



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	April 5, 2022
SUBJECT/REPORT NO:	Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue (Ancaster) (PED22070) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	E. Tim Vrooman (905) 546-2424 Ext. 5277
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-22-004, by Wilson St. Ancaster Inc. (c/o Giovanni Fiscaletti, Applicant / Owner)**, to amend the Ancaster Wilson Street Secondary Plan to redesignate the lands located at 15 Lorne Avenue from “Low Density Residential 1” designation to “Mixed Use - Medium Density” designation with a “Pedestrian Focus”; and, to establish a Site Specific Policy to permit an eight storey mixed use development with a maximum density of 220 units per hectare and provide for the relocation of the existing designated heritage building from 398 Wilson Street East to 15 Lorne Avenue, on lands located at 392, 398, 400, 402, 406, and 412 Wilson Street East, as shown on Appendix “A” attached to Report PED22070, 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 the following matters: right-of-way dedications, building height, residential density, massing, privacy, overlook, setbacks, and compatibility with and enhancement of the character of the existing neighbourhood.

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- (ii) The mass, height, and bulk of the proposal is not considered to be good planning and is considered an overdevelopment of the site;
- (b) That **Zoning By-law Amendment Application ZAC-22-011, by Wilson St. Ancaster Inc. (c/o Giovanni Fiscaletti, Applicant / Owner)**, to change the zoning from the Existing Residential “ER” Zone, the Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone, and the Mixed Use Medium Density - Pedestrian Focus (C5a, 570, 651) Zone to a modified Mixed Use Medium Density - Pedestrian Focus (C5a) Zone, to permit an eight storey mixed use development with a maximum density of 220 units per hectare, with 1,677 m² of at grade commercial space and 169 dwelling units above with 55 surface parking spaces and 257 underground parking spaces, on lands located at 392, 398, 400, 402, 406, and 412 Wilson Street East and to relocate the existing designated heritage building on the lands located at 398 Wilson Street East to the lands located at 15 Lorne Avenue, as shown on Appendix “A” attached to Report PED22070, 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 building height, setbacks, and massing;
- (ii) That the proposal does not meet the general intent of the Zoning By-law with regards to allowable building height, setbacks, minimum side yard, planting strip;
- (iii) That the proposal is not considered to be good planning and is considered an overdevelopment of the site.

EXECUTIVE SUMMARY

Applications have been submitted to amend both the Urban Hamilton Official Plan and Zoning By-law No. 05-200 to permit the development of an eight storey mixed use development with a maximum density of 220 units per hectare, with 1,677 m² of at grade commercial space and 169 dwelling units above with 55 surface parking spaces and 257 underground parking spaces and to relocate the existing designated heritage building on the lands located at 398 Wilson Street East to the lands located at 15 Lorne Avenue.

The lands are presently designated “Low Density Residential 1” and “Mixed Use - Medium Density” within the Ancaster Wilson Street Secondary Plan and zoned Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone, Mixed Use Medium Density - Pedestrian Focus (C5a, 570, 651) Zone, and Existing Residential “ER” Zone.

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Based on a review of the proposed development concept and associated materials submitted with the Applications, the proposed Official Plan and Zoning By-law amendments do not meet the general intent of the Urban Hamilton Official Plan (UHOP), the Ancaster Wilson Street Secondary Plan, and the Zoning By-law with respect to matters including, but not limited to:

- Right-of-way dedications;
- 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 Pages 43-44

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 / Applicant:	Wilson St. Ancaster Inc. (c/o Giovanni Fiscaletti)
File Number:	UHOPA-22-004 ZAC-22-011
Type of Application:	Urban Hamilton Official Plan Amendment Zoning By-law Amendment

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Application Details	
Proposal:	<ul style="list-style-type: none"> • The development of an eight storey mixed use development with a maximum density of 220 units per hectare, with 1,677 m² of at grade commercial space and 169 dwelling units above with 55 surface parking spaces and 257 underground parking spaces on lands located at 392, 398, 400, 402, 406, and 412 Wilson Street East; and, • The relocation of the existing designated heritage building on the lands located at 398 Wilson Street East to the lands located at 15 Lorne Avenue. While the proposed relocation is based on the need for soil remediation, the intended future uses of the heritage building have not been indicated within the materials submitted with the Applications other than it will be integrated with an outdoor amenity space.
Property Details	
Municipal Address:	392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue (see Location Map attached as Appendix “A” to Report PED22070).
Lot Area:	±7,791.7 m ² (irregular)
Servicing:	Full municipal services.
Existing Use:	<ul style="list-style-type: none"> • A two-storey building, built c. 1840, and known as the Phillip Marr House, on the lands located at 398 Wilson Street East, designated under Part IV of the <i>Ontario Heritage Act</i>, under By-law No. 78-87. • The remaining lands are presently vacant.
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: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
Official Plan Existing:	“Community Node” on Schedule E – Urban Structure and “Mixed Use - Medium Density” on Schedule E-1 – Urban Land Use Designations.
Official Plan Proposed:	No amendment proposed.

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Documents	
Secondary Plan Existing:	Ancaster Wilson Street Secondary Plan – “Mixed Use - Medium Density” with a “Pedestrian Focus” and “Low Density Residential 1” as shown on the Ancaster Wilson Street Secondary Plan Land Use Plan, and the lands fronting onto Wilson Street East 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.
Secondary Plan Proposed:	Ancaster Wilson Street Secondary Plan – Redesignate the lands located at 15 Lorne Avenue from the “Low Density Residential 1” designation to the “Mixed Use - Medium Density” designation with a “Pedestrian Focus” and to establish a Site Specific Policy Area to permit a maximum height of eight storeys and a maximum density of 220 units per hectare.
Zoning Existing:	<ul style="list-style-type: none"> • Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone; • Mixed Use Medium Density - Pedestrian Focus (C5a, 570, 651) Zone; and, • Existing Residential “ER” Zone.
Zoning Proposed:	Further modified Mixed Use Medium Density - Pedestrian Focus (C5a) Zone.
Further Modifications Proposed:	<p>Increases in:</p> <ul style="list-style-type: none"> • Building Height: <ul style="list-style-type: none"> ○ from a maximum of 9.0 metres to 32.0 metres; ○ from a minimum 7.5 metre façade height for any portion of a building along a street line to no minimum; and, ○ from a first storey minimum of 3.6 metres and a maximum height of 4.5 metres to a maximum height of 5.3 metres and no minimum; • Building Setback from a Street Line from no minimum and a maximum of 3.0 metres for the first storey to: <ul style="list-style-type: none"> ○ a minimum of 3.0 metres to a four storey structure and 5.0 metres for an eight storey structure along Wilson Street East; ○ a minimum of 2.5 metres along Academy Street; and, ○ no maximum; • Accessory Building maximum height from 4.5 metres to two storeys (no dimension specified); • Accessory Building setbacks for Accessory Buildings having a Gross Floor Area greater than or equal to 18 square metres from conforming to the regulations for the principal use to 1.25 metres and having a maximum gross floor area of 100.0 square metres.

