

February 14, 2022

By E-Mail

Lisa Kelsey
Legislative Coordinator, Planning Committee
City of Hamilton
71 Main Street West, 1st Floor
Hamilton, ON L8P 4Y5

Dear Ms. Kelsey and Members of the Planning Committee:

**Re: 442, 450, 454, 462 Wilson Street East, Ancaster (Ward 12)
Public Meeting before Planning Committee, February 15, 2022
Agenda Item No. 9.3**

Aird & Berlis LLP acts on behalf of 2691893 Ontario Inc. with respect to the above-noted properties (the "Subject Lands") and its applications for amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 (the "Applications"). We are frankly surprised and disappointed that this matter has been forwarded to the Planning Committee so quickly with a recommendation for refusal by staff. Our client and its consultants were not advised by staff that the Applications were to be considered at this meeting, and only learned about the Notice of Public Hearing from reading the newspaper. They were not even given the courtesy of a phone call.

As this Committee is well aware, planning is an iterative process that involves review, comment, discussion and revision before a proposal is ultimately decided. The Applications before you were filed on September 30, 2021 and deemed complete one month later on October 29, 2021. Following the complete application, the Applications were circulated to relevant departments and agencies for comments on November 25, 2021, with the intent that those comments would be communicated to the applicant to be addressed and considered through resubmission. As of the date that Notice of the Public Meeting was published, our client and its consultants had not received a full set of comments from each City department, and had only received formal comments with respect to Cultural Heritage, in a memo dated December 23, 2021. As of December 23, 2021, Planning Staff were in receipt of all agency comments as well as comments from the community, yet they chose not to provide a copy of them to the applicant.

By recommending refusal to this Committee at this early stage, staff are effectively seeking to deviate from the iterative planning process and to stop the Applications in their tracks, without the benefit of having their concerns eased or addressed through further revisions to the plans. Notwithstanding this intention, our client and its consultants have been working diligently to amend its proposal to respond to the comments it has received, to address some of the concerns it has heard from the community, and to work in good faith towards an improved development plan for the Subject Lands.

The revisions to the plans are being resubmitted to staff and are appended to this letter. They include the following improvements:

- Reduced height from 7 to 5 storeys;
- A more animated Wilson streetscape by providing more direct access to sidewalk along Wilson Street;
- Increased amount and quality of publicly accessible outdoor amenity space along Wilson Street to provide more animation along the street including bike racks, more seating areas, and meaningful landscaping;
- Adherence to 45 degree angular plane (Urban Design Guidelines) along all street frontages and adjacent to 20 Rousseaux Street;
- Redesign of public space at intersection of Rousseaux Street and Wilson Street to make it more inviting and better tie it into the cross walk/pedestrian realm;
- Compliance with east side yard setback requirement; and
- Additional Sustainable Design improvements, including:
 - Addition of *green roof* on all rooftops
 - Potential Geothermal heating/cooling systems
 - Rain water capture and reuse for irrigation of landscaping

It is our respectful submission to this Committee that consideration of this application be deferred to a future meeting of the Planning Committee to allow staff to review the resubmission, continue to process the Applications, and work with our client in good faith to identify and resolve any remaining challenges.

This approach is consistent with staff's recommended Alternatives for Consideration contained within its report, in particular Alternative #2 which recommends that Council direct staff to negotiate revisions to the proposal with our client in response to the issues and concerns identified in the report and report back to Council on the results of the discussion.

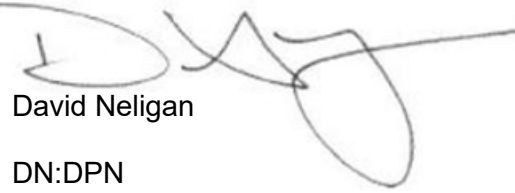
Outright refusal of the Application on the basis of a premature refusal report is likely to result in a lengthy and expensive appeal to the Ontario Land Tribunal. This outcome serves nobody's interest, including those in the community who oppose the Applications, as it would move all further discussion of the application to meetings behind closed doors, and all further consideration of the Applications by Council to *in camera* meetings without the benefit of public participation.

Instead, we urge the Committee to send this matter back to staff for further review and consultation with our client in preparation for a more complete and better informed discussion before the Committee at a future date.

