

[REDACTED]  
February 11, 2022

City of Hamilton  
71 Main Street West  
Hamilton, L8P 4Y5

Attention: Legislative Coordinator, Planning Committee  
By email: clerk@hamilton.ca

**Re: ZAC-21-049 and UHOPA-21-023**  
**442 to 462 Wilson Street East**

As the owners of [REDACTED] in Ancaster, which property is adjacent to the subject property to this application, I am providing this letter to offer our comments on the above applications for the Planning Committee meeting of February 15, 2022. My wife and I have lived at [REDACTED] [REDACTED] for 22 years and have serious concerns about the significant impacts of this proposed development not only on our property, but on the neighbourhood and the community as the significant traffic issues will affect all users of the at capacity Wilson/Rousseaux intersection.

It is my submission that the Committee should **DENY** this application based on the below rationale. In support, this letter highlights my concerns with respect to the Applications in the following areas:

- A. Overlook
- B. Shadows
- C. Noise
- D. Trees/Vegetation
- E. Traffic
- F. Proposed Use
- G. Construction Issues

**Background**

The Village Core of Ancaster is defined by buildings with buffering such that three sides of them are visible from a streetscape. This is in contrast, for example, to another heritage area in the City, the Dundas Village Core, where buildings are tight to each other with only the faces visible on the streetscape. Ancaster, one of Ontario's oldest communities, is different. Zoning in the Village Core requires a side yard setback to recognize this, and that is unique in Hamilton.

Ten years ago, a remarkable process created the Ancaster Wilson Street Secondary Plan. It took over a year to complete. There were multiple open houses, a Citizen Liaison Committee, a dedicated website to ensure citizens had access to the process, a Technical Liaison Committee,

inclusion of the Business Improvement Area and the Ancaster Community Council. The end product aptly reflected the views of the Ancaster community.

I encourage you to read the resulting report PED12078. A few examples of the tone of the work:

“Individual developments have the potential to change the character of the Wilson Street area without the direction and guidance provided by a Secondary Plan.”

“Concern for preservation of the unique heritage and character of the Ancaster Village Core area;”

“New development should be of a similar scale and character of existing areas, and be of good quality design and pedestrian oriented;”

There are very specific Design Guidelines to help new development in the Village Core fit in to the character of the area.

We are proud to be part of Ancaster, and indeed live adjacent to proposed developments built in accordance with the Official Plan and Zoning. With all the development in recent years, we are also glad to see several larger condo developments on Wilson Street have been built with only minor variances from the Ancaster Wilson Street Secondary Plan (the “Secondary Plan”). They are proof the Secondary Plan works, and we question why this applicant requires such significant over-building.

I find it remarkable that a developer can advance a proposal as tone-deaf to the community as this one is. A single building almost 120 meters long and almost 3 times higher than the Secondary Plan and Zoning permits is not a request for variances; it is a head on challenge to the Indeed this is such an egregious development that City of Hamilton planning staff are recommending outright **denial** of the Applications.

Village Core properties on Wilson Street back onto established heritage neighbourhoods for the length of the Core. As such, another goal of the Secondary Plan is to provide an appropriate transition between new development and more intense uses we need on Wilson Street. There is no transition whatsoever between this proposal and adjoining properties. Indeed, the applicant is proposing to reduce setbacks, reduce the required 3 m buffer between properties, and excavate right to the lot line

**I want to assure the Planning Committee that we have no concerns about development on the Wilson Street properties adjacent to our property if the development is reasonably conformant with the Secondary Plan and Zoning.**

Our interest in this matter is perhaps best explained visually.



This diagram shows our property at [REDACTED] Street in relation to the subject property where the proposed multi-storey buildings would be located.

It is important to note that while our property is zoned ER and contains a single-family home, it actually comprises 7 lots with an area of 1.05 acres.

We have no plans to leave our property, but it is reasonable to assume that when we do in the future that the lots will be developed, so our comments on this application consider that possibility.