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Documents	
Further Modifications Proposed (Continued):	<ul style="list-style-type: none"> • Required Parking: <ul style="list-style-type: none"> ○ For residential uses from a maximum of 1.25 spaces/dwelling unit to 1.55 spaces/dwelling unit; and, ○ For commercial uses from varies by use to 1 space per 30 square metres of gross commercial floor area. <p>Reductions in:</p> <ul style="list-style-type: none"> • Minimum Side Yard from 7.5 metres abutting a lot containing a residential use to 2.5 metres to a four storey structure and 5.0 metres for an eight storey structure (intended for the north lot line); • Minimum Rear Yard from 7.5 metres (or 3.0 metres for 392 Wilson Street East) from the east lot lines to: <ul style="list-style-type: none"> ○ 5.0 metres to a five storey structure and 7.5 metres for an eight storey structure, for the portion of a structure measuring approximately 23.5 metres in length; and, ○ 37.0 metres for the portion of a structure measuring approximately 77.0 metres in length; • Minimum area of the ground floor façade facing the street composed of doors and windows from 60% to 45%; • Planting Strip requirements along lot lines abutting a Residential Zone or an Institutional Zone from 1.5 metres to 0.5 metres; and, • Minimum of one principal entrance provided from within the ground floor façade that is set back closest to a street to within the ground floor façade fronting any street.
Processing Details	
Received:	December 22, 2021
Deemed Incomplete:	January 6, 2022
Deemed Complete:	January 11, 2022
Notice of Complete Application:	Sent to 101 property owners within 120 m of the subject lands on February 4, 2022.
Public Notice Sign:	Posted January 26, 2022.
Notice of Public Meeting:	<ul style="list-style-type: none"> • Sent to 101 property owners within 120 m of the subject lands on March 18, 2022; and, • Statutory notice given by way of newspaper in accordance with the provisions of the <i>Planning Act</i> on March 18, 2022.
Public Comments:	77 letters / emails opposing the proposed development (see Appendix “C” attached to Report PED22070).

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Processing Details	
Processing Time:	104 days from when the Application was received to Planning Committee.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Two-storey designated heritage building on the lands located at 398 Wilson Street East; otherwise vacant.	Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone; Mixed Use Medium Density - Pedestrian Focus (C5a, 570, 651) Zone; and, Existing Residential “ER” Zone.

Surrounding Land Uses:

North	Commercial Buildings and Single Detached Dwellings	Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone and Existing Residential “ER” Zone.
South	Commercial Buildings and Single Detached Dwellings	Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone and Existing Residential “ER” Zone.
East	Single Detached Dwellings	Existing Residential “ER” Zone.
West	Commercial Buildings	Mixed Use Medium Density - Pedestrian Focus (C5a, 569) Zone; Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone; Mixed Use Medium Density - Pedestrian Focus (C5a, 304, 570) Zone; and, Mixed Use Medium Density - Pedestrian Focus (C5a, 572) 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*;
 - 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:

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- 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 (Wilson Street East) where transit exists and may be further developed. Hamilton Street Railway (HSR) bus Route 16 services the site along Wilson Street East and provides a connection through Ancaster from Meadowlands to Duffs Corners. 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 are designed for 125 people per hectare. The Functional Servicing Report, prepared by S. Llewellyn and Associates and dated December 2021, does not identify the proposed density of the Application for comparison. 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

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increase traffic infiltration on local roadways as well as result in an increase in traffic volumes which would negatively impact the arterial roadway operations that are already approaching capacity during peak hours.

Policy 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 a mixed use building would help contribute to a range and mix of housing types.

Cultural Heritage and Archaeology

- “2.6.1 *Significant built heritage resources and significant cultural heritage landscapes shall be conserved;*
- 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; and,*
- 2.6.3 Planning authorities shall not permit *development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.*”

A portion of the subject lands, known as 398 Wilson Street East, contains a rubble stone structure known as the Phillip Marr House which is designated under Part IV of the *Ontario Heritage Act* and a “protected heritage property” under the PPS (2020).

The subject lands are located within the Ancaster Village Core Cultural Heritage Landscape Inventory and adjacent to numerous other properties with a variety of heritage statuses. Where new construction and/or alterations or additions to existing structures are proposed in a Cultural Heritage Landscape, key considerations are the visual and physical impacts on landscape features, including public views of the building fabric, building setback, the streetscape and significant vistas.

In 2021, the Applicant submitted a Heritage Permit Application (HP2021-033) for the proposed relocation of the rubble stone structure from its current location to the northeast corner of the subject site, on the lands located at 15 Lorne Avenue. The Applicant submitted a Cultural Heritage Impact Assessment (CHIA), prepared by GBCA Architects Inc. and dated June 4, 2021, in support of the proposed development as part of the Heritage Permit process.

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At the October 13, 2021 meeting of Council, Council approved HP2021-033 with conditions (Report PED21196). Condition (a) (xvii) requires that the owner submit an Official Plan Amendment and Zoning By-law Amendment for the redevelopment of 392, 398, 400, 402, 406 and 412 Wilson Street East and 15 Lorne Avenue or alternatively the owner provide written confirmation to the Director of Planning and Chief Planner that they will be proceeding in accordance with the existing zoning in effect for these lands. Heritage staff advise that several conditions remain outstanding at this time and are required to be cleared by the Applicant / property owners by July 31, 2023, which must be addressed separately as part of the Heritage Permit process.