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Yours truly,

AIRD & BERLIS LLP

A handwritten signature in dark ink, appearing to read 'DN', with a long horizontal stroke extending to the right.

David Neligan

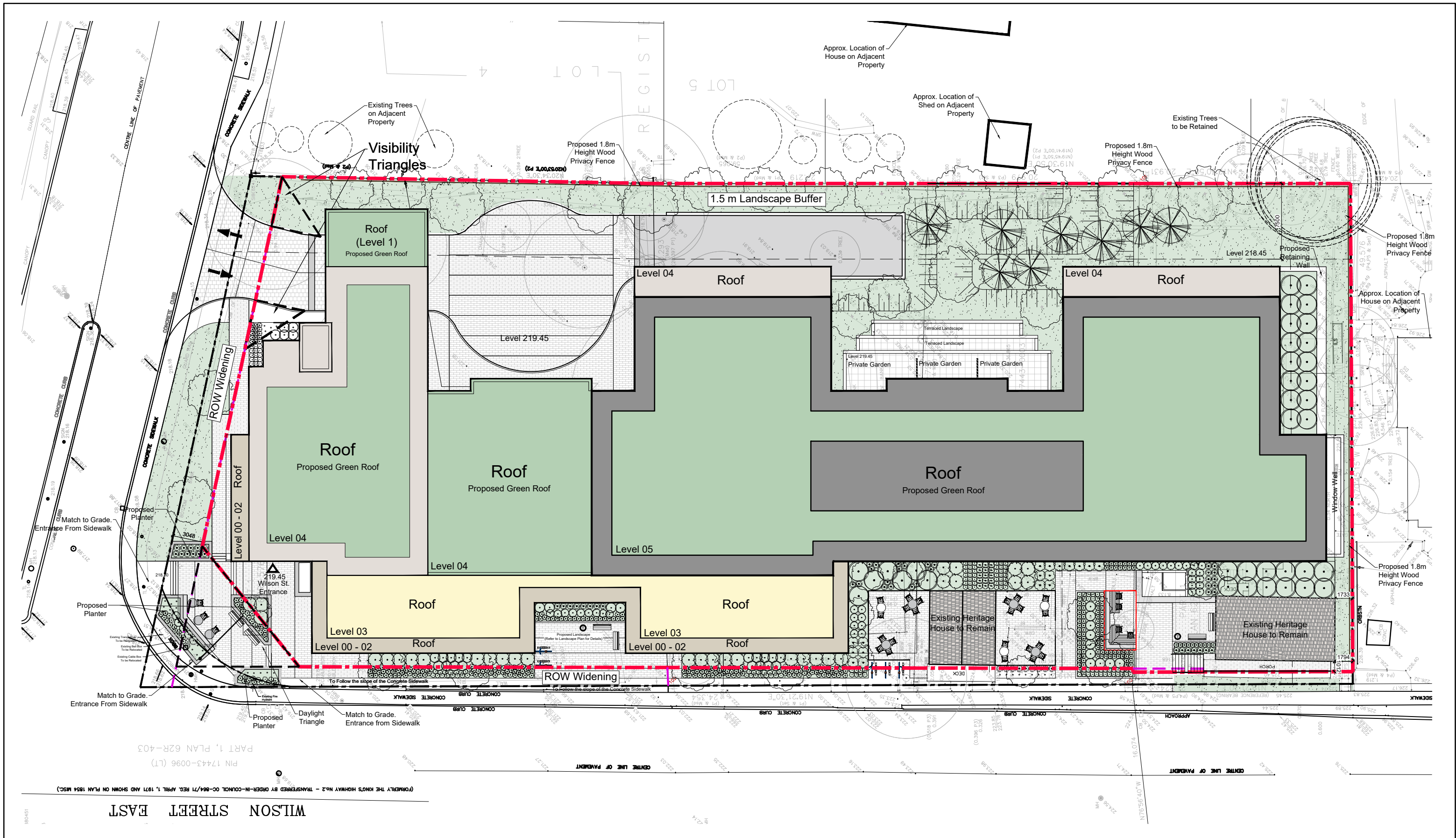
DN:DPN

Attachments

- c. Client
Brenda Khes, GSP Group Inc.

