



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 15, 2022
SUBJECT/REPORT NO:	Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 442, 450, 454 and 462 Wilson Street East (Ancaster) (PED22037) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	James Van Rooi (905) 546-2424 Ext. 4283
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Urban Hamilton Official Plan Amendment Application UHOPA-21-023, by GSP Group Inc. (c/o Brenda Khes, Applicant) on behalf of 2691893 Ontario Inc. (c/o IronPoint Capital Management Inc., Owner)** to establish a Site Specific Policy Area in the Ancaster Wilson Street Secondary Plan to permit a seven storey retirement home with 211 beds and four commercial units, or permit a six storey, 161 unit mixed use building with seven commercial units, on lands located at 442, 450, 454 and 462 Wilson Street East, Ancaster, as shown on Appendix “A” attached to Report PED22037, be **DENIED** on the following basis:
- (i) That the proposed amendment does not meet the general intent of the Urban Hamilton Official Plan and the Ancaster Wilson Street Secondary Plan with respect to building height, scale, massing, privacy, overlook, compatibility, and enhancing the character of the existing neighbourhood;
 - (ii) That the proposal is not considered to be good planning and is considered an over development of the site;

- (b) That **Zoning By-law Amendment Application ZAC-21-049, by GSP Group Inc. (c/o Brenda Khes, Applicant) on behalf of 2691893 Ontario Inc. (c/o IronPoint Capital Management Inc., Owner)** to further modify the Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone in order to permit a seven storey retirement home with 211 beds and four commercial units, or permit a six storey, 161 mixed use building with seven commercial units, on lands located at 442, 450, 454 and 462 Wilson Street East, Ancaster, as shown on Appendix “A” attached to Report PED22037, be **DENIED** on the following basis:
- (i) That the proposed change in zoning does not meet the general intent of the Urban Hamilton Official Plan and the Ancaster Wilson Street Secondary Plan with respect to setbacks, building height, and massing;
 - (ii) That the proposal is not considered to be good planning and is considered an over development of the site.

EXECUTIVE SUMMARY

The purpose of the Applications is to amend the Urban Hamilton Official Plan (UHOP) and Zoning By-law No. 05-200 to permit the subject lands to be redeveloped for one of two options as follows:

Option one - Seven storey retirement home with 211 beds and four commercial units totalling 263 square metres along with one level of underground parking with a total of 74 parking spaces.

Option two - Six storey, 161 unit mixed use building with seven commercial units with a total of 836 square metres of commercial space along with two levels of underground parking with a total of 133 parking spaces.

Both the retirement home and mixed use building concepts propose to retain buildings on 450 and 442 Wilson Street East. Additional site specific provisions are proposed to the Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone to facilitate the proposed development.

The site is presently designated “Mixed Use - Medium Density” within the Ancaster Wilson Street Secondary Plan and zoned Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone.

SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law 05-200 for Lands Located at 442, 450, 454 and 462 Wilson Street East (Ancaster) (PED22037) (Ward 12) – Page 3 of 37

The proposed Official Plan and Zoning By-law amendments do not meet the general intent of the UHOP and the Ancaster Wilson Street Secondary Plan with respect to matters including but not limited to:

- Building height;
- Residential density;
- Massing;
- Privacy;
- Overlook;
- Setbacks; and,
- Compatibility with and enhancement of the character of the existing neighbourhood.

This proposal is not considered to be good planning and is considered an overdevelopment of the site. Staff recommend that the Applications be denied.

Alternatives for Consideration – See Page 37

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an Application for an Official Plan Amendment and Zoning By-law Amendment.

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Owner:	2691893 Ontario Inc. (c/o IronPoint Capital Management Inc.)
Applicant/Agent:	GSP Group Inc. (c/o Brenda Khes)
File Number:	UHOPA-21-023 ZAC-21-049
Type of Application:	Urban Hamilton Official Plan Amendment Zoning By-law Amendment

SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law 05-200 for Lands Located at 442, 450, 454 and 462 Wilson Street East (Ancaster) (PED22037) (Ward 12) – Page 4 of 37

Application Details									
Proposal:	<p>Option one - a seven storey retirement home with 211 beds and four commercial units with one level of underground parking with 74 parking spaces.</p> <p>Option two - a six storey, 161 unit mixed use building with seven commercial units and two levels of underground parking with 133 parking spaces (see the Architectural Concepts attached as Appendix “B” to Report PED22037).</p> <p>Both options propose to retain buildings on 450 and 442 Wilson Street East and the building on 454 Wilson Street East is proposed to be demolished.</p>								
Property Details									
Municipal Address:	442, 450, 454 and 462 Wilson Street East (see Location Map attached as Appendix “A” to Report PED22037).								
Lot Area:	±0.57 ha (generally rectangular)								
Servicing:	Full municipal services.								
Existing Use:	<table border="0"> <tr> <td>442 Wilson Street E</td> <td>Commercial Building</td> </tr> <tr> <td>450 Wilson Street E</td> <td>Single Detached Dwelling</td> </tr> <tr> <td>454 Wilson Street E</td> <td>Single Detached Dwelling</td> </tr> <tr> <td>462 Wilson Street E</td> <td>Vacant (formerly Brandon House)</td> </tr> </table>	442 Wilson Street E	Commercial Building	450 Wilson Street E	Single Detached Dwelling	454 Wilson Street E	Single Detached Dwelling	462 Wilson Street E	Vacant (formerly Brandon House)
442 Wilson Street E	Commercial Building								
450 Wilson Street E	Single Detached Dwelling								
454 Wilson Street E	Single Detached Dwelling								
462 Wilson Street E	Vacant (formerly Brandon House)								
Documents									
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).								
A Place to Grow:	The proposal conforms to A Place to Grow (2019).								
Official Plan Existing:	“Neighbourhoods” and “Community Node” on Schedule E – Urban Structure and “Mixed Use - Medium Density” on Schedule E-1 – Urban Land Use Designations.								
Official Plan Proposed:	To permit a retirement home or a mixed use building within the “Mixed Use - Medium Density” designation.								
Secondary Plan Existing:	Ancaster Wilson Street Secondary Plan – “Mixed Use - Medium Density” with a “Pedestrian Focus” as shown on the Ancaster Wilson Street Secondary Plan Landuse Plan, and are within the “Community Node Area”, and the “Village Core” Character Area as shown on Appendix A of the Ancaster Wilson Street Secondary Plan Character Areas and Heritage Features.								

SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law 05-200 for Lands Located at 442, 450, 454 and 462 Wilson Street East (Ancaster) (PED22037) (Ward 12) – Page 5 of 37

Documents	
Secondary Plan Proposed:	Ancaster Wilson Street Secondary Plan – “Mixed Use - Medium Density with a Site Specific Policy Area to permit a seven storey retirement home or to permit a six storey mixed use building with commercial space on the ground floor.
Zoning Existing:	Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone.
Zoning Proposed:	Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone with additional site specific provisions.
Further Modifications Proposed:	<p>Addition to permitted uses:</p> <ul style="list-style-type: none"> • Retirement Home. <p>Increases in:</p> <ul style="list-style-type: none"> • Maximum building setback from a street line from 3 metres to 3.5 metres; • Building height from a maximum of 9 metres to a maximum of 24 metres (seven storeys) for a Retirement Home or to a maximum of 22 metres (six storeys) for a multiple dwelling; and, • Built form for New Development – maximum height of 4.5 metres for the first storey to 5.5 metres for the first storey. <p>Reductions in:</p> <ul style="list-style-type: none"> • Minimum rear yard from 7.5 metres to 1.5 metres; • Minimum Side Yard from 7.5 metres abutting a Residential or Institutional Zone or lot containing a residential use to 2.5 to 6 metres for a portion of the proposed building; and, <p>Built form for New Development – Minimum percent of the area of the ground floor façade facing the street composed of doors and windows from 60% to 39%.</p>
Processing Details	
Received:	September 30, 2021
Deemed Complete:	October 29, 2021
Notice of Complete Application:	Sent to 54 property owners within 120 m of the subject lands on December 2, 2021.
Public Notice Sign:	Posted December 3, 2021 and updated with Public Meeting date January 19, 2022.
Notice of Public Meeting:	<ul style="list-style-type: none"> • Sent to 54 property owners within 120 m of the subject lands on January 27, 2022; and, • Statutory notice given by way of newspaper in accordance with the provisions of the <i>Planning Act</i> on January 27, 2022.

SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law 05-200 for Lands Located at 442, 450, 454 and 462 Wilson Street East (Ancaster) (PED22037) (Ward 12) – Page 6 of 37

Processing Details	
Public Comments:	64 letters / emails expressing concern (see Appendix “C” attached to Report PED22037). One letter/email expressing support.
Processing Time:	139 days from date Application was submitted.

EXISTING LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands:	442 Wilson Street E- Commercial Building, 450 Wilson Street E- Single Detached Dwelling, 454 Wilson Street E- Single Detached Dwelling, 462 Wilson Street E – Vacant	Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone

Surrounding Land Uses:

North	Single Detached Dwellings	Deferred Development “D” Zone
South	Commercial Buildings	Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone
East	Single Detached Dwellings	Existing Residential “ER” Zone
West	Single Detached Dwelling, Commercial Building and Institutional	Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone and Institutional “I” Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2020)

The following policies of the PPS (2020), amongst others, are applicable to the Applications.

“1.1.3.1 *Settlement areas* shall be the focus of growth and development.

1.1.3.2 Land use patterns within *settlement areas* shall be based on 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*; and,
- f) Are transit-supportive, where transit is planned, exists or may be developed;

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;

1.4.3 Planning authorities shall provide for an appropriate range and mix of *housing options* and densities to meet projected market-based and affordable housing needs of current and future residents of the *regional market area* by:

- b) Permitting and facilitating:
 - 1. All *housing options* required to meet the social, health, economic and well-being requirements of current and future residents, including *special needs* requirements and needs arising from demographic changes and employment opportunities; and,

2. All types of *residential intensification*, including additional residential units, and *redevelopment* in accordance with policy 1.1.3.3;
- c) Directing the development of new housing towards locations where appropriate levels of *infrastructure* and *public service facilities* are or will be available to support current and projected needs;
- d) Promoting densities for new housing which efficiently use land, resources, *infrastructure* and *public service facilities*, and support the use of *active transportation* and transit in areas where it exists or is to be developed;
- e) Requiring *transit-supportive* development and prioritizing *intensification*, including potential air rights development, in proximity to transit, including corridors and stations; and,
- f) Establishing development standards for *residential intensification*, *redevelopment* and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

In response to Policy 1.1.3.2, the proposal provides for the efficient use of land and resources by intensifying in the existing built-up area where there are existing services. The proposal is located along a major arterial road (being Wilson Street East) and a minor arterial road (being Rousseaux Street) where transit exists and may be further developed. There are three Hamilton Street Railway (HSR) bus routes that service the site being Routes 16, 5A and 5C. Route 16 provides a connection through Ancaster from Meadowlands to Duffs Corners, whereas Routes 5A and 5C serve east to west lower Hamilton from Ancaster and Dundas to Stoney Creek. The proposed development will support active transportation and provide opportunities for multi-modal transportation options.

In response to Policy 1.1.3.2 b), the Applicant has not demonstrated that the proposal complies with the sanitary sewer design criteria. Staff note that the sanitary sewers along Wilson Street East and Rousseaux were designed for 125 people per hectare and 60 people per hectare, respectively. Staff have concerns that the proposal's population density would exceed design capacity and have downstream impacts. It has also been identified that the proposed development would result in an increase in traffic that the current intersection/local roadways will have trouble accommodating as they are already approaching capacity. The mixed use building would increase the traffic from the current zoning permission site by 20 peak hour trips.

SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law 05-200 for Lands Located at 442, 450, 454 and 462 Wilson Street East (Ancaster) (PED22037) (Ward 12) – Page 9 of 37

Policies 1.4.3 speaks to the promotion of an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area. The proposed use of the subject lands for either a retirement home or a mixed use building would help contribute to a range and mix of housing types.

Archaeology

“2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.”

The subject lands meet four (two primary and two secondary) criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) for determining archaeological potential:

- 1) Within 250 metres of known archaeological sites;
- 2) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 3) In areas of pioneer EuroCanadian settlement; and,
- 4) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, a Stage 1 Archaeological Assessment Report (P321-0271-2021) were completed for the subject lands and were submitted to the City of Hamilton and the MHSTCI. The Report recommends that further Archaeological work should be conducted to address the archaeological potential of the subject property. While the Provincial interest has yet to be signed off by the Ministry, staff concur with the recommendations made in the reports.

Noise

“1.2.6.1 Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.”

As the proposed development is a sensitive land use that is within 400 metres of a major arterial road, and within 100 metres of a minor arterial road, a detailed noise

study is required to identify any noise mitigation measures/construction techniques that may be required and any necessary warning clauses for future residents of the units.

The Applicant submitted a Noise Feasibility Study prepared by dBA Acoustical Consultants Inc, dated August 2021, in support of the proposed development. The study reviewed the acoustic requirements for this development with respect to noise anticipated from Wilson Street East and Rousseaux Street.

Based on the results of the study, the use of the subject lands for a residential land use or similar sensitive land use would require that noise warning clauses are to be included in any future Site Plan undertaking and in all agreements of purchase and sale or lease and all rental agreements.

Based on the foregoing, and subject to the satisfactory resolution of the archaeological, noise, servicing and transportation related matters, the use of the subject lands for residential or similar uses would be consistent with the PPS (2020).

A Place to Grow (2019)

The policies of A Place to Grow (2019) apply to any planning decision. The proposal conforms to the Guiding Principles, Section 1.2.1 of A Place to Grow (2019). The following policies, amongst others, apply to this proposal.

“2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:

- a) The vast majority of growth will be directed to *settlement areas* that:
 - i. Have a *delineated built boundary*;
 - ii. Have existing or planned *municipal water and wastewater systems*; and,
 - iii. Can support the achievement of *complete communities*;

- c) Within *settlement areas*, growth will be focused in:
 - i. *Delineated built-up areas*;
 - ii. *Strategic growth areas*;
 - iii. Locations with existing or planned transit, with a priority on *higher order transit* where it exists or is planned; and,
 - iv. Areas with existing or planned *public service facilities*;

- 2.2.1.4 Applying the policies of this Plan will support the achievement of *complete communities* that:
- a) Feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and *public service facilities*;
 - c) Provide a diverse range and mix of housing options, including second units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes; and,
 - e) Provide for a more *compact built form* and a vibrant *public realm*, including public open spaces;”

The subject lands are located within the built-up area of Hamilton, and the lands are within or in proximity to the Community Node that is associated with the former Ancaster downtown where the City has targeted for intensification. The subject lands are located where full municipal services are available, and along an existing transit route. The proposed development will contribute to creating complete communities by providing an additional housing form for an area with convenient access to local stores and services.

As discussed in the Provincial Policy Statement section above, there are concerns regarding the existing and planned sanitary servicing capacity and existing roadway infrastructure to accommodate the proposed development.