A Stage 1 and 2 Archaeological Assessment (P462-0008-2020) for the subject property has been submitted to the Ministry of Heritage, Sport, Tourism and Culture Industries and the City of Hamilton. The report recommends that further archaeological work should be conducted to address the archaeological potential of the subject property. Staff concur with this recommendation and prior to any redevelopment of the subject lands the Applicant would be required to conduct a Stage 3 assessment, along with any subsequent assessment depending on the findings from the previous investigative work, and that these reports be submitted to the Ministry of Heritage, Sport, Tourism and Culture Industries and the City of Hamilton.

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.”

The proposed development is a sensitive land use fronting a major arterial road. A detailed noise study is therefore required to identify the sources of noise and 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 Impact Study, prepared by dBA Acoustical Consultants Inc, dated June 2021 and revised November 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. Staff have reviewed the study and advise that insufficient information has been provided. A revised Noise Impact Study that clarifies the operating hours of the adjacent carwash, noise levels from the adjacent automotive repair shop, and which of the proposed dwelling units are considered the north and east units of the development is required. If the subject Applications were to be approved, a Holding Provision should be applied to require the Applicants to provide

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an updated noise study or as a condition of site plan approval if development proceeds based on the existing as of right permissions.

Human-Made Hazards

- “3.2.2 Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.”

The Applicant submitted a Phase One Environmental Site Assessment (ESA), prepared by Landtek Limited Consulting Engineers and dated July 16, 2018, as part of the Applications. This study reviewed the site for areas of potential contamination due to previous commercial land uses and the proposal for a more sensitive land use (residential). The Phase One ESA identified several Areas of Environmental Concern (APECs) in and around the site, including petroleum fuel storage, commercial autobody shops, potential for fill of unknown quality, and the release of furnace oil. Based on these results, a Phase Two ESA is recommended to be completed for the subject lands to investigate the APECs identified prior to the submission of a Record of Site Condition (RSC). An RSC is required to be filed with the Ministry of Environment, Conservation and Parks prior to approval of the subject Applications. If the subject Applications were to be approved, a Holding Provision should be applied to require the Applicants to submit an RSC to the City and the Ministry of the Environment, Conservation and Parks (MOECP), and to receive a notice of acknowledgement of the RSC by the MOECP. Alternatively, an RSC would be required as a condition of site plan approval should the site be redeveloped based on the as of right planning permissions.

Based on the foregoing, and subject to the satisfactory resolution of the archaeological, noise, filing of a Record of Site Condition, servicing, and transportation related matters, the use of the subject lands for residential or similar uses is consistent with the PPS (2020).

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended)

The policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) 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:

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- 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;
- 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 the Community Node that is associated with the former Ancaster downtown. 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 that have not yet been addressed.

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 PED22070, the redevelopment of the subject lands for residential and similar uses

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conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

Urban Hamilton Official Plan (UHOP)

The subject lands are designated “Community Node” on Schedule E – Urban Structure and “Mixed Use - Medium Density” on Schedule E-1 – Urban Land Use Designations.

The subject lands are designated “Low Density Residential 1” and “Mixed Use - Medium Density” with a “Pedestrian Focus” as shown on the Ancaster Wilson Street Secondary Plan Land Use Plan, and the lands fronting onto Wilson Street East 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. The following policies, amongst others, apply to this 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)

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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;
- 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 proposed development includes four commercial units with a total of 1,677 m² of at grade commercial space along Wilson Street East, with sizes ranging from 375.5 m² to 463.5 m². The commercial uses would provide day-to-day services for the residents of the multiple dwelling units and serve the surrounding community. Retail and service commercial uses are key elements in ensuring the continued vibrancy of the pedestrian realm.

The proposed development provides access from Wilson Street East; however, on the Site Plan, as shown in Appendix “B” attached to Report PED22070, only residential accesses are shown. The commercial accesses should be identified to enable staff to assess how they will add to the vibrancy of the pedestrian realm.

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Policies E.4.6.16 – E.4.8.17 encourage a design that is pedestrian oriented. 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. The street-facing plaza primarily serves and relates to the private residential function of the development as opposed to supporting the commercial function on the site. Further, the rear facing component provides a mixture of private service functions and commercial parking, and the connection between the parking lot and the retail entrances on the street should be improved.

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 development would interrupt this pattern. The solid massing is not representative of the village form of individual buildings along the street, the proposed height is more than triple what is currently supported, and the arrangement of building components does not complement the nature of the Ancaster Village Core area.

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.”

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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 forms being mainly one to three storeys in height. To the north are single detached dwellings used for residential and commercial uses, and to the east and southeast are single detached dwellings. To the west and south are commercial uses along Wilson Street East of predominantly two storeys in height, with a three storey commercial office building to the southwest.

The UHOP defines 'Compatible' as "land uses and building forms that are mutually tolerant and capable of existing together in harmony within an area. *Compatibility* or *compatible* should not be narrowly interpreted to mean "the same as" or even as "being similar to". With respect to Policy B.2.4.1.4 (d), 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 a 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 development is for a proposed maximum of 220 units per hectare, which is higher than the City's in force and effect high density designation that 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 eight storeys would project much higher than that of surrounding properties.

The proposed setback reductions, such as the eastern side yard setbacks to the abutting single detached dwelling lots from 7.5 metres to 2.5 metres and the northern rear yard setback from 7.5 metres to 5.0 metres, coupled with the proposed increase to maximum building height from nine metres and two and a half storeys to 32 metres and eight storeys, results in the proposed building encroaching into the 45 degree angular plane. The Angular Plane Sketch, prepared by UrbanSolutions Planning & Land Development Consultants Inc. and dated December 9, 2021, show encroachments of up to five storeys into the 45 degree angular plane. The purpose of the 45 degree angular plane is to mitigate and avoid any adverse privacy, overlook, and shadowing impacts on neighbouring properties. As a result of the encroachments into the 45 degree angular plane, based on the proposed height, density, massing, and setbacks the proposed building would not be compatible with the existing surrounding development.