47591979.1

ATTACHMENT 1 – REVISED SITE PLAN



ATTACHMENT 2 – REVISED ELEVATIONS



Rousseaux Street Elevation

MSA

MICHAEL SPAZIANI ARCHITECT INC.
6 Helene Street North, Suite 100
Port Credit, Mississauga, ON, L5G 3E2
T 905 891 0501 F 905 891 0514

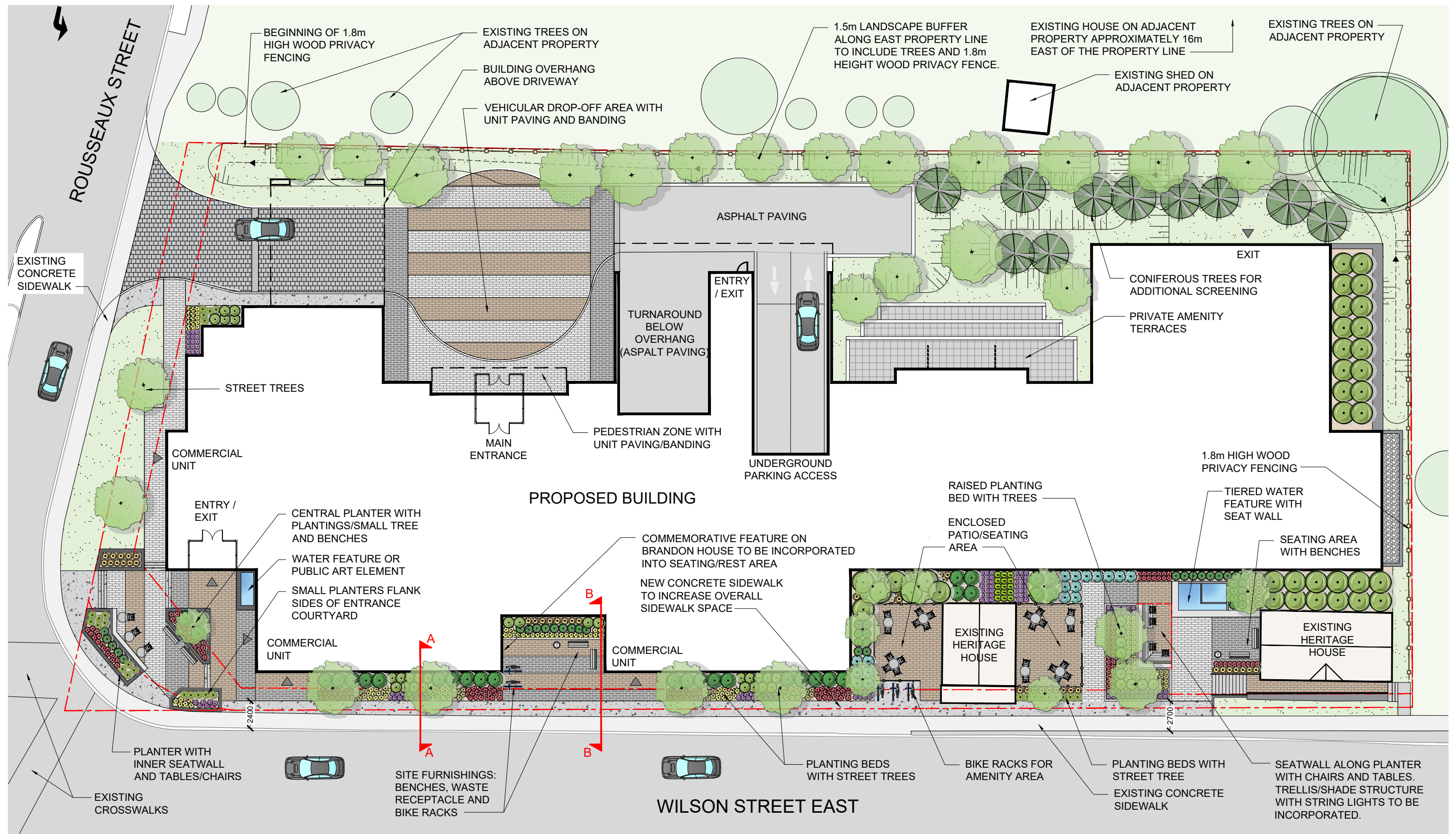
NOTE:
Property line, buildings, drive access and street setbacks are all shown as approximate. A detailed site survey must be provided prior to finalizing all conditions. Dimensions used are all based on reference plans and are not intended as legally binding. Architect is not responsible for any changes that may occur due to verification of zoning, boundary conditions, OP, or other regulations. The enclosed drawing is for reference and information purposes only.