Based on the foregoing, and subject to the satisfactory resolution of the servicing, transportation and other issues, as discussed in the PPS section of this Report PED22037, the redevelopment of the subject lands for residential and similar uses would be conformity with A Place to Grow (2019).

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as: “Neighbourhoods” and “Community Node” on Schedule E – Urban Structure. “Mixed Use – Medium Density” on Schedule E-1 – Urban Land Use Designations. “Mixed Use - Medium Density” on Map B.2.8-1 – Ancaster Wilson Street Secondary Plan – Land Use Plan with a “Pedestrian Focus”. The lands are also within the “Community Node Area” and the “Village Core” Character Area in Appendix A - Character Areas and Heritage Features.

The following policies, amongst others, apply to the proposal:

Mixed Use - Medium Density Designation

- “E.4.6.1 The range of commercial uses is intended to serve the surrounding community or series of neighbourhoods as well as provide day-to-day retail facilities and services to residents in the immediate area. These areas shall also serve as a focus for the community, creating a sense of place
- E.4.6.2 The Mixed Use - Medium Density designation shall be applied to traditional ‘main street’ commercial areas outside of the area designated Downtown Mixed Use, and to promote the continuation of these areas as pedestrian oriented mixed use areas. Retail and service commercial uses are key elements in maintaining that function and ensuring the continued vibrancy of the pedestrian realm;
- E.4.6.4 It is also the function of areas designated Mixed Use - Medium Density to serve as vibrant people places with increased day and night activity through the introduction of residential development. Residential development enhances the function of these areas as transit supportive nodes and corridors;
- E.4.6.5 The following uses shall be permitted on lands designated Mixed Use - Medium Density on Schedule E-1 – Urban Land Use Designations:
- a) Commercial uses such as retail stores, auto and home centres, home improvement supply stores, offices, medical clinics, personal services, financial establishments, live-work units, artist studios, restaurants, gas bars, and drive-through facilities; (OPA 64)
 - f) Multiple dwellings;...
- E.4.6.9 The predominant built form shall be mid rise and low rise, mixed use buildings that have retail and service commercial stores at grade. Single use commercial buildings and medium density ground related housing forms shall also be permitted, except for pedestrian focus streets as listed by Policy E.4.3.1. (OPA 65) (OPA 142);
- E.4.6.10 Permitted uses shall be located in single or mixed use buildings;
- E.4.6.15 Although residential development is permitted and encouraged, it is not the intent of the Plan for the Mixed Use - Medium Density designated areas to lose the planned retail and service commercial function set out in this Plan;

SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law 05-200 for Lands Located at 442, 450, 454 and 462 Wilson Street East (Ancaster) (PED22037) (Ward 12) – Page 13 of 37

- E.4.6.16 New development shall be designed and oriented to create comfortable, vibrant and stimulating pedestrian oriented streets within each area designated Mixed Use - Medium Density;
- E.4.6.17 Areas designated Mixed Use - Medium Density are intended to develop in a compact urban form with a streetscape design and building arrangement that supports pedestrian use and circulation and create vibrant people places;
- E.4.6.18 In the historic former downtowns and main streets, a strong historic pedestrian focus is long established, and shall be enhanced through new development; and,
- E.4.6.22 Development Applications shall be encouraged to provide a mix of uses on the site.”

The retirement home option includes four commercial units with a total of 263 square metres of commercial space. Two commercial units are proposed at ground level near the northwest corner of the proposed development (closer to the intersection of Wilson Street East and Rousseaux Street), with sizes of 50 square metres and 91 square metres. Two additional commercial units with sizes of 74 square metres and 48 square metres are proposed within the retained buildings at 442 and 450 Wilson Street East, respectively.

The mixed use building option includes seven commercial units with a total of 836 square metres of commercial space. Four commercial units are proposed at ground level near the intersection of Wilson Street East and Rousseaux Street, with sizes of 67 square metres, 97 square metres, 109 square metres and 152 square metres. One commercial unit of 289 square metres is proposed on the second floor midway along the property line on Wilson Street East and would have access from Wilson Street East. Similarly to the retirement home, the mixed use building would retain the buildings at 442 and 450 Wilson Street East for commercial space totalling 74 square metres and 48 square metres, respectively. The commercial uses would provide day-to-day services for the residents of the retirement home/mixed use building and serve the surrounding community.

Retail and service commercial uses are key elements in maintaining that function and ensuring the continued vibrancy of the pedestrian realm. The retirement home option shows no access points along Wilson Street East north of the proposed retained heritage building (450 Wilson Street East), and no street furniture, pedestrian level lighting, or short-term bike parking to enhance the pedestrian realm. The mixed use building does provide an access point off Wilson Street East, however vibrancy of the pedestrian realm could be improved with an additional entrance from Wilson Street East.

Policy E.4.6.9 does not permit ground related housing and the retirement home proposal does not contain any ground floor bedrooms and would comply with the policy. The mixed use building would not comply as the ground floor proposes five residential units. Policies E.4.6.16 – E.4.8.17 encourage design that is pedestrian oriented. As mentioned previously, a design that would include more entrances off Wilson Street East would be more aligned with policies that are intended to promote pedestrian focus areas.

Policy E.4.6.18 indicates that new development should enhance historic areas. It is noted that the historic Ancaster downtown area is unique in that the street front has many breaks and spacing between buildings. Based on the scale and massing of the proposed building, the proposed retirement home or mixed use building would interrupt this pattern.

Residential Intensification

“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;
- b) The relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
- c) The development’s contribution to maintaining and achieving a range of dwelling types and tenures;
- d) The *compatible* 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;
- e) The development’s contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- f) Infrastructure and transportation capacity; and,
- g) The ability of the development to comply with all applicable policies.

B.2.4.2.2 When considering an Application for a residential intensification *development* within the Neighbourhoods designation, the following matters shall be evaluated:

SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law 05-200 for Lands Located at 442, 450, 454 and 462 Wilson Street East (Ancaster) (PED22037) (Ward 12) – Page 15 of 37

- a) The matters listed in Policy B.2.4.1.4;
- b) *Compatibility* with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) The relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) The consideration of transitions in height and density to adjacent residential buildings;
- f) The provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) The ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- h) The ability to complement the existing functions of the neighbourhood; and,
- j) Infrastructure and transportation capacity and impacts.”

The development provides for intensification within the Ancaster Community Node, as directed by the policies cited above. With respect to character, the existing surrounding buildings consist of low rise-built form being mainly 1 to 2.5 storeys in height. Areas to the north, on Rousseau Street, are single detached dwellings on large lots. To the east is a single detached dwelling on a 0.51 hectare lot. To the south is a single detached dwelling used for commercial purposes, and to the west is a commercial plaza with a two storey building, a single detached dwelling and an institutional property that functions as a retreat facility.

Policy B.2.4.1.4 (d) requires that development should be compatible in terms of use, scale, form and character. While compatibility does not necessarily mean that the development must be identical to existing adjacent development, it does mean that proposed development needs to be in keeping with the surrounding context of the area.

The surrounding area is made up of low rise built form and there are no other properties within the Village Core Area that are higher than three storeys. The adjacent residential neighbourhoods also do not contain any buildings of a mid or high rise-built form. In terms of density, the proposed mixed use building is 283 units per hectare, this is higher than the City's in force and affect high density designation, which allows up to a maximum of 200 units per hectare and is directed to primary and secondary corridors. As mentioned previously, Wilson Street has a distinctive street character, rhythm and

pattern spacing between low rise buildings. The proposal at six or seven storeys would project much higher than that of surrounding properties. The setbacks proposed such as the eastern side yard setback and the southern rear yard setback coupled with the heights project into the 45-degree angular plane which is a best practice to achieve compatibility by managing overlook issues. The encroachment into the 45 degree angular plane results in adverse impacts onto neighbouring properties. With the proposed height, density, massing, and setbacks the proposed building would be a departure from the surrounding context. Based on staff's review, the proposed development is not compatible with the existing surrounding development.

