the *old Stoney Creek Official Plan* made at that time which gave effect to that unprecedented ZBLA. There was not however an amendment made to the Urban Hamilton Official Plan as has been implied in Mr. Bronskill's letter. Comparable approvals made under the old Stoney Creek Official Plan have had to undergo a 2nd OPA process when the UHOP was eventually approved by the Ministry due to the revocation of the SCOP.

There has been no explanation provided as to why this land has been exempt from re-application and inconsistent with other lands.

(b) Yes, the UHOP designates this land as 'Neighbourhoods'. Yes, the ZBA in 2010 included a minimum density of 585 units / hectare and no maximum height. However, 'Neighbourhoods' also are capped at 200 units / hectare in the UHOP. Another block of land of this subdivision also had a minimum density and no maximum density however, in 2016 when Phase 2 was being proposed, that block of land had to undergo an OPA in order to exceed the 200 unit cap of our High Density 'Neighbourhoods' UHOP policy. (Reference: Page 4 of 31 : <https://pub-hamilton.escribemeetings.com/filestream.ashx?DocumentId=118828>)

There has been no explanation provided as to why this development has been undergoing the site plan & minor variance application process at a density far greater than 585 units without the need to apply for a site specific Official Plan amendment to our governing High Density Neighbourhoods designation of 200 units / hectare.

In reviewing the intent of our Urban Hamilton Official Plan, the wording of the site specific MUC-4 Zoning, the intent of Stoney Creek Zoning By-law 3692-92 and based on my calculations, the amendment proposed by Staff to add a 30 storey height limit in our Official plan would effectively result in the current zoning being more consistent with the density limits in our Official Plan.

As such, I'm requesting Council deny any requests to exempt this land from the proposed Official Plan changes.

Sincerely,

Frank Jalsevac