Mixed Use Development Concept
442, 450, 454, 462 Wilson Street East
Ancaster, Ontario

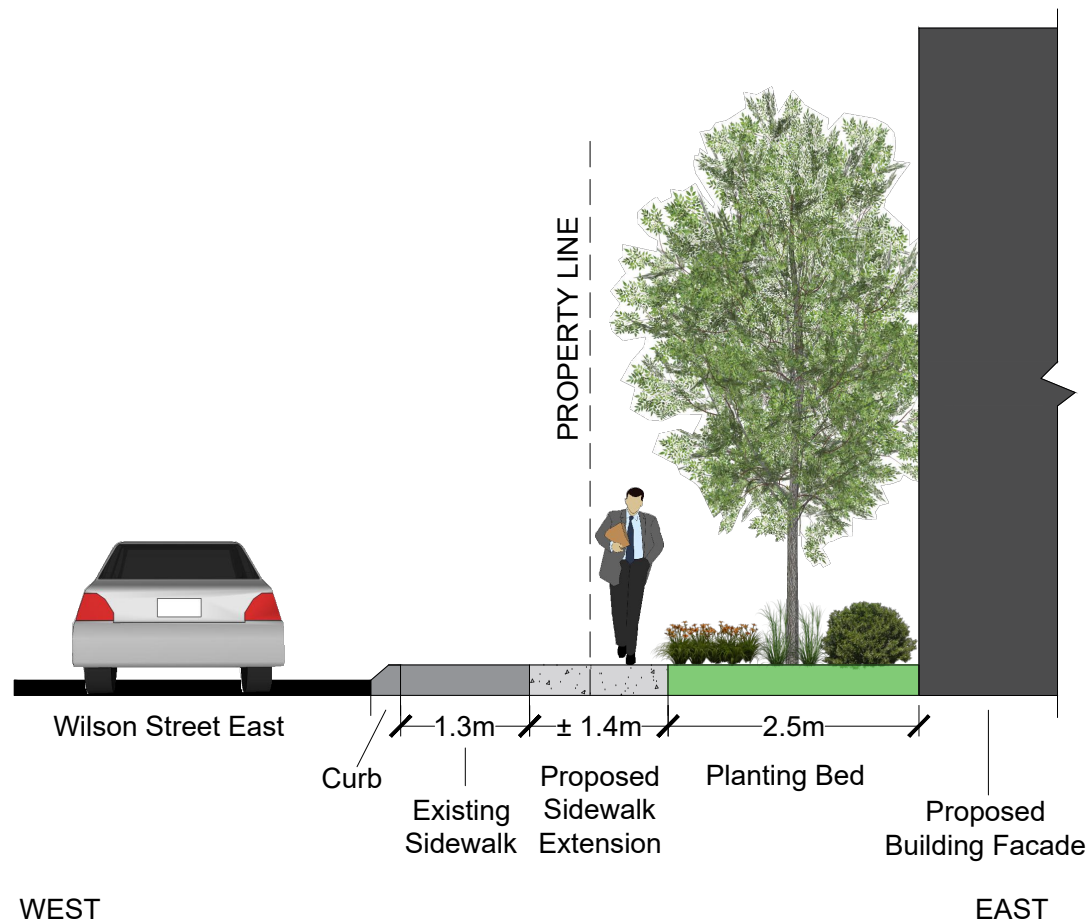
Revised Elevations

Feb. 11, '22

ATTACHMENT 3 – REVISED LANDSCAPE PLANS



442-462 WILSON STREET EAST PRELIMINARY LANDSCAPE CONCEPT ANCASTER, ON.



STREETSCAPE SIDEWALK AND PLANTING
ALONG WILSON ST. E.