Note that almost the entire rear lot line of the proposed development is shared with our property.

This project if approved as applied for with 6 or 7 stories will have an incredibly negative impact on our ability to enjoy our property for reasons I will outline. In addition, the shadow and overlook issues will impair future use of existing lots 4, 5 and 6.

#### A. Overlook

This rendering of the proposed development as it would be seen from our property illustrates the remarkable negative impact from overlook.

This is the view from the lawn of [REDACTED], provided in the proponent's planning justification report. The camera icon in the diagram above shows the vantage point of the rendering.



Patios and balconies and expansive windows overlook our property along its entire depth. There will be no privacy for us, or for any future residents who build on our existing lots.

**This rendering of the rear of the proposed structure facing [redacted] (Planning Justification Report. Page 114) illustrates the issue clearly. This view would be from the front entrance to our property.**



This visual rendering is highly misleading as the trees would not be this size for several years. Indeed, it is not clear how trees could grow in the limited width buffer zone as they will be on top of the roof of the parking garage with limited root depth. Even if they grow, trees could provide some shielding only up to about the third storey.

**If this project was built to the 9 meter height permitted under Zoning By-law C5a (570) and the Ancaster Wilson Street Secondary Plan height limit of two and a half storeys, there would be few overlook and privacy issues for our property which could not be mitigated with trees. There are no solutions at 7 storeys.**

**B Shadow Impacts**



Shadow impacts will be a major issue resulting from this development. Currently, there are no shadows from the existing buildings on the proposed site.

The Sun Shadow Study included in the application provides more detail, but this extract from Page 16 of the applicant’s shadow study (shadows at 4:50 PM March 21) illustrates the issue.

A 9 meter high development provided for by C5a (570) zoning would cast shadows as shown by the yellow shading, which would have limited impact on existing **existing trees and vegetation.**

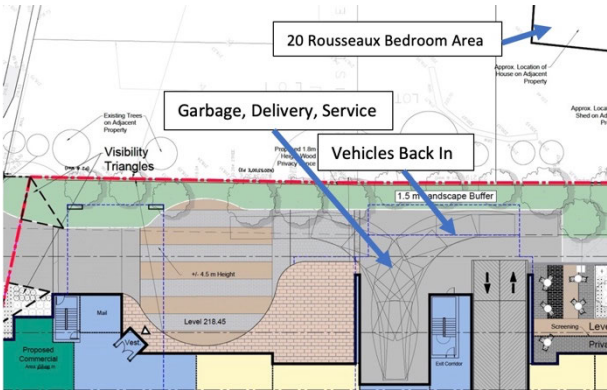
However, the excessive height of the proposed over-built structures causes shadowing as shown in blue shading. It envelops the back area of our home, and fully shadows the open lots 3 and 4 (see the diagram on page 3) so any future homes would be in full shadow front and back.

Only the equinox shadowing is provided in the shadow study, but it is easy to extrapolate to prime outdoor season in summer when this shadowing will be very evident. **The excessive shadow is caused by the excessive height of the proposed building and would not be an issue if structures were built according to the Official Plan and zoning requirements.**

**C: Noise Impacts:**

In the Formal Consultation report (FC 20-064 2 September 2020), it was City staff’s opinion that access to the site should be off Wilson St:

“Driveway access to the site can only be right-in, right-out access with preference to be located on Wilson Street East” (Page 7)



If the access was on Wilson, the building could have easily been designed so the service area was well away from adjoining properties. The decision by the developer to use Rousseaux Street despite the City advice ensures that service trucks such as delivery, garbage, and so on must back up and manoeuvre right on the lot line which is the boundary of ER zoned residential.

Typically this work is done overnight or early morning and as the above diagram illustrates all of this will occur about 15 meters from the bedrooms of [redacted], and even closer to any future development on lots 3 and 4 (see diagram Page 3).