With respect to policy B.2.4.2.2, staff are concerned that the proposed scale of the development is not in keeping with the existing character of the neighbourhood. While medium to high density residential development contributes to several planning objectives, staff note that the Ancaster Wilson Street Secondary Plan's vision and intent carefully considers the merits of maintaining low-rise built form and has further considered the development densities that are based on transportation constraints. The proposed development, with additional height for both the retirement home or the mixed use building and a density of 283 units per hectare, represents an overdevelopment of the site, and is not in keeping with the surrounding area. The proposal does not meet the residential intensification policies of the UHOP, as the proposal does not provide appropriate transitional measures such to mitigate the height, scale, and massing being proposed. As such, the proposal does not build upon or enhance the established and planned character of the neighbourhood. It is the opinion of staff that the proposal does not demonstrate compatible integration with the surrounding area.

The Functional Servicing Report (FSR), prepared by S. Llewellyn & Associates Limited and dated August 2021, does not provide population projections for sanitary waste water. Growth Management staff have advised that based on the FSR and other information, these applications are not supportable. The Traffic Impact Study (TIS), prepared by Salvini Consulting Transportation Engineering and Planning, dated September 2021 concludes that the retirement home would represent a reduction in traffic from the current zoning permission on site of about 35 peak hour trips. The mixed use building would increase the traffic from the current zoning permission site by 20 peak hour trips. Transportation Planning do not support either development option and are concerned with the increase in traffic that would result on both Wilson Street East and Rousseaux Street as well as increased traffic infiltration to local roadways.

Views and Vistas

"B.3.3.5 Public views and vistas are significant visual compositions of important public and historic buildings, natural heritage and open space features, landmarks, and skylines which enhance the overall physical character of an area when viewed from the public realm. Vistas are generally panoramic in nature while

views usually refer to a strong individual feature often framed by its surroundings. Views and vistas created in newly developing areas play a large role in creating a sense of place and neighbourhood identity; and,

Examples of existing significant vistas include the panorama of the Niagara Escarpment, Hamilton Harbour and the Downtown skyline as viewed from various vantage points throughout the City. Examples of views include significant historic and public buildings, natural heritage features, and monuments.”

The Applicant submitted a Visual Impact Assessment (dated September 2021) evaluating the retirement home or mixed use building within the context of the City from specific public viewpoints. 24 public viewpoints were assessed throughout the City, and of the 24 public viewpoints, three viewpoints along Wilson Street East were identified as points where the proposal would be visible. The Niagara Escarpment Commission (NEC) reviewed the Visual Impact Assessment (VIA) and concluded that the VIA is not complete and does not demonstrate that the applicable NEP policies have been satisfied. No visual impact mitigation measures were proposed (such as changes to building height or massing).

Niagara Escarpment Plan

“C.1.1.1 Any development within the Niagara Escarpment Plan area, as shown on Schedule A – Provincial Plans, shall meet the requirements of this Plan and the Niagara Escarpment Plan and Section 3.3 of the Greenbelt Plan. Where there is discrepancy between this Plan and the Niagara Escarpment Plan, the most restrictive policies will prevail.

C.1.1.6 To minimize the impact and further encroachments in the Escarpment environment, for those lands located within the Niagara Escarpment Plan area identified on Schedule A - Provincial Plans, the following policies shall apply:

- a) The design of the development shall be compatible with the visual and natural environment; and,
- b) Setbacks and screening adequate to minimize the visual impact of development on the Escarpment landscape shall be required;”

SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law 05-200 for Lands Located at 442, 450, 454 and 462 Wilson Street East (Ancaster) (PED22037) (Ward 12) – Page 18 of 37

The subject lands are not within the Niagara Escarpment Development Control area but are identified within the “Urban Area” of the Niagara Escarpment Plan. The following policy, amongst others, applies to the proposal:

“1.7.5.1 All development shall be of an urban design compatible with the scenic resources of the Escarpment. Where appropriate, provision for maximum heights, adequate setbacks and screening are required to minimize the visual impact of urban development.”

The NEC has reviewed the VIA and have indicated that it has not adequately assessed impacts on key views of concern and require further investigation during leaf off conditions. Based on NEC comments, the proposal does not comply with the Niagara Escarpment plan and therefore does not comply with the UHOP which requires NEP plan conformity.

Natural Heritage

“C.2.11.1 The City recognizes the importance of trees and woodlands to the health and quality of life in our community. The City shall encourage sustainable forestry practices and the protection and restoration of trees and forests.”

Trees have been identified on the subject property. Staff have reviewed a Tree Protection Plan (TPP), prepared by GSP Group dated September 24, 2021. A total of 104 trees have been inventoried. Of these trees, 85 have been proposed to be removed. The 85 trees proposed for removal are all located on the subject lands, the removal of all the trees on the subject lands suggests that the proposal is an over development, efforts to maintain some of the existing tree canopy, should be considered. At this time the TPP has not been approved because permissions for removal from adjacent property owners, species identification, development within driplines, identification of tree protection fencing, and tree compensation confirmation has not been provided.

In 2019, Hamilton City Council declared a Climate Change Emergency and directed Staff to identify and investigate actions to achieve net-zero carbon emissions by 2050. The trees on the subject lands act as carbon sinks and contribute to reducing the urban heat island effect, to remove all of the existing tree canopy on the subject lands would contradict the City’s efforts to mitigate Climate Change.

Infrastructure and Servicing

“C.5.3.11 The City shall ensure that any change in density can be accommodated within the municipal water and wastewater system.”

SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law 05-200 for Lands Located at 442, 450, 454 and 462 Wilson Street East (Ancaster) (PED22037) (Ward 12) – Page 19 of 37

Population projections have not been provided for the proposed developments and there is no information provided in the FSR to demonstrate that the existing downstream sanitary system has sufficient capacity to support the proposed density on the site. Based on the foregoing, Growth Management staff are unable to support the proposed Applications.

Based on the foregoing, the proposal does not meet the intent of the UHOP.

Ancaster Wilson Street Secondary Plan

The Ancaster Wilson Street Secondary Plan (AWSSP) objectives are described in Volume 2, Section B.2.8.5. The Secondary Plan recognizes the historic value of the Ancaster Village Core and encourages development that provides for a range of housing, employment, services, and recreation options in a form that is appropriately integrated with the existing historic buildings and landscapes, and promotes a liveable, walkable community.

The subject lands are designated “Mixed Use - Medium Density” with a “Pedestrian Focus” on Map B.2.8-1 Land Use Plan. The subject lands are also identified as being within the “Community Node Area” and the “Village Core” Character Area; a “Listed Heritage Property”; and a “Potential Gateway Feature” on Appendix A – Character Areas and Heritage Features, of the AWSSP. The following policies, amongst others, apply to the proposal.