442-462 WILSON STREET EAST

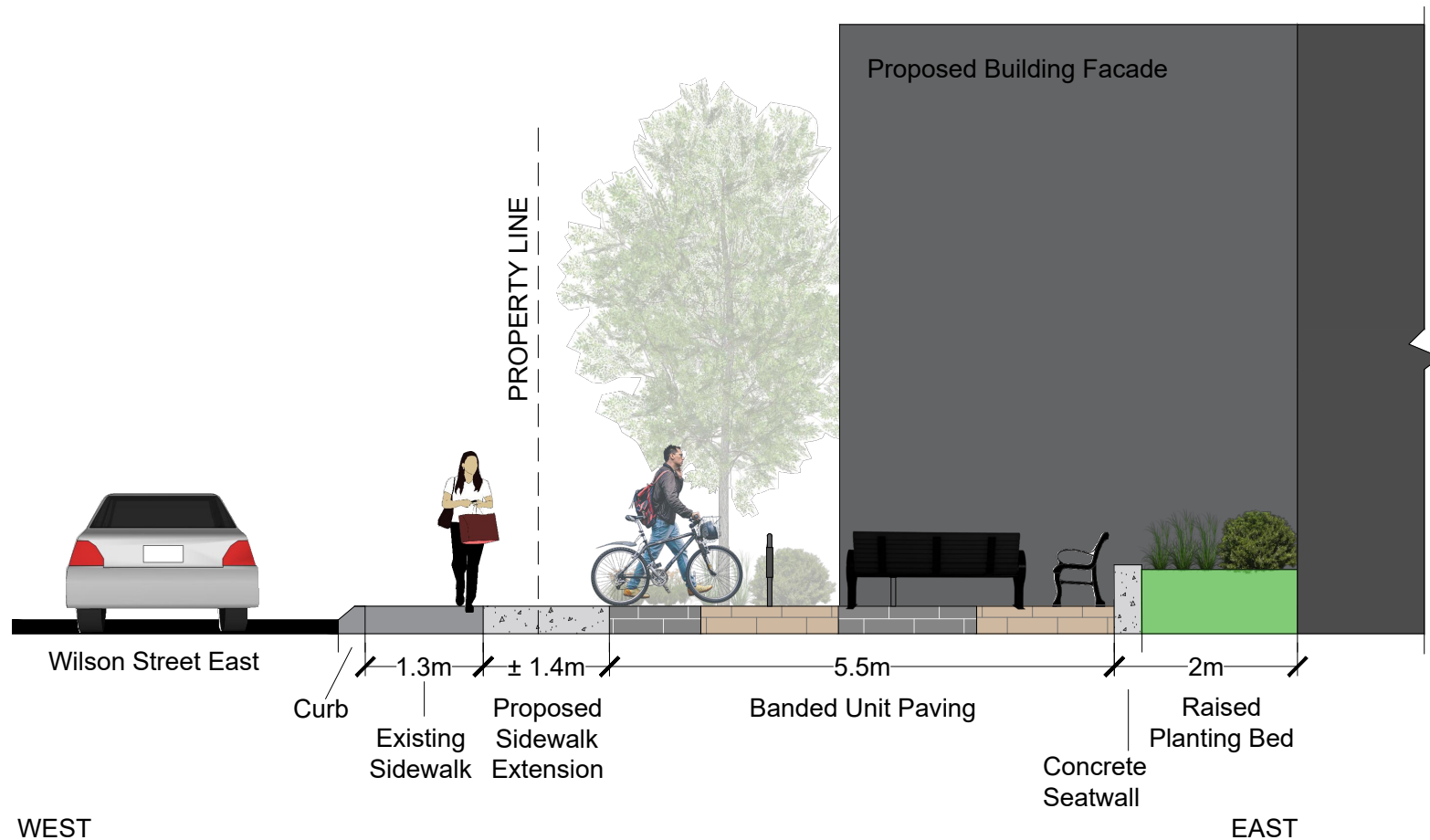
SECTION A

ANCASTER, ON.

Note: All dimensions in metres

N.T.S (8.5x11 PLOT) | February 11, 2021 | Project No.: 21059 | Drawn By: OW





SEATING / REST AREA ALONG WILSON ST. E.

442-462 WILSON STREET EAST

SECTION B

ANCASTER, ON.

Note: All dimensions in metres

N.T.S (8.5x11 PLOT) | February 11, 2021 | Project No.: 21059 | Drawn By: OW