With respect to policy B.2.4.2.2, 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

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Ancaster Wilson Street Secondary Plan’s vision and intent carefully considers the merits of maintaining a low rise built form and has further considered the development densities that are based on transportation constraints. The proposed development, with additional height of eight storeys and a maximum density of 220 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 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 and Associates and dated December 2021, does not provide population projections for sanitary waste water. Growth Management staff have advised that based on the submitted FSR and other information, these Applications are not supportable. Transportation Planning staff reviewed the Transportation Impact Study (TIS), prepared by NexTrans Consulting Engineers and dated December 2021, and advised that area traffic operations are forecast to deteriorate and cannot accommodate the anticipated increase in traffic volumes from this development without negatively impacting the arterial roadway operations that are already approaching capacity during peak hours. The projected traffic volumes from the proposed development will also increase traffic infiltration on local roadways.

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.”

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The subject lands are not within the Niagara Escarpment Development Control area but are identified within the “Urban Area” of the Niagara Escarpment Plan (2017). The following Niagara Escarpment Plan 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.”

Accordingly, the Niagara Escarpment Commission (NEC) has not provided comment to determine compliance with the Niagara Escarpment Plan (NEP) and therefore the UHOP. A Visual Impact Assessment (VIA) would be the mechanism to assess any potential impacts on key views from the Niagara Escarpment. If the subject Applications were to be approved, a Holding Provision may be applied to require the Applicants to provide a VIA, if required by the NEC.

Tree Protection

“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 the Tree Protection Plan (TPP), prepared by Adesso Design Inc. (Scott Henderson, OALA) and dated December 15, 2021. A total of 46 trees have been inventoried, 25 of which are located on the subject lands. Of these trees, 15 have previously been removed (Ancaster Tree By-Law Permit 2020-03-05) and three are proposed to be removed, one of which has been partially removed. The 18 trees identified for removal are all located on the subject lands. Only seven of the trees located on the subject lands, and seven boundary trees, are proposed to be retained. At this time the TPP has not been approved because the proposed development, including any proposed grading within the dripline of on-site and adjacent trees, identification of tree protection fencing, and adequate tree compensation, has not been provided.

Transportation Network and Right-of-Ways

“C.4.5.2 The road network shall be planned and implemented according to the following functional classifications and right-of-way-widths:

c) Major arterial roads, subject to the following policies:

iii) The basic maximum right-of-way widths for major arterial roads shall be [as] described in Schedule C-2 – Future Right-of-Way Dedications.

f) Local roads, subject to the following policies:

ii) The basic maximum right-of-way widths for local roads shall be ... 20.117 metres ...;

iii) The City recognizes that in older urban built up areas there are existing right-of-way widths significantly less than 20.117 metres. Notwithstanding the other right-of-way dedication policies of this Plan, it is the intent of the City to increase these existing rights-of-ways to a minimum of 15.24 metres with daylight triangles at intersections instead of the minimum required 20.117 metre right-of-way width, provided all the required road facilities, municipal sidewalks and utilities can be accommodated in this reduced right-of-way width; (OPA 142)

C.4.5.6.5 Notwithstanding Policies C.4.5.6, C.4.5.6.1, C.4.5.6.3, and C.4.5.7, and in addition to Policy C.4.5.3, the City may waive or accept less lands to be dedicated than the maximum right-of-way dedication and/or daylighting triangle requirements where, in the opinion of the City:

a) It is determined through a development planning approval process that due to significant adverse impacts on:

- i) Existing built form;
- ii) Natural heritage features;
- iii) An existing streetscape; or,
- iv) A known *cultural heritage resource*;

It is not feasible or desirable to widen an existing right-of-way to the maximum right-of-way width or provide the full daylight triangle as set in Section C.4.5.2, Schedule C-2 – Future Right-of-Way Dedications, or Section C.4.5.7, and that the City's objectives for sustainable *infrastructure*, complete streets and mobility can be achieved;

C.4.5.12 The City shall require transportation impact studies to assess the impact of proposed *developments* on current travel patterns and/or future transportation requirements. These studies shall be submitted as part of applications for Official Plan amendments, subdivision approvals, major rezoning and major site plan approvals.”

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Transportation Planning staff reviewed the Transportation Impact Study (TIS), prepared by NexTrans Consulting Engineers and dated December 2021. Area traffic operations are forecast to deteriorate and cannot accommodate the anticipated increase in traffic volumes from this development without negatively impacting the arterial roadway operations that are already approaching capacity during peak hours as well as increased traffic infiltration on local roadways.

The existing right-of-way (ROW) width along Wilson Street East varies between approximately 19 and 20 m fronting the subject lands. Wilson Street is classified as a Major Arterial with a future right-of-way width of 20.117 m from Rousseaux Street to Halson Street specified in Schedule C-2 – Future Right-of-Way Dedications of the UHOP. Academy Street has an existing ROW of 12.192 m tapering to 15.24 m at the Wilson Street intersection and is classified as a Local road. Further, in accordance with Policy C.4.5.7, a 12.19 m x 12.19 m daylighting triangle is required at the intersection of Wilson Street East and Academy Street.

In support of the proposed development, the Applicant submitted a Right-of-Way Impact Assessment (ROWIA), prepared by UrbanSolutions Planning & Land Development Consultants Inc. and dated December 9, 2021, which seeks to waive all right-of-way (ROW) and daylighting triangle dedication requirements. Transportation Planning staff have reviewed the ROWIA and advise that it cannot be supported as the ROW dedications are required to support current and future infrastructure needs, are minimal in nature, and do not critically affect the proposed building envelope. As the heritage building is proposed to be relocated, no exception is warranted. The reduced minimum of 15.24 m for Academy Street can be supported in accordance with Policy C.4.52 f) iii). Therefore, ROW dedications are required:

- Along Wilson Street East from ± 0.8 m at the north end of the subject lands to ± 0.1 m at the intersection of Wilson Street East and Academy Street; and,
- Along Academy Street from 0.1 m at the intersection of Wilson Street East and Academy Street to 1.524 m at the east end of the subject lands.

Notwithstanding the foregoing, Transportation Planning staff support a reduced 9.14 m x 9.14 m daylighting triangle, from the widened ROW limits at the intersection of Wilson Street East and Academy Street, in lieu of the required 12.19 m x 12.19 m daylighting triangle, to minimize impacts on the existing streetscape in accordance with Policy C.4.5.6.5.