“B.2.8.6.1 Ancaster Community Node Policies

In addition to Section E.2.3.3 - Community Nodes of Volume 1, and the policies of this Secondary Plan, the following policies shall apply to the Ancaster Community Node shown on Appendix A - Character Areas and Heritage Features:

- a) The Ancaster Community Node shall be a focus area for growth, development, and intensification within the Ancaster Wilson Street Secondary Plan;
- b) The Ancaster Community Node shall include a range of housing forms and tenures, and a mix of employment, institutional, recreational, and commercial uses subject to the land use designation policies of this Secondary Plan and Volume 1 of this Plan;
- c) Intensification and infill development shall be balanced with the heritage and historic character of Ancaster. Further guidance for incorporating heritage features, design, and overall character through infill and

intensification is provided in the supporting Ancaster Wilson Street Urban Design Guidelines;

- d) Within the Ancaster Community Node, larger scale development and redevelopment are encouraged to be directed towards the Uptown Core and western portion of the Gateway Residential area, as shown on Appendix A – Character Areas and Heritage Features;
- e) Mixed Use, Commercial, and Institutional development and redevelopment is encouraged within the Village Core area, though the scale of development shall be consistent with the historic character of the area. The scale and design of buildings is detailed in Policy 2.8.12 of this Plan, and the supporting Urban Design Guidelines; and,
- f) Commercial and Mixed Use areas within the Community Node shall provide an important source of employment in the Ancaster Wilson Street Secondary Plan, and shall support the viability of the Ancaster Community Node and meet the daily needs of residents and visitors to Ancaster.

Growth and development are to be focused in the Ancaster Community Node; however, large scale development or redevelopment are to be directed to other districts such as the Gateway Residential area or Uptown Core area. Further direction is provided to ensure that the scale of development is consistent with the Village Core Area and its historic character. The proposal for a seven or six storey building combined with the proposed setbacks meant to maximize the building envelope is not consistent with the Ancaster Village Core which promotes low rise built form with more spacing in between buildings.

“2.8.8.4 Mixed Use - Medium Density Designation

In addition to the policies of Section E.4.6 – Mixed Use – Medium Density Designation of Volume 1, for lands designated Mixed Use – Medium Density on Map B.2.8-1 – Ancaster Wilson Street Secondary Plan: Land Use Plan, the following policies shall apply:

- a) There shall be two primary commercial areas in the Ancaster Wilson Street Secondary Plan and Community Node which function as community focal points: the Village Core area and the Uptown Core area, as shown on Appendix A – Character Areas and Heritage Features. Retail uses shall be directed to these two primary Mixed Use areas; and,

SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law 05-200 for Lands Located at 442, 450, 454 and 462 Wilson Street East (Ancaster) (PED22037) (Ward 12) – Page 21 of 37

- c) Notwithstanding Policies E.4.6.7 and E.4.6.8 of Volume 1, a minimum building height of two storeys and a maximum height of three storeys shall be permitted;

Village Core Area

- g) The Village Core area, shown on Appendix A – Character Areas and Heritage Features, shall primarily consist of service and retail uses, as well as residential uses. The Village Core area shall serve the daily retail, commercial, and personal service needs for the Ancaster Community;
- h) Commercial facilities to be encouraged within the Village Core area may include retail stores, service commercial uses, banks, restaurants with sit-down service, and offices. The lands to be used for commercial purposes shall be those lands that front onto Wilson Street; and,
- i) The design of buildings and lands located in the Village Core area, shown on Appendix A – Character Areas and Heritage Features, are detailed in Policy 2.8.12.1 and are further described in the supporting Ancaster Wilson Street Secondary Plan Urban Design Guidelines;

2.8.8.5 Pedestrian Focus Streets (OPA 69)

A portion of the lands designated Mixed Use – Medium Density within the Village Core area are also identified as *Pedestrian Focus Streets* on Map B.2.8-1 – Ancaster Wilson Street Secondary Plan: Land Use Plan. In addition to the Policy E.4.3 – Pedestrian Focus Streets of Volume 1, the following policies shall apply:

- a) Notwithstanding Policy 2.8.8.4 c), building height shall not exceed 2.5 storeys on *Pedestrian Focus Streets*;
- c) Notwithstanding Policy E.4.3.4 b) of Volume 1, building setbacks may vary along Wilson Street, and parking, driveways, or lands shall be discouraged from being located between the buildings and the street;
- d) New development shall respect and reflect the existing heritage character of the Village Core, and shall be in accordance with Section B.3.4 – Cultural Heritage Resource Policies, in Volume 1 and Sections 2.8.12 and 2.8.13 of this Plan;

SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law 05-200 for Lands Located at 442, 450, 454 and 462 Wilson Street East (Ancaster) (PED22037) (Ward 12) – Page 22 of 37

- e) Private and public parking areas are permitted on lands designated Mixed Use – Medium Density, and identified as Pedestrian Focus Streets, subject to the following:
 - i) Parking areas shall be buffered from the street through the use of building placement or enhanced landscaping;
 - ii) The location of parking areas shall not negatively affect the pedestrian environment or access to buildings; and,
 - iii) Private and public parking areas are encouraged to provide for shared parking for several uses within the Village Core.”

The Secondary Plan permits buildings with a maximum height of two and a half storeys on Pedestrian Focus Streets. The proposed development does not comply with the Secondary Plan as the proposed building height will be six or seven storeys. As noted in the UHOP analysis above, Policy E.4.6.5 of Volume 1 establishes permitted uses. The Secondary Plan does not add or specify further permitted uses within “Mixed Use – Medium Density” designation therefore the parent Policy E.4.6.5 in Volume 1 is applicable. This policy permits a multiple dwelling; however, a retirement home is not permitted. Therefore, an amendment to the UHOP and Secondary Plan to recognize an added use for a retirement home and to permit a height of six or seven storeys is required.

The retirement home proposes one level of underground parking with 74 parking spaces inclusive of barrier free parking spaces and the mixed use building proposes two levels of underground parking with a total of 133 parking spaces. The underground parking would be accessed from Rousseaux Street and the design supports and enhances the pedestrian environment along Wilson Street East.

The retirement home option includes four commercial units with a total of 263 square metres of commercial space. Two commercial units are proposed at ground level near the northwest corner of the proposed development (closer to the intersection of Wilson Street East and Rousseaux Street), with sizes of 50 square metres and 91 square metres. Two additional commercial units with sizes of 74 square metres and 48 square metres are proposed within the retained buildings at 442 and 450 Wilson Street East, respectively.

The mixed use building includes seven commercial units with a total of 836 square metres of commercial space. Four commercial units are proposed at ground level near the intersection of Wilson Street East and Rousseaux Street, with sizes of 67 square metres, 97 square metres, 109 square metres and 152 square metres. One commercial unit of 289 square metres is proposed on the second floor midway along the property

SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law 05-200 for Lands Located at 442, 450, 454 and 462 Wilson Street East (Ancaster) (PED22037) (Ward 12) – Page 23 of 37

line on Wilson Street East and would have access from Wilson Street East. Similarly to the retirement home, the mixed use building would retain the buildings at 442 and 450 Wilson Street East for commercial space totalling 74 square metres and 48 square metres, respectively. The commercial uses would provide day-to-day services for the residents of the retirement home/mixed use building and serve the surrounding area.

Along Wilson Street East the retirement home/mixed use building propose a minimum setback of 1.012 metres intended to match the setback of the retained buildings at 442 and 450 Wilson Street East. The proposed minimum setback from Rousseaux Street for both the retirement home/mixed use building would be less than one metre in some pinch points. None of the properties along Rousseaux Street have similar setbacks to what is being proposed.

The proposal includes a minimum side yard and rear yard of 2.5 metres, whereas 7.5 metres is typically required for both side and rear yards. In the context of Ancaster and its Village Core, the setbacks and smaller buildings are viewed as a unique characteristic. The proposal provides a three to four storey podium along Wilson Street East which is also out of character in comparison to the other properties found along Wilson Street East that are predominantly made up of one and a half to two and a half storeys.

