

29 March 2022

Planning Committee, City of Hamilton
71 Main St West, 1st Floor
Hamilton, Ontario L8P 4Y5

Attn: Legislative Coordinator, Planning Committee

By email: clerk@hamilton.ca

RE: Files: UHOPA-22-004 / ZAC-22-011

I offer the following comments on the above applications and ask Planning Committee to consider them in its decision.

My first comment is recognition of the remarkably thorough Staff Report PED11111 and the strong support for the vision and intent of the Ancaster Wilson Street Secondary Plan and the C5a (570) zoning.

1. **Staff Report Sets Out the Reasons for Denial:** The Staff Report sets out the case for Denial very well, and all I need say is I absolutely support the staff positions. I ask the Planning Committee to do the same.
2. **Marr Phillip House:** Why is this application at Planning Committee? Marr Phillip House at 398 Wilson Street must be demolished or moved to build the building as proposed. The applicant has only conditional approval to move the building (Council HP2021-023) with 17 conditions. Many of these conditions deal directly with the structural condition of the building, which appears very poor, and the ability to move it without damage or destruction.

These conditions have not been satisfied, so the permit to move Marr Phillip House is not valid and may never be.

3. **Is This Application Truly Complete?** How can Planning Committee consider this application with Marr Phillip in place and no certain path to its removal? To assume the 17 conditions will be met places incredible pressure on City staff who must approve satisfaction of the conditions.

If it is not physically possible to build what is proposed, how can the City consider the application complete and ready for consideration?

4. **Marr Phillip Options:** The options I see:
 1. The applicant could abandon the conditional approval granted by HP2021-023 and submit a revised plan with Marr Phillip House in situ.
 2. Consideration of this application could be deferred until all conditions of HP2021-023 are satisfied and a revised plan is submitted either with or without Marr Phillip House on Wilson Street as the case may be.

5. **Ontario Land Tribunal:** Concerns have been expressed at previous meetings if Council denies an application the City will face an appeal to the Ontario Land Tribunal. I believe I speak for many in the community when I say it is essential the City uphold the Ancaster Wilson Street Secondary Plan and the zoning and if there is an appeal the City can count on strong public support.

Planning decisions should be made in accordance with Official Plans and zoning without regard for what OLT may or may not do. Council will never face criticism for defending the legitimate concerns of a community.

6. **This Application Cannot be Considered By Itself:** The City position is each development application stands on its own. In most circumstances this is reasonable regarding what happens on the land. It is not reasonable when other major developments compete for the same limited infrastructure.

Wilson Street infrastructure was designed and built to accommodate the two and three storey buildings that exist and future development on that scale. The C5a zoning permits up to 22 meters in height, but for most addresses on Wilson Street Exception 570 limits height to 9 meters. The Ancaster Wilson Street Secondary Plan sets a 2.5 storey limit. There is good reason for this.

Developments built on that scale would be welcome and have little impact on the infrastructure. They could be built “as right”. When an application like this proposes 3.2 times the permitted height and a multiple of the 50 persons per hectare density permitted in the Secondary Plan it raises serious technical and practical issues.

The perfect storm? The City has two applications in process within about 200 meters of each other each proposing building significantly higher and with greater density than the Secondary Plan or zoning permits.

Each uses the same sewer with a design capacity significantly under the density proposed by each.

Each will feed significant additional traffic to a street the City acknowledges is near capacity now.

Surely both should be considered in tandem regarding infrastructure.

Approval of either of these applications effectively gives capacity to one developer that could be used by many others to build projects in alignment with the zoning and Official Plan.

Future development on Wilson Street could be prevented for years to come by approval of these projects due if they require all the capacity of the sewer system.

7. **Look at The Whole Infrastructure Picture**--Both applications need to be considered together regarding:
1. demand on the sewer system including the Old Dundas Rd sanitary pumping station. There are overloads with current inflows. The June 2020 assessment of this facility states “increasing the capacity of the pumping station is not a feasible solution in the foreseeable future due to significant capacity constraints downstream from the force main”; and

2. addition to already near capacity traffic that Transportation Planning states in the Staff Report cannot be accommodated; and
3. concerns expressed by Hamilton Conservation about stormwater management and related issues; and
4. doubt expressed by Enbridge Gas if there is sufficient gas pressure to service this development.

Who Pays? We Do--Approval of this application as proposed will certainly produce profits in the millions for the applicant but leave the community to bear the significant costs of upgrading infrastructure in the future and bearing the ripping up of Wilson Street to do it.

This situation needs a different planning approach as these infrastructure concerns have impact far beyond the land in question.

8. **Park Land**—the applicant proposes cash in lieu rather than provision of park land. This immediate area has no park land. Given it is in the Village Core addition of green space would be a significant community benefit. This is especially true as this development adds 150+ families with no yard. The City should require the set aside and deny cash in lieu.
9. **Consistency:** While each application stands on its own, surely decisions regarding infrastructure should be consistent. I note in this application the applicant will be required to provide a Right of Way dedication to allow Academy Street to potentially widen from the current 12.192-meter ROW to 15.24 meters.

In a relatively recent decision for a property 1 street away at 15 Church the City agreed the 12-meter width was sufficient and proposed an Official Plan amendment to fix the width. Church Street services the Tennis Club, Lawn Bowling, and a civic parking lot so that decision seems out of touch with the situation and inconsistent with the Academy Street recommendation.

10. **Public Consultation Strategy Guidelines:** The Staff Report references what is described as the required public consultation on July 4, 2019. I may have to stand corrected, but I believe that was a meeting of the Rotary Club and hardly a public consultation. Further what was described was 5.5 storeys, not the 8-storey behemoth you have been presented with. The public has never been involved in any meaningful consultation on this application.

These public meetings are important, and the takeaway is Planning Staff need to be involved in any of these developer led consultations to ensure that are public and are done in a meaningful way,

Thank you for consideration of these comments.

Sincerely



Jim MacLeod

Rousseaux Street