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Revisions to the proposal would be required to provide for all necessary ROW dedications. It is noted that the proposed development cannot encroach into the ultimate future ROWs.

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.”

Growth Management staff are unable to support the proposed Applications because 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, the proposal does not comply with the applicable servicing policies 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 “Low Density Residential 1” and “Mixed Use - Medium Density” with a “Pedestrian Focus” as shown on the Ancaster Wilson Street Secondary Plan Land Use Plan, and the lands fronting onto Wilson Street East 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. The following policies, amongst others, apply to this proposal

Ancaster Community Node

“B.2.8.6.1 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;

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- 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;
- 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; and,
- g) The overall density for the Ancaster Community Node shall be 50 people and jobs per hectare.”

The AWSSP forms part of the UHOP and is consistent with the policies of Volume 1. Volume 1, Policy E.2.3.3.11 states that Secondary Plans are to provide more detailed direction for appropriate mix of uses, heights, densities, built form, and design based on local context and that the location, scale and amount of residential intensification shall be established through detailed secondary plans.

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Further, Volume 1 states:

- “E.2.3.3.12 Notwithstanding Policy E.2.3.3.7, some Community Nodes may be developed as lower intensity nodes appropriate to the character of their adjacent Neighbourhoods, other infrastructure, or transportation constraints as follows:
- a) Due to transportation constraints and the existing character of the adjacent neighbourhoods, a target density in the range of 50 persons and jobs per hectare shall apply to the Ancaster Community Node. This target may be adjusted through the *development* of a secondary plan.”

The AWSSP was adopted as an amendment into the UHOP in 2014. 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 scale of the proposed eight storey building is not consistent with the existing heritage and historic character of the Ancaster Village Core which promotes low rise built form with more spacing in between buildings and the proposed density of 220 units per hectare is inconsistent with the overall intended density for the Community Node Area. Moreover, as previously noted this proposal will have a negative impact on the area with regards to transportation constraints.

The AWSSP requires all new development to be consistent with the Ancaster Wilson Street Urban Design Guidelines. The Guidelines further describe the design objectives, functional and design character of each character area within the Community Node.

The establishment of a Site Specific Policy Area to permit a maximum height of eight storeys and a maximum density of 220 units per hectare would not be consistent with the Ancaster Wilson Street Secondary Plan.

Mixed Use - Medium Density Designation, Pedestrian Focus Streets

- “B.2.8.8.4 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,

- 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.

B.2.8.8.5 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

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Section B.3.4 – Cultural Heritage Resource Policies, in Volume 1 and Sections 2.8.12 and 2.8.13 of this Plan;

- 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 eight storeys. The scale and massing of the proposed building does not reflect the existing heritage character of the Village Core which is characterized by many breaks and spacing between buildings. The solid massing is not compatible with the village form of individual buildings along the street, and the arrangement of building components does not compliment the nature of the Ancaster Village Core area.

Along Wilson Street East, the proposed development includes four commercial units with a total of 1,677 m² of at grade commercial space, with sizes ranging from 375.5 m² to 463.5 m², but direct access to Wilson Street East is not shown. The principal residential entrance is located within a street-facing plaza. The commercial uses would provide day-to-day services for the residents of the multiple dwelling and serve the surrounding community.

The development proposes two levels of underground parking with a total of 257 underground residential and 55 surface commercial parking spaces, all accessed via Academy Street. While the parking location is buffered from the pedestrian environment along Wilson Street East, the rear facing component provides a mixture of private service functions and commercial parking, and the connection between the parking lot and the retail entrances on the street should be improved.

While the proposal applies a 5.2 metre setback to the property to the east and a 3.2 metre setback to the property to the north, the proposed zoning modifications include a respective minimum rear yard of 5.0 metres and minimum side yard of 2.5 metres. A minimum of 7.5 metres is required for both side and rear yards in the Mixed Use Medium Density - Pedestrian Focus (C5a) Zone. In the context of Ancaster and its Village Core, the setbacks and smaller buildings are viewed as a unique characteristic.

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.

Urban Design

“B.2.8.12.1 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;
- 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;

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- 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.”

The proposed building spans nearly the entire width of the lands. The proposed building does not continue the regular rhythm of the street which includes generous side yards and individually separated buildings creating exterior space for gathering, and access to rear parking lots. At eight storeys in height and no transition to adjacent buildings, the proposed building is not sympathetic to adjacent low rise building forms and is not consistent with the AWSSP in terms of height, massing and character as prescribed by the applicable secondary plan policies.

The proposal applies a 5.2 metre setback to the property to the east and a 3.2 metre setback to the property to the north. 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, particularly to provide more comfortable and accessible pedestrian and visual connections between Lorne Avenue and Wilson Street

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East and the proposed relocation of the heritage building. Further, a significant expanse of the ground floor north elevation is a blank wall, which does not enhance the public realm and opportunities for open space connections through the site.

The architectural design of the proposed building is not considered to be compatible or consistent with its context of the Ancaster Village Core, given the numerous identified heritage resources in the Ancaster Village Core. Staff are of the opinion that there may be an opportunity to accomplish a more compatible built-form through enhanced design, sensitive massing at street level, and fenestration to break up the extensive façade.

Additional concerns regarding the proposed design are:

- The two-dimensional use of stone as a thin façade along the first three storeys of the building, to reference the surrounding streetscape, is not appropriate or respectful to the historic context of the area and does not offer the appearance of a true podium;
- The visual connection of the floor to ceiling height should be consistent with those along Wilson Street East;
- The archways that are incorporated throughout the first three storeys of the proposed building are not complementary to the surrounding character; and,
- The lack of transition between the proposed development and adjacent heritage resources provided by an inconsistent building podium height around the building and building step backs above the podium that are not much larger than the proposed projecting balconies.

Due to the scale of the proposal, the proposed development is inconsistent with the overall intent of the AWSSP Urban Design Guidelines to provide a lower scale of development in this area that considers the area's existing heritage character.