“2.8.12.1 Urban Design Policies

In addition to Section B.3.3 - Urban Design Policies of Volume 1, the following policies shall apply to lands within the Ancaster Wilson Street Secondary Plan and Community Node areas, as identified on Map B.2.8-1 Ancaster Wilson Street Secondary Plan: Land Use and Appendix A - Character Areas and Heritage Features:

- a) Development and redevelopment shall be consistent with the Ancaster Wilson Street Secondary Plan Urban Design Guidelines, and shall be sympathetic to adjacent building styles, features, and materials when adjacent to a designated or listed heritage building;
- c) For the purposes of maintaining community character and cohesive design, five Character Areas have been identified, as shown on Appendix A - Character Areas and Heritage Features. The five Character Areas shall include:
 - ii) Village Core, located from Rousseaux Street to Dalley Drive, which is the traditional downtown of Ancaster consisting of retail, commercial, and mixed residential uses;

SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law 05-200 for Lands Located at 442, 450, 454 and 462 Wilson Street East (Ancaster) (PED22037) (Ward 12) – Page 24 of 37

- d) The Ancaster Wilson Street Secondary Plan Urban Design Guidelines further describe the design objectives, function, and design character of each Character Area;
- e) New development or redevelopment shall complement the distinct character, design, style, building materials, and characteristics, which define each Character Area;
- f) Design requirements shall only apply to commercial and mixed use areas, institutional, and multi-residential developments. The Guidelines shall not apply to single detached and semi-detached dwellings;
- h) Development and redevelopment shall foster streets as interactive outdoor spaces for pedestrians;
- i) Mixed use and commercial development or redevelopment shall provide a buffer, such as landscaped areas, for adjacent sensitive land uses; and,
- j) Two primary commercial mixed use areas have been identified within the Ancaster Wilson Street Secondary Plan and are part of the Community Node: the Uptown Core and Village Core, as shown on Appendix A -Character Areas and Heritage Features. The following policies shall apply to the Uptown Core and Village Core:
 - ii) The Village Core area, shown on Appendix A - Character Areas and Heritage Features, shall be consistent with the following design considerations:
 1. Notwithstanding Policy E.4.3.4 b) of Volume 1, for buildings fronting onto Wilson Street, setbacks may be varied, as per the character of the Village Core area;
 2. Buildings within the Village Core should incorporate historical building features and styles in order to encourage a village atmosphere and pleasant pedestrian experience, where feasible;
 3. Additional considerations to encourage the historic characteristics of the Village Core, including heritage styled signage and building façades, as described in the Urban Design Guidelines, should be given for any development or redevelopment;

4. The Village Core area should express a strong heritage design character that invites pedestrians and encourages interaction; and,
5. The heritage characteristic of the Village Core area can be strengthened through the use of a public walkway linking buildings and other land uses;

2.8.12.2 Gateways

In addition to Section B.3.3.4 - Gateways of Volume 1, the following policies shall apply to Gateways in the Ancaster Wilson Street Secondary Plan:

- a) The Ancaster Wilson Street Secondary Plan Urban Design Guidelines have identified the following gateways, shown on Appendix A: Character Areas and Heritage Features, in the following general areas:
 - iii) Rousseaux Street and Wilson Street;
- b) Gateways may take the form of a structure and/or sign or a landscaped area or laneway. Gateway type and design shall vary based on Character Area and function. Gateway design and features shall be completed, to the satisfaction of the City.”

In response to the Urban Design Policies for the AWSSP, the proposed features and materials are consistent with other buildings in the Ancaster Village Core area. However, at six or seven storeys in height, the proposed building is not sympathetic to adjacent low rise building forms and is not consistent with the Secondary Plan in terms of height, massing and character, as prescribed by the applicable secondary plan policies.

The proposal applies a 2.5 to 6 metre setback to the property to the east and a 1.5 metre setback to the property to the south. The setbacks and angular plane along the eastern property line should be achieved to mitigate overlook and privacy concerns. An increase in setback would also provide an opportunity for increased landscaping and buffering from the adjacent properties.

“2.8.13.1 Cultural Heritage Policies

The following policies shall apply to the cultural heritage resources within the Ancaster Wilson Street Secondary Plan:

SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law 05-200 for Lands Located at 442, 450, 454 and 462 Wilson Street East (Ancaster) (PED22037) (Ward 12) – Page 26 of 37

- a) Due to the important heritage and character considerations within the Ancaster Wilson Street Secondary Plan, in addition to Section B.3.4 - Cultural Heritage Resources Policies of Volume 1, the evaluation of new development or redevelopment Applications in the Ancaster Wilson Street Secondary Plan shall emphasize the requirements of the Cultural Heritage Resources Policies of Volume 1;
- b) The retention and conservation of historical buildings, structures, or features on their original sites shall be encouraged through:
 - i) Adaptive re-use and preservation of existing buildings before new development or redevelopment is considered;
 - ii) Maintaining a listing of historical designated and listed properties of interest. Historic buildings are shown on Appendix A - Character Areas and Heritage Features; and,
 - iii) Integrating cultural heritage resources into new development or redevelopment proposals in their original use or an appropriate adaptive reuse where possible;
- c) When development or redevelopment is proposed adjacent to existing designated or listed heritage buildings, as shown on Appendix A - Character Areas and Heritage Features, a Planning Justification Report shall detail how the proposed development or redevelopment is consistent with the character and style of the surrounding heritage buildings;
- d) The tree lined streetscape of portions of the Ancaster Wilson Street Secondary Plan shall be maintained and protected, where feasible, to enhance and preserve the character of the street and surrounding neighbourhood area; and,
- e) Cultural Heritage Landscapes shall be conserved and protected with the intent of retaining major characteristics. This shall be implemented by the review of planning Applications under the *Planning Act*, R.S.O., 1990 c. P.13. The City shall ensure that any proposed change is consistent within the policies of the Secondary Plan. The Village Core, as shown on Appendix A - Character Areas and Heritage Features and in the supporting Urban Design Guidelines, has been identified as a Cultural Heritage Landscape.”

SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law 05-200 for Lands Located at 442, 450, 454 and 462 Wilson Street East (Ancaster) (PED22037) (Ward 12) – Page 27 of 37

The Applicant has submitted a Cultural Heritage Impact Assessment. The proposal is to maintain 442 Wilson Street East and adaptively re-use it as part of the development. 450 Wilson Street East is also proposed to be re-used. The single detached dwelling at 454 Wilson Street East is proposed to be demolished. With respect to the Brandon House property (462 Wilson Street East), which was previously demolished, the proposal will make use of stones that were used for wall cladding and from the demolition of the retaining wall, and a commemorative feature is also proposed to be located in the amenity space. Staff require additional information and other details regarding each of these buildings to determine how they will contribute to the cultural heritage and the Ancaster community. If approved, a Holding Provision will be applied to require the Applicants to provide an updated Cultural Heritage Impact Study.

Based on the foregoing, the proposal does not comply with the Ancaster Wilson Street Secondary Plan.

City of Hamilton Zoning Bylaw No. 05-200

The subject property is currently zoned Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone, in City of Hamilton Zoning By-law No. 05-200, as shown on Appendix “A” attached to Report PED22037. The Applicant is proposing further modifications to the Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone to:

- Permit the use of a retirement home;
- Increase the maximum front yard setback;
- Increase the maximum building height;
- Increase the maximum first storey height;
- Decrease the minimum rear yard;
- Decrease the minimum side yard abutting a residential zone; and,
- Decrease the amount of windows and doors for a ground floor façade.