It is another illustration that this development is designed with no regard whatsoever for the community or adjacent neighbours. The reduction in setbacks from 7.5 meters to 2 meters exacerbates this issue.

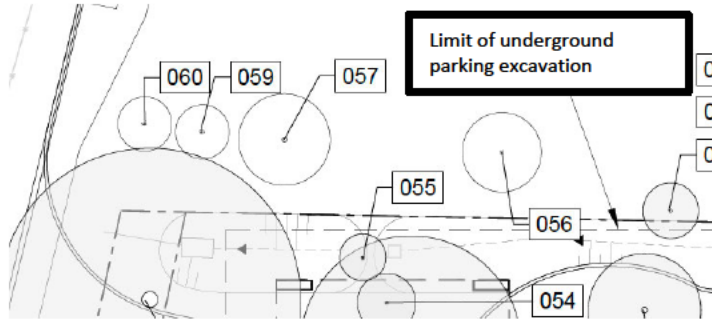
Three storey buildings built to the scale permitted in the Official Plan would have no need for large service areas—this is a result of the overbuilding at 442-462 Wilson.

**HVAC Noise Impacts**

Air handling equipment must be shielded from Rousseaux Street view, but any visual screen will not control the noise from the required HVAC units on the roof of the building. Page 34 PED 22037 states there will be further investigation. This type of noise issue is a significant problem in many places where large buildings are adjacent to residential uses. There may not be a solution--it is the size of the building that will dictate the need for very large industrial units. This would not be an issue with individual three storey buildings provided for in the Secondary Plan and zoning.

**D: Trees/Vegetation**

There are several mature trees on the [REDACTED] property along the shared lot line including a very large willow. A tree survey was done by the developer and while not reported in the documents, the individuals doing the work offered their opinion that most of the trees near the property line would die or be compromised by the construction.



This is easy to understand. The excavation for the parking garage will be to the lot line as shown in the Vegetation Management diagram and tree roots do not respect lot boundaries.

**Despite this aggressive excavation PED 22037, Page 33, indicates there is not enough parking for residents in either proposal**

Bylaw C5a requires a 3 meter planted buffer between this development and the adjoining ER zoned land--this is shown as 1.5 meters in the Vegetation Management Plan, and it appears the turn circle encroaches into it. The buffer will be on top of the parking garage roof, so vegetation will have very limited root depth.

**This applicant must be held to strict adherence to the 7.5 meter setback and 3 meter buffer.**

The large trees shown in the Page 3 and 4 rendering above will not likely be in place immediately after construction or perhaps ever due to space constraints. The trees would be located in the buffer zone and therefore their potential root depth is compromised in terms of

