



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	June 13, 2023
<b>SUBJECT/REPORT NO:</b>	Application for Zoning By-law Amendment for Lands Located at 140 Wilson Street West, Ancaster (PED23122) (Ward 12)
<b>WARD(S) AFFECTED:</b>	Ward 12
<b>PREPARED BY:</b>	E. Tim Vrooman (905) 546-2424 Ext. 5277
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

That **Zoning By-law Amendment Application ZAC-20-024, by A.J. Clarke and Associates (c/o Stephen Fraser, Agent), on behalf of 1376412 Ontario Inc. (c/o Ali Alaichi, Owner)**, for a change in zoning from the Existing Residential “ER” Zone to the Holding Residential Multiple “H-RM6-714” Zone, Modified, under Zoning By-law No. 87-57 (Ancaster), in order to permit a three storey multiple dwelling containing nine dwelling units with 14 surface parking spaces, for lands located at 140 Wilson Street West, as shown on Appendix “A” attached to Report PED23122, be **APPROVED** on the following basis:

- (a) That the draft By-law attached as Appendix “B” to Report PED23122, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by introducing the Holding ‘H’ to the proposed Residential Multiple “RM6-714” Zone, Modified, as shown on Schedule ‘A’ to Appendix “B” attached to Report PED23122:

The Holding Residential Multiple “H-RM6-714” Zone, Modified, applicable to the lands located at 140 Wilson Street West be removed conditional upon the following:

- (i) That the applicant complete an Archaeological Assessment to the satisfaction of the Ministry of Citizenship and Multiculturalism and the Director of Planning and Chief Planner;
  - (ii) That the Owner prepare and receive approval of a Landscape Plan, including providing for 1 for 1 compensation for 22 privately owned trees (10 cm diameter at breast height (DBH) or greater) that are removed from private property through replanting trees on site and/or payment of cash-in-lieu, to the satisfaction of the Director of Planning and Chief Planner;
  - (iii) That the Owner shall investigate the noise levels and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of Environment, Conservation and Parks (MECP) recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended noise control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner;
- (c) That the proposed amendment is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and complies with the Urban Hamilton Official Plan and Ancaster Wilson Street Secondary Plan.

## **EXECUTIVE SUMMARY**

The applicant has applied for a Zoning By-law Amendment to permit a three storey multiple dwelling containing nine dwelling units with a net residential density of 66 units per hectare with 14 surface parking spaces. The Zoning By-law Amendment proposes to rezone the subject lands from the Existing Residential “ER” Zone to the Holding Residential Multiple “H-RM6-714” Zone, Modified. Site specific modifications to the Residential Multiple “RM6” Zone are proposed to accommodate the proposed development. Further, a Holding Provision is being added to ensure that an archaeological assessment is completed for the site and to ensure a landscape plan and detailed noise study are prepared and approved for the proposed development.

The proposal has merit and can be supported as it is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater

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Golden Horseshoe (2019, as amended), and complies with the Urban Hamilton Official Plan (UHOP) and implements the Ancaster Wilson Street Secondary Plan.

The proposal represents good planning by, among other considerations, providing a compatible residential development that contributes to a complete community in keeping with existing and planned development in the surrounding area.

The proposed development provides a transition from the commercial uses in Uptown Core of Ancaster to the low density residential uses further to the west and to the interior of a largely residential neighbourhood