The proposed modifications to the Zone are discussed in greater detail in the Analysis and Rationale section of this Report.

Relevant Consultation

Departments and Agencies	
<ul style="list-style-type: none"> • Public Health Services, Healthy Environments Division, Healthy and Safe Communities Department; • Recreation Division, Healthy and Safe Communities Department; • Transit Planning and Infrastructure, Transit Operations Division, Public Works Department; and, • Horizon / Alectra Utilities. 	No Comment

SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law 05-200 for Lands Located at 442, 450, 454 and 462 Wilson Street East (Ancaster) (PED22037) (Ward 12) – Page 28 of 37

Departments and Agencies		
	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> • The FSR is to include the proposed population density; • Per our GIS records, there is no 300mm storm sewer along Rousseaux Street as is noted in the FSR. The existing storm structures are only intended for road side drainage and have likely now been assumed by the City for municipal connection. As such, this outlet is not acceptable; • The Applicant is to demonstrate an alternative storm sewer outlet for the site; • The fire flow section has only been presented for the retirement building proposal. Include mention of the alternate proposal in FSR; • There is no downstream analysis provided for the proposed sanitary design flows for us to review the impact of the proposed density if it is higher than prescribed; and, • A hydrogeological study is required to determine potential dewatering needs. Due to the limited capacity in the sanitary sewer system, no long term dewatering post-construction would be supported by Hamilton Water. Foundation design should be designed accordingly. 	<ul style="list-style-type: none"> • Staff do not support the proposed density for reasons including but not limited to lack of sanitary capacity; • Should the Applications be approved, a Holding Provision should be applied to the amending Zoning By-law requiring the Applicant to demonstrate adequate sanitary capacity downstream; and, • Should the Applications be approved, the hydrogeological and drainage concerns will be addressed at the Site Plan Control stage. Water demand and fire flow calculations shall also be updated, as necessary, and resubmitted at that stage.

SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law 05-200 for Lands Located at 442, 450, 454 and 462 Wilson Street East (Ancaster) (PED22037) (Ward 12) – Page 29 of 37

	• Comment	• Staff Response
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<ul style="list-style-type: none"> • Transportation Planning do not support the development of either option; • Transportation Planning is concerned about the overall impact this proposal will have on the Ancaster Village Core area, including an increase in traffic volumes both on Arterial Roadways that are already approaching capacity during peak hours as well as increased traffic infiltration on local roadways; • In order to protect the existing and future pedestrian realm, cycling infrastructure and road network the following shall be required: <ul style="list-style-type: none"> ○ Right-of-Way dedications; ○ Daylighting triangles at Wilson Street East and Rousseaux Street; ○ Revisions to the TIS; and, ○ Traffic calming funds; • The Applicant has prepared a functional left-turn lane design on Rousseaux Street which has been reviewed by Transportation Planning and the Transportation Engineering section of the Transportation Operations and Maintenance Division. 	<ul style="list-style-type: none"> • Should the Applications be approved, the Right-of-Way dedications, daylighting triangles, a revised TIS and traffic calming funds will be addressed at the Site Plan Control stage.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law 05-200 for Lands Located at 442, 450, 454 and 462 Wilson Street East (Ancaster) (PED22037) (Ward 12) – Page 30 of 37

	Comment	Staff Response
<p>Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department Continued</p>	<ul style="list-style-type: none"> It is anticipated that finding a gap to turn left into the site from Rousseaux Street could be challenging given the peak hour volume of eastbound traffic on Rousseaux Street, paired with the close spacing to the intersection, and the traffic signal phasing that displays a right-turn overlap arrow simultaneously during the westbound green indication for Rousseaux Street. As such the design cannot be supported as shown since the existing left-turning volume exceeds the available storage length, and the addition of additional left-turns will increase the queuing and add additional delay if site destined motorists are waiting for gaps in opposing traffic. 	
<p>Forestry and Horticulture Section, Environmental Services Division, Public Works Department</p>	<ul style="list-style-type: none"> Approve the Tree Management Plan; and, Supports the Landscape Plan although additional trees are likely required on Rousseaux Street and further detail is required for street tree spacing and location on Wilson Street East. 	<ul style="list-style-type: none"> Should the Applications be approved, these concerns will be addressed at the Site Plan Control stage.
<p>Growth Planning Section, Growth Management Division, Planning and Economic Development Department</p>	<ul style="list-style-type: none"> Determine if the tenure for the proposal will be a Condominium; Determine if the proposed development will be encroaching into the municipal right-of-way; and, The owner/agent will be notified of the proposed addressing for this development once conditional Site Plan approval has been granted. 	<ul style="list-style-type: none"> Should the Applications be approved, these concerns will be addressed at the Site Plan Control stages and the Draft Plan of Condominium, if condominium tenure is considered.

SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law 05-200 for Lands Located at 442, 450, 454 and 462 Wilson Street East (Ancaster) (PED22037) (Ward 12) – Page 31 of 37

	Comment	Staff Response
Landscape Architectural Services, Strategic Planning Division, Public Works Department	<ul style="list-style-type: none"> Request cash-in-lieu of parkland dedication. Outdoor amenity space will not count toward parkland dedication. 	<ul style="list-style-type: none"> Should the Applications be approved, these concerns will be addressed at the Site Plan Control stage.
Asset Management, Strategic Planning Division, Public Works Department	<ul style="list-style-type: none"> No concern. This Application is in the vicinity of the 2022 Capital road resurfacing project of Wilson St, Rousseaux to Filman Road. 	<ul style="list-style-type: none"> Noted.
Construction, Strategic Planning Division, Public Works Department	<ul style="list-style-type: none"> Please refer to Asset Management comment regarding resurfacing project. 	<ul style="list-style-type: none"> Noted.
Recycling and Waste Disposal Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> This development is ineligible for municipal waste collection service if the proposal is an institutional facility such as a retirement home; and, The development may be eligible for municipal waste collection if the proposed use is a mixed-use multi-residential building and if the proposal satisfies the City's design criteria for waste collection. 	<ul style="list-style-type: none"> Should the Applications be approved, these concerns will be addressed at the Site Plan Control stage.
Hamilton Conservation Authority (HCA)	<ul style="list-style-type: none"> HCA does not have any flood or erosion hazards concerns for the subject properties but note a permit will be required for the development; and, In reviewing the FSR submitted (S. Llewellyn & Assoc. Ltd., August 2021), HCA suggests further work is required to demonstrate the site can be developed and serviced to meet Level 1 (Enhanced) stormwater quality standards. 	<ul style="list-style-type: none"> Should the Applications be approved, the FSR concerns will be addressed at the Site Plan Control stage.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law 05-200 for Lands Located at 442, 450, 454 and 462 Wilson Street East (Ancaster) (PED22037) (Ward 12) – Page 32 of 37

	Comment	Staff Response
Niagara Escarpment Commission (NEC)	<ul style="list-style-type: none"> • Provided a review of the Visual Impact Assessment; • The VIA is not complete and does not demonstrate that the applicable NEP policies have been satisfied; and, • No visual impact mitigation measures were proposed (such as changes to building height or massing). 	<ul style="list-style-type: none"> • The Applicant submitted a Visual Impact Assessment (dated September 2021) evaluating the retirement home or mixed use building within the context of the City from specific public viewpoints; • No mitigation measures were proposed such as reduction in height or reduced massing; and, • Do not support the Applications and Visual Impact Assessment as submitted.
Public Consultation		
	Comment	Staff Response
Existing Neighbourhood Character, Heritage, Density and Built Form (Height and Massing), Shadowing,	<ul style="list-style-type: none"> • The area is viewed as a historic area that needs to be preserved; • The six or seven storeys would be out of character for Ancaster, which is characterized by low rise buildings; • The building will take away from the sunlight on both Wilson and Rousseaux Street; and, • The building is massive in comparison to the surrounding buildings. 	<ul style="list-style-type: none"> • Staff do not support the proposed density, building height and massing.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law 05-200 for Lands Located at 442, 450, 454 and 462 Wilson Street East (Ancaster) (PED22037) (Ward 12) – Page 33 of 37