Cultural Heritage

“B.2.8.13.1 The following policies shall apply to the cultural heritage resources within the Ancaster Wilson Street Secondary Plan:

- 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*;

B.3.4.6.2 *Cultural heritage landscapes...shall be protected in the carrying out of any undertaking subject to the Environmental Assessment Act or the Planning Act.”*

As discussed above, the Applicant submitted a Cultural Heritage Impact Assessment (CHIA), prepared by GBCA Architects Inc. and dated June 4, 2021, in support of the proposed development as part of the Heritage Permit (HP2021-033) Application. The Heritage Permit Application was for the proposed relocation of the rubble stone structure known as the Phillip Marr House from its current location to the proposed

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location adjacent to Lorne Avenue. HP2021-033 was approved by Council with conditions on October 13, 2021 (Report PED21196). Several of these conditions remain outstanding at this time and are required to be cleared by the Applicant / property owners by July 31, 2023, which must be addressed separately as part of the Heritage Permit process.

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

Hamilton Zoning By-law No. 05-200

The subject property is currently zoned Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone; Mixed Use Medium Density - Pedestrian Focus (C5a, 570, 651) Zone; and, Existing Residential “ER” Zone, in Hamilton Zoning By-law No. 05-200, as shown on Appendix “A” to Report PED22070. The Applicant is proposing to rezone the lands to a further modified Medium Density - Pedestrian Focus (C5a) Zone. The proposed modifications to the Medium Density - Pedestrian Focus (C5a) Zone include:

- Increases in maximum principal and accessory building heights;
- Removal of minimum façade height along a street line and minimum first storey height, and an increase in the maximum first storey height;
- Addition of minimum, and removal of maximum, building setbacks from a street line;
- Reduction in minimum interior side yard and rear yard setbacks;
- Reduction in minimum area of the ground floor façade facing the street composed of doors and windows;
- Reduction in planting strip requirements along lot lines abutting a Residential Zone or an Institutional Zone;
- Modification to minimum principal entrances provided within the ground floor façade set back closest to a street;
- Increase in maximum required parking for residential uses and modifications to required parking for commercial uses; and,
- Increases in accessory building setbacks and adding a maximum gross floor area for accessory buildings.

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

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RELEVANT CONSULTATION

Departments and Agencies		
	Comment	Staff Response
<ul style="list-style-type: none"> • Asset Management, Strategic Planning Division, Public Works Department; • Construction, Strategic Planning Division, Public Works Department; • Real Estate, Economic Development Division, Planning and Economic Development Department; and, • Canada Post Corporation. 		No Comment
<p>Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department</p>	<ul style="list-style-type: none"> • 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 Functional Servicing Report, prepared by S. Llewellyn and Associates and dated December 2021, does not identify the proposed density of the Application for comparison. The proposed high density development is anticipated to generate more flows than planned; • No downstream analysis has been provided for the proposed sanitary design flows to review the impact of the proposed density if it is higher than the prescribed; and, • Due to the size of the proposed development, a watermain hydraulic analysis (WHA) is required to demonstrate that the required domestic and fire flows are available within the appropriate pressure ranges and that the impact of this development on the surrounding areas is not adverse. 	<ul style="list-style-type: none"> • Staff do not support the proposed density for reasons including but not limited to lack of sanitary capacity being demonstrated; 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.

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Departments and Agencies		
	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department (Continued)	<ul style="list-style-type: none"> • 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"> • 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.
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> • There are no municipal tree assets on site; therefore, a Tree Management Plan and public tree permit will not be required; and, • A landscape plan, depicting street tree plantings, is required. 	<ul style="list-style-type: none"> • Should the Applications be approved, a landscape plan will be required at the future Site Plan Control stage.
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> • Determine if the proposed multiple dwelling will be condominium tenure. Confirm if the proposed parking and any proposed storage lockers will be unitized. A PIN Abstract would be required with the submission of a future Draft Plan of Condominium Application; and, • Municipal addressing will be determined at a future Site Plan Control stage. 	<ul style="list-style-type: none"> • Should the Applications be approved, these matters will be addressed at the future Site Plan Control stage and, if proposed, the Draft Plan of Condominium stage.

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Departments and Agencies		
	Comment	Staff Response
Hamilton Conservation Authority (HCA)	<ul style="list-style-type: none"> • The subject lands are located within the Ancaster Creek subwatershed, which drains into Cootes Paradise and Hamilton Harbour. As the proposed new development will result in a significant increase in the imperviousness of the site, implementation of Enhanced (Level 1) stormwater quality control and sediment and erosion control measures should be provided to address the Hamilton Harbour Restoration Action Plan recommendations. • Stormwater quantity control measures should satisfy the municipality's requirements; and, • HCA staff reviewed the Functional Servicing Report, prepared by S. Llewellyn and Associates and dated December 2021, and identified concerns with the proposed quality control measures. A full Stormwater Management Report and related grading, servicing, and erosion and sediment control plans should be provided with the future Site Plan Control Application. 	<ul style="list-style-type: none"> • Should the Applications be approved, these matters would be required to be addressed before these Applications are approved.
Landscape Architectural Services, Strategic Planning Division, Public Works Department	<ul style="list-style-type: none"> • Requests cash in lieu of parkland dedication. 	<ul style="list-style-type: none"> • Should the Applications be approved, cash in lieu of parkland dedication will be addressed at the future Site Plan Control stage.
Recycling and Waste Disposal Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> • This development is eligible for municipal waste collection service subject to meeting City requirements. As currently designed, the development is not serviceable and more information, including a multi-sort waste chute system for the building, size and location of waste storage and loading areas, truck movements which allow for continuous forward movement, and other details, are required to be adequately illustrated on the Site Plan. 	<ul style="list-style-type: none"> • Should the Applications be approved, an updated Concept Plan / Site Plan would be required to address waste collection requirements.