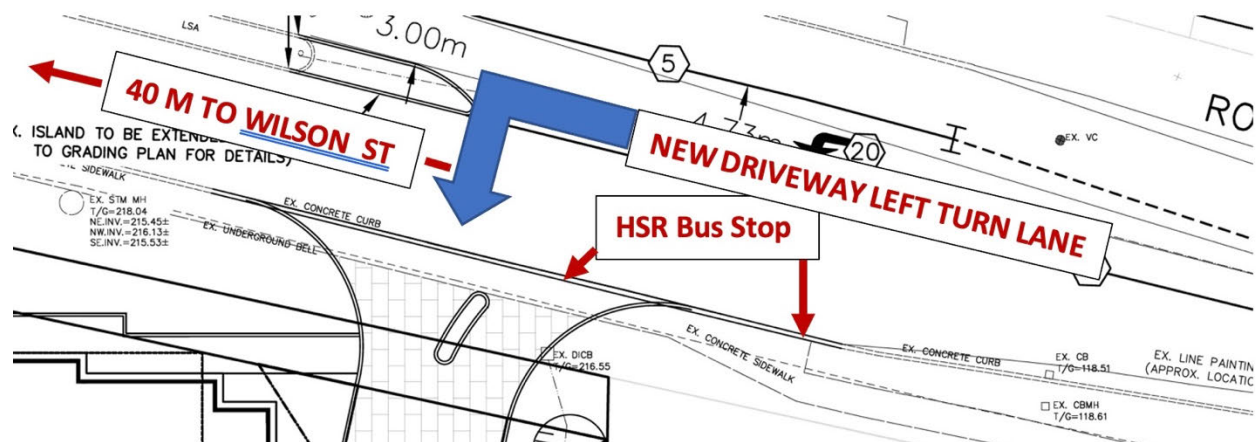


the depth of soil in this area. In addition, the aforementioned significant shadowing may impact the ability for the vegetative buffers to excel and grow quickly. For these reasons, the rendering on Page 4 is highly misleading. In fact almost the entire building will be in open view.

**Three storey buildings built in accordance with the Secondary Plan and Zoning would not need a massive underground garage (that still does not provide enough parking for residents) and existing trees on [REDACTED] would likely not be compromised. The issue is caused solely by the excessive size and mass of the proposed development.**

## E. Traffic Issues

This diagram taken from a larger diagram in the Applicant's traffic study is a very busy and confusing diagram which attempts to reflect exactly what the driveway access will be.



The original full drawing is in the application labelled "Preliminary Left Turn Lane—Rousseaux".

The Salvini traffic study included in the application says this about the Wilson/Rousseaux intersection:

"The analysis indicates that the Wilson/Rousseaux intersection is operating at or near capacity in both the weekday morning and afternoon peak hours. In addition, there are long queues occurring at times in the busiest weekday hours on all four approaches to the intersection and extending beyond the available storage in the westbound and southbound left turn lanes."

(Page 4)

**The report estimates up to 1046 daily trips as a result of this development (page 7). These are in addition to traffic from what now exists on the properties. Those trips will be fed directly into the intersection already recognized as being near capacity.**

The driveway to [REDACTED] is to the right just out of the scope of the diagram above. I am not a traffic engineer, but in more than 22 years navigating this road I have direct real-life experience with this road. The Salvini report describes the situation exactly. While there was some relief during Covid, traffic volumes are building again.

The [REDACTED] driveway is about 90 meters from Wilson Street. Left turns out of our property today are often very difficult. The lights feed traffic onto Rousseaux eastbound with every cycle, and the amount of signal timing adjustments as proposed in the report will change that. Drivers seem to be adept at moving instantly when the light turns so big breaks are not common in busy periods. PED 22037 notes this fact. Traffic, especially Wilson Street traffic from the south, comes down the hill and turns at a higher rate of speed. **It is absolutely right that this development should not permit left turns from the driveway.**

However, the plan to add a left turn lane 40 meters from Wilson Street to allow left turns into the development is extremely dangerous in my experience. There is 1 entrance/exit and it is not only residents and staff who will use it. This is the only access for deliveries, emergency vehicles, garbage trucks. A vehicle turning right to Rousseaux on a green light will cover the 40 meters to the left turning traffic in 30 seconds or so. The driver making the left turn into the driveway will see the turning car as it rounds the corner, perhaps after they have started the turn.

A large truck, emergency vehicle, or a senior driver could well pause or slow to enter the driveway as it does not seem generous in width. The driver will be blind when entering the drive to traffic turning onto Rousseaux. Traffic turning on to Rousseaux will only have seconds to react. These would be extremely dangerous t-bone crashes if a driver misjudged the turn even slightly.

In addition, the drafter of the traffic diagram seems to have forgotten about the HSR bus stop which is exactly where the proposed driveway is. The street narrows past the bus stop, so moving it east without an expensive widening will mean there will be stopped buses a few times an hour impeding an active lane.