	Comment	Staff Response
Traffic, Parking and Noise	<ul style="list-style-type: none"> Proposed development will cause an increase in traffic, adding to already heavy traffic along the Rousseaux Street and Wilson Street East; There is not enough parking to accommodate the residents of either the retirement home or mixed use building; There is concern that the additional traffic will be directed to Lodor and Academy Streets; and, Concern that additional traffic will add to noise on the through streets such as Lodor and Academy. 	<ul style="list-style-type: none"> A Traffic Impact Study (TIS) was prepared by Salvini Consulting Transportation Engineering and Planning, dated September 2021; The TIS concludes that the retirement home would represent a reduction in traffic from the current zoning permission on site of about 35 peak hour trips; and, The mixed use building would increase the traffic from the current zoning permission site by 20 peak hour trips.
Revenue Generated from Development	<ul style="list-style-type: none"> Sentiment that the City is driven by revenues generated by the proposed development. 	<ul style="list-style-type: none"> All planning Applications are considered on their own merits against all relevant provincial and local planning policies.
Demolition of the Brandon House	<ul style="list-style-type: none"> Concern regarding the Brandon House demolition process. 	<ul style="list-style-type: none"> At the time, the Brandon house was listed on the Inventory but did not have any formal status or protection from demolition under the <i>Ontario Heritage Act</i>; and, The Applicant has indicated that a commemorative feature will be provided for the Brandon House.

SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law 05-200 for Lands Located at 442, 450, 454 and 462 Wilson Street East (Ancaster) (PED22037) (Ward 12) – Page 34 of 37

	Comment	Staff Response
Noise	<ul style="list-style-type: none"> Concern that mechanical units will have an impact on Noise. 	<ul style="list-style-type: none"> As part of the Site Plan Control process further investigation will be required for noise from mechanical units.
Trees	<ul style="list-style-type: none"> Concerns regarding the loss of canopy cover on this property and concern that all trees are being removed. 	<ul style="list-style-type: none"> Staff have reviewed the TPP and are not satisfied; Should the Applications be approved compensation will need to be provided in the form of replanting or cash in lieu; and, Replanting and cash-in-lieu will be further addressed through Site Plan Control.
Sanitary Capacity	<ul style="list-style-type: none"> Concern if the existing pumping station can support the additional effluent from either development. 	<ul style="list-style-type: none"> Staff do not support the proposed density for reasons including but not limited to sanitary capacity; and, Should the Applications be approved, a Holding provision should be applied to the amending Zoning By-law requiring the Applicant to demonstrate adequate sanitary capacity downstream.

Public Consultation

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 54 property owners within 120 m of the subject lands on December 2, 2021.

Notice of the Public Meeting was sent to 54 property owners within 120 m of the subject lands. Statutory notice was given by way of a newspaper ad published in The Hamilton Spectator on January 27, 2022, in accordance with the requirements of the *Planning Act*.

Public Consultation Strategy

Pursuant to the City's Public Consultation Strategy Guidelines, the Applicant prepared a Public Consultation Strategy. An initial meeting occurred on April 6, 2021 to obtain

community input on the initial design, and due to COVID-19 this was a virtual meeting. The Applicants also attended a virtual meeting of the Ancaster Village BIA on April 19, 2021. The Applicants also hosted a micro-site during the consultation session for the public to view the submitted materials.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Official Plan and Zoning By-law amendments cannot be supported for the following reasons:
 - i) The proposed amendments do not meet the general intent of the Urban Hamilton Official Plan and Ancaster Wilson Street Secondary Plan with respect to building height, residential density, massing, privacy, overlook, setbacks, and compatibility with the existing neighbourhood.
2. As discussed in the Official Plan and Secondary Plan analyses sections of this report, staff are not in support of the proposal for the following reasons:
 - i) Modifications to Development Standards and Regulations

Staff do not support the proposed Amendment to the Urban Hamilton Official Plan (UHOP) as the proposal does not meet the intensification and compatibility policies of the UHOP. While the UHOP focuses intensification to “Community Nodes”, it also requires that infill development enhance and be compatible with the scale and character of the existing neighbourhood in terms of matters such as privacy, overlook, built form, density, height, scale, and massing;

Requested amendments include an increase in maximum building height from 9 metres and two and a half storeys to 24 metres and seven storeys, maximum residential density from 200 to 283 dwelling units per hectare, minimum rear yard from 7.5 metres to 1.5 metres, and minimum side yard from 7.5 metres to between 2.5 metres and 6 metres; and,

The cumulative effect of these modifications would result in an overdevelopment of the site.

ii) Compatibility with Character of Existing Neighbourhood

The Urban Hamilton Official Plan and Ancaster Wilson Street Secondary Plan require that intensification and infill development shall be balanced with the heritage and historic character of Ancaster. To the north of the site across from Rousseaux Street are single detached dwellings. Immediately east is a single detached dwelling, to the south are low rise commercial buildings, and to the west is a commercial building, single detached dwelling and an institutional property. The surroundings are of a scale representative of low density typology and are representative of Ancaster's downtown historic development pattern of low profile buildings with spacing in between;

To locate a six or seven storey building with a high density immediately adjacent to low density, low profile buildings within the Village Core would not ensure compatibility with, nor complement, the Village Core character. There are also privacy and overlook concerns to the property to the east. Further, the height and density being proposed was not contemplated for this area through the AWSSP and is not compatible with the surrounding area; and,

Staff do not support the proposed Amendment to the UHOP as it is contrary to the overall vision, planning principles and policies for the area. Based on the rationale above, staff recommend that the Applications be denied.

iii) Servicing Constraints

Growth Management staff have reviewed the Functional Servicing Report prepared by S.Llewellyn & Associated Limited (dated August 2021). Staff indicated that they are not able to support the Applications until the Applicant provide population projections for the proposal. The site falls within the tributary area of the sanitary sewer along Wilson Street East which is designed for a population density of 125 ppha. The servicing plans indicate a connection of the sanitary service line to Rousseaux Street, it is noted that the site does not fall tributary to this sewer, and the population density of the Rousseaux Street sewer has an even more limited capacity of 60 ppha;

Transportation Planning is concerned about the overall impact this proposal will have on the Ancaster Village Core area, including an increase in traffic volumes both on Arterial Roadways that are already approaching capacity during peak hours as well as increased traffic infiltration on Local roadways.

ALTERNATIVES FOR CONSIDERATION

- 1) Should the Applications be approved, that staff be directed to prepare the Official Plan Amendment and amending Zoning By-law consistent with the concept plans proposed, with the inclusion of Holding Provision(s) to address matters, including addressing sanitary sewer system capacity constraints, visual impacts, and any other necessary agreements to implement Council's direction;
- 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; and,
- 3) Should the Applications be denied, the lands could be developed in accordance with the Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone which permits a building with a height of 9 metres.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

- Appendix "A" – Location Map
- Appendix "B" – Concept Plans
- Appendix "C" – Public Submissions

JVR:sd