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Departments and Agencies		
	Comment	Staff Response
Transit Planning and Infrastructure, Transit Operations Division, Public Works Department (HSR)	<ul style="list-style-type: none"> • An existing bus stop (Route 16) is located immediately adjacent to the site, on the east side of Wilson Street, 32 m north of Academy Street. HSR does not plan on relocating this bus stop away from the site; • The Transportation Impact Study, prepared by NexTrans Consulting Engineers and dated December 2021, states the frequency of Route 16 is ± 30 minutes during the weekday peak periods and weekend peak periods. Route 16 operates every 60 minutes during the daytime on Saturdays; and, • The TIS states the frequency of Route 5 is ± 15 minutes during the weekday peak periods and weekend peak periods. Route 5 operates every 36 minutes during the daytime on Saturdays and Sundays. 	<ul style="list-style-type: none"> • Should the Applications be approved, a revised Transportation Impact Study would be required with any future Applications.
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<ul style="list-style-type: none"> • Transportation Planning staff do not support the proposed development; • Reviewed the Transportation Impact Study (TIS), prepared by NexTrans Consulting Engineers and dated December 2021, and advised that area traffic operations are forecast to deteriorate and cannot accommodate the anticipated increase in traffic volumes from this development without negatively impacting the Arterial roadway operations that are already approaching capacity during peak hours as well as increased traffic infiltration on Local roadways; and, • A resubmission of the TIS, that includes a Traffic Calming Assessment and Transportation Demand Management section is required, in which a scope is to be submitted prior to commencement of the study. 	<ul style="list-style-type: none"> • Staff do not support the proposed density for reasons including but not limited to lack of transportation network capacity. • Should the Applications be approved, a revised TIS, right-of-way dedications, daylighting triangles, and access design would be required to be addressed before these Applications are approved.

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Departments and Agencies		
	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"> • The Right-of-Way Impact Assessment (ROWIA), prepared by UrbanSolutions Planning & Land Development Consultants Inc. and dated December 9, 2021, which seeks to waive all right-of-way (ROW) and daylighting triangle dedications, cannot be supported as the ROW dedications are required to support current and future infrastructure needs, are minimal in nature, and do not critically affect the proposed building envelope. As the heritage building is proposed to be relocated, no exception can be granted; • Wilson Street East is to be 20.117 m in width. ROW dedications are required from ±0.8 m at the north end of the subject lands to ±0.1 m at the intersection of Wilson Street East and Academy Street. • Academy Street has a 12.192 m ROW. Transportation Planning staff can support a reduced widening to the minimum of 15.24 m permitted. A tapered ROW dedication ranging from 0.1 m at the intersection of Wilson Street East and Academy Street to 1.524 m at the east end of the subject lands is required; • Transportation Planning staff can support a reduced 9.14 m x 9.14 m daylighting triangle, from the widened ROW limits, in lieu of the required 12.19 m x 12.19 m daylighting triangle; • A survey conducted by an Ontario land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the ROW dedications; • The structure (both above and below ground) of the building cannot encroach into the ultimate future ROWs; and, • Site access shall be in accordance with City standards. 	

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Departments and Agencies		
	Comment	Staff Response
Alectra Utilities Corporation	<ul style="list-style-type: none"> • Provided information for electrical service and facility requirements. 	<ul style="list-style-type: none"> • Developer to contact Alectra Utilities for hydro facilities and services.
Enbridge Gas	<ul style="list-style-type: none"> • Unable to determine if there is sufficient pressure in the existing gas main to support this development. Developer to determine proper clearances, loads, and meter station requirements. 	<ul style="list-style-type: none"> • Developer to contact Enbridge Gas for gas facilities and services.

Public Consultation		
	Comment	Staff Response
Existing Neighbourhood Character, Heritage, Density, Built Form (Height and Massing), Architectural Design, and Shadowing	<ul style="list-style-type: none"> • The area is viewed as a historic area that defines the character of the community and needs to be preserved. The subject lands represent the core of the town; • The maximum building height of 2.5 storeys permitted in the Ancaster Wilson Street Secondary Plan was adopted only seven years ago, following an extensive public consultation process; • The eight storey height, massing, and design of the proposed building is out of character for Ancaster Village and surrounding buildings, which is characterized by low rise buildings and heritage vernacular; • The building will take away from the sunlight on Wilson Street East; and, • Locating buildings along the front lot lines does not permit landscaping in front of buildings and obstructs street views of adjacent buildings. 	<ul style="list-style-type: none"> • Staff do not support the proposed density, building height, and massing and are recommending that the Applications be denied.

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Public Consultation		
	Comment	Staff Response
Relocation of the Phillip Marr House	<ul style="list-style-type: none"> • The existing building is in poor condition due to lack of maintenance and there is concern that it is not structurally sound enough to relocate; • The heritage designation of the existing building should be respected and incorporated into redevelopment of the lands; • The proposed location lacks visibility and should be fronting Wilson Street East, not Lorne Avenue; and, • Relocating the building to Lorne Avenue could result extending Lorne Avenue to Wilson Street East, opening Lorne Avenue to through vehicular traffic. 	<ul style="list-style-type: none"> • Heritage Permit HP2021-033 was approved by Council with conditions. Heritage Planning staff advise that several of these conditions remain outstanding and must be addressed separately as part of the Heritage Permit process; and, The proposed development does not contemplate extending Lorne Avenue to Wilson Street East.
Environmental Site Conditions	<ul style="list-style-type: none"> • There is inadequate information regarding hydrocarbon contents of the soil, which purportedly necessitates the relocation of the Phillip Marr House, which is necessary to be remedied for redevelopment of the lands; and, • Although recommended by the consultant's reports, no hydrogeological report or Phase Two Environmental Site Assessment has been submitted. 	<ul style="list-style-type: none"> • A Record of Site Condition is required to be filed with the Ministry of Environment, Conservation and Parks prior to approval of the subject Applications.

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Public Consultation		
	Comment	Staff Response
Traffic, Parking, Noise, and Pollution	<ul style="list-style-type: none"> • The proposed development will cause an increase in traffic, adding to already heavy traffic along Academy Street, Wilson Street East, and Rousseaux Street; • Academy Street is not built to accommodate large volumes of traffic; • There is concern that the proposed access along Academy Street will cause further congestion at the intersection of Academy Street and Wilson Street East; • There is concern that the public transit system for the area is inadequate; • There is concern that the Traffic Impact Study methodology is inadequate; • There is not enough parking to accommodate the commercial uses; and, • There is concern that additional traffic will overflow onto Lodor Street and Academy Street. 	<ul style="list-style-type: none"> • Transportation Planning staff reviewed the Transportation Impact Study (TIS), prepared by NexTrans Consulting Engineers and dated December 2021, and advised that area traffic operations are forecast to deteriorate and cannot accommodate the anticipated increase in traffic volumes from this development without negatively impacting the arterial roadway operations that are already approaching capacity during peak hours as well as increased traffic infiltration on local roadways; and, • A revised Transportation Impact Study would be required with any future submissions.
Water, Sanitary and Storm Sewer Capacity	<ul style="list-style-type: none"> • There is concern that the existing water and sewer system cannot support the additional flows from the development; and, • There is concern that the Functional Servicing Study methodology for sanitary flows is inadequate. 	<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.