**Table 4: Site Trip Distribution**

Direction	Direction	
	Inbound	Outbound
To/from the north on Wilson	15%	10%
To/from the south on Wilson	30%	30%
From the west on Old Dundas	5%	0%
To/from the east on Rousseaux	50%	60%
Total	100%	100%

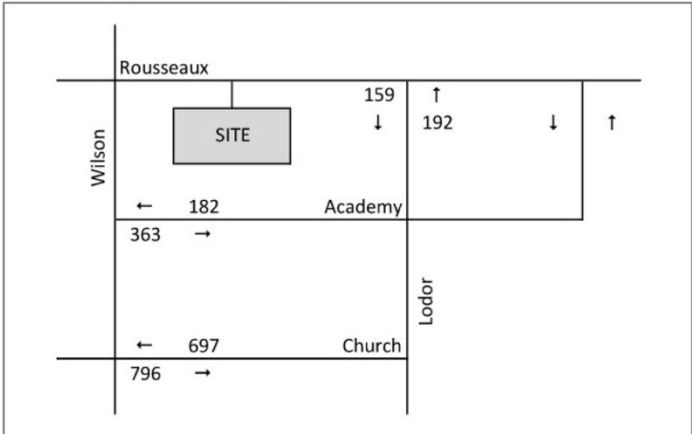
There are also two existing lots on our property with as-right driveway access to Rousseaux for future development. These are immediately east of the proposed driveway.

**The Alternative**

There are solutions to this problem. For example, the driveway could provide a right-turn in and out (as recommended by City staff for Wilson St).

However, the reason the applicant is proposing the left turn option is simple. The Salvini Report Table 4 (below) and Figure 2 illustrates the traffic volume issues.

**Figure 2: Existing Daily Traffic Volumes**



With Left Turn inbound permitted the 50% of site traffic estimated to/from the east can turn directly into the driveway.

If this is not permitted, the 50% from the east and the 15% from the north on Wilson will travel south on Lodor, west on Church (traffic prefers Church as there are lights at Wilson), then north on Wilson to Rousseaux then a right turn in.

As it is, the outbound traffic going north or south on Wilson will have to follow the same route as left turn out is not permitted.



**It seems obvious the congested, dangerous proposal to allow left turns from Rousseaux Street is proposed as otherwise 65% of the inbound traffic and 40% of the outbound traffic will be forced to use narrow local streets that already have a serious issue with rush hour traffic cutting through to avoid the Wilson/Rousseaux intersection.**

**In summary, there are two options proposed by the developer to address this, neither of which are acceptable. First is the proposal for a very dangerous left turn onto Rousseaux from the proposed development. The second option is to feed a significant volume of traffic into narrow neighbourhood streets which are already plagued with cut through traffic.**

## **F. Proposed Use**

The Applicant for these ZBA applications is requesting approval of one of two proposals: Committee endorsement of a retirement home or Committee endorsement of a condominium structure (with living units on the main floor contrary to the provisions of C5a (570) zoning).

### Retirement Home

A Retirement home use requires an amendment to zoning for the subject property, but there are practical considerations that make this location a bad choice for that type of amendment. While the subject property is proximal to some existing services, from the proposed entrance on Wilson street, those services will require navigating a 6.8% incline.

--much is made in the application of the proximity to services. In fact the shops nearby are limited and there is no grocery available.

--the problem is from the entrance on Wilson to those services require navigating a 6.8% hill (Planning Justification, Page 2, 8 meter drop in elevation along 118 m)

--proximity to bus stops is highlighted. One of them is around the corner on Rousseaux, but going north requires getting across one of the busiest intersections in town

--there is no amenity space other than on rooftops. The building is jammed on the lot.

--retail spaces are proposed, but no parking for these will be provided underground which does not have enough spaces for the residents. Where would customers and visitors park?

### Condominium Use

A condominium use will have retail along some of the ground floor as required under the zoning by-law (but also 5 living units as not permitted). The application specifically states there will be no parking for these uses in underground parking. Where will customers park? Indeed as the City states there is not enough parking for residents. Where will those without underground access park? There is no on street parking and the nearest public lot is near Church St. Insufficient details have been provided to assess the merits of this use

**While stopping to drop off and pick up in front of the building will be illegal, human nature being as it is will have many ignoring this blocking the right turn lane mere meters from the Wilson/Rousseaux intersection.**

## **G. Construction**

While the construction impacts are not usually considered in Planning approvals, this is one case where the disruptions are so material they will negatively affect the community. Just the highlights:

- the topography will require the removal of about 6000 truckloads of earth all of which has to use either Wilson St or Rousseaux St right at the intersection
- the excavation at the southwest corner will be at least 13 meters deep
- this will require pile driving 200 to 225 steel girders to support the hoarding on the property line. Incredible noise and vibration. This will be an issue for a wide area around the property
- We have been advised by the applicant this will likely damage our home
- there are large rocks on site that will have to be mechanically broken up, a very noisy operation
- then there is the usual disruption of building a large steel framed building

**It is the sheer size of this project that causes these issues. Construction of buildings on Wilson Street within the parameters of the Official Plan and Zoning would be disruptive but certainly not to the extent that this project will cause.**

### **Staff Report**

PED 22037, the Staff Report for these applications, is strong and unequivocal in its recommendation the applications be **DENIED**. We implore Council to adopt that recommendation based on the reasons set out in PED 22037.

### **Approval Options**

If Council decides to follow option 2 "Council could direct staff to negotiate revisions to the proposal with the Applicant in response to the issues and concerns identified in this Report and report back to Council on the results of the discussion" we ask consideration of the following:

1. That the provisions of the Ancaster Wilson Street Secondary Plan including design guidelines and Zoning C5a (570) be followed with the exception of permitted height as set out below.
2. In particular that the 7.5 meter side and rear setbacks set out in C5a (570) zoning be prescribed
3. That the 3 meter buffer zone be prescribed as a minimum uniformly along the joint property line with 20 Rousseaux St and that the buffer zone has a sufficient soil depth so trees and plantings will survive.
4. That landscaping in the buffer zone be a minimum of 5 meters in height and full screening of the development provided by the density of the plantings, and that the owner of 20 Rousseaux be provided with approval rights for the landscaping plan.

5. That the maximum height be 3 stories at the south end and 4 stories at Rousseaux (following the contour of the hill) to ensure compatibility with surrounding uses.
6. That the density of the development be of a scale that the sanitary sewer is capable of handling the flow with sufficient capacity remaining for other future developments.
7. That drainage and underground water management be designed to the satisfaction of the City and not create issues with surrounding land.
8. That parking be provided on site for all residents, staff, customers of retail/service uses and visitors and that pedestrian access from Brookside Avenue be prohibited to ensure that street does not become parking for the development.
9. That no left turn access to the development be provided from Rousseaux Street, and a traffic management plan for traffic diverted onto Lodor Street and Academy as a result will be developed and approved by 75% or more of the residents on those streets. Implementation will be at the expense of the applicant.

### **Conclusion**

In conclusion, the proposed applications in their current form represent overdevelopment of the properties on Wilson. This overdevelopment will result in significant adverse impacts on the neighbourhood, the Ancaster Village Core, the community due to traffic issues, and on our property at [REDACTED], including significant overlook, shadow impacts, noise impacts both from construction and operation of the use, insufficient vegetative screenings, and traffic issues.

We are not opposed to development on this property if that development is in accordance with, or only varying slightly, from the existing official plan designation and zoning regulations that apply to the subject properties. Building within or near these policies will prevent the adverse impacts that will certainly result from the existing development and will allow the development to fit within the neighbourhood context.

We would request that that Planning Committee **DENY** the applications in their current form. As per the staff report, PED 22037, the lands can still be developed in accordance with the Mixed Use Medium Density – Pedestrian Focus (C5a, 570) Zone, which would permit development up to a height of 9m. This scale of development would fit within the neighbourhood context and prevent most of the adverse impacts on others.

Respectfully Submitted



Nancy and James MacLeod