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Public Consultation		
	Comment	Staff Response
Compatibility with Adjacent Residential Development	<ul style="list-style-type: none"> The proposed development does not incorporate appropriate transitions in height from the low rise dwellings to the east along Lorne Avenue and Academy Street, and presents privacy, overlook, and shadow impacts. 	<ul style="list-style-type: none"> Staff do not support the proposed density, building height, and massing and are recommending that the Applications be denied.
Appropriate Development Alternatives	<ul style="list-style-type: none"> The subject lands present an opportunity to develop a park in the middle of Ancaster village; and, In favour of allowing low rise development (i.e. 2-5 storeys), asserting that the Ancaster Wilson Street Secondary Plan is out of date considering the City's recent climate emergency declaration and direction for no urban boundary expansion. However, maintains the public consensus that the proposed eight storey height is out of character for the area and doesn't respect the heritage of the subject lands and surrounding area. 	<ul style="list-style-type: none"> The lands are privately owned and are currently zoned Mixed Use Medium Density - Pedestrian Focus (C5a) Zones and Existing Residential "ER" Zone. A park was not envisioned for these lands through the Secondary Plan; and, Staff do not support the proposed density, building height, and massing and are recommending that the Applications be denied.
Revenue Generated from Development and Planning Application Status	<ul style="list-style-type: none"> Sentiment that the City is driven by revenues generated by the proposed development; and, Unsure how an Application so far removed from the Secondary Plan has advanced to this stage of the planning process. 	<ul style="list-style-type: none"> All planning Applications are considered on their own merits against all relevant provincial and local planning policies; and, The City is required to process all complete Applications for an Official Plan Amendment and Zoning By-law Amendment in accordance with the <i>Planning Act</i>.
Noise	<ul style="list-style-type: none"> Concern that mechanical, HVAC units, and residents will have an impact on noise on the surrounding neighbourhood. 	<ul style="list-style-type: none"> As part of the Site Plan Control process further investigation will be required for noise from the proposed development.

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Public Consultation		
	Comment	Staff Response
Natural Heritage	<ul style="list-style-type: none"> • Assert that the Niagara Escarpment Commission (NEC) does not support this development and that the proposal does not comply with the Niagara Escarpment Plan; and, • Concerns regarding the loss of canopy cover on this property and concern that several mature trees have already been removed. 	<ul style="list-style-type: none"> • The NEC has not provided comment on the subject Applications; • Staff have reviewed the TPP and are not satisfied. • Should the Applications be approved, compensation for tree removal 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.

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 101 property owners within 120 m of the subject lands on February 4, 2022.

A Public Notice Sign was posted on the property on January 26, 2022. Notice of the Public Meeting was sent to 101 property owners within 120 m of the subject lands on March 18, 2022 and statutory notice given by way of newspaper ad published in The Hamilton Spectator on March 18, 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 which identified an information meeting held on July 4, 2019, hosted by the Applicant at the Ancaster Rotary Centre located at 385 Jerseyville Road West. The meeting provided members of the public with a broad overview of the intent to develop at the subject lands, the proposed built form, and answered questions presented by the public. The attendees included the owner, Ward Councillor, and members of the public. The Public Consultation Strategy further states that following the 2019 information meeting, further consultation with the public will reconvene once the Application has been deemed complete by the City of Hamilton. At the time of this Report being written, a subsequent neighbourhood meeting had not been scheduled.

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The Applicant's planning consultant has launched a project website providing the complete Application documents and key project status dates.

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 UHOP, Ancaster Wilson Street Secondary Plan, and the Zoning By-law with respect to right-of-way dedications, building height, residential density, massing, privacy, overlook, setbacks, compatibility, and enhancing the character of 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 UHOP as the proposal does not meet the intensification and compatibility policies of the UHOP. While the UHOP focuses intensification to "Community Nodes", it requires that infill development should 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.

The cumulative effect of the requested zoning modifications would result in an overdevelopment of the site and do not meet the general intent of the UHOP and Ancaster Wilson Street Secondary Plan.

- ii) Compatibility with Character of Existing Neighbourhood

The UHOP 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 are single detached dwellings used for residential and commercial uses, and to the east and southeast are single detached dwellings. To the west and south are commercial uses along Wilson Street East of predominantly two storeys in height, with a three storey commercial office building to the southwest. 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.

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To locate an eight storey building with a high density immediately adjacent to low density, low profile buildings within the Village Core would not be compatible with, nor complement, the character of the Village Core. 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 are not compatible with the surrounding area.

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 and Associates and dated December 2021. Staff indicated that they are not able to support the Applications until the Applicant provides 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.

Transportation Planning staff are concerned that the proposed development would result in an increase in traffic volumes which would negatively impact the arterial roadway operations that are already approaching capacity during peak hours as well as increased traffic infiltration on local roadways.

3. The proposed Zoning By-law would not implement the policies of the UHOP and the AWSSP with regards to height, density, built form, design, and scale within the local context.

Therefore, based on the foregoing, staff recommend the Applications be denied.

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 but not limited to, filing of a Record of Site Condition, and addressing archaeological and built heritage impacts, noise impacts, sanitary sewer system capacity constraints, transportation impacts, right-of-way dedication requirements, visual impacts, and any other necessary agreements to implement Council's direction;

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- 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:
 - a) The Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone which permits a building with a maximum height of nine metres;
 - b) The Mixed Use Medium Density - Pedestrian Focus (C5a, 570, 651) Zone which permits a building with a maximum height of nine metres; and,
 - c) The Existing Residential “ER” Zone which permits single detached dwellings.

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.

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities

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

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED22070 – Location Map

Appendix “B” to Report PED22070 – Concept Plan

Appendix “C” to Report PED22070 – Public Submissions

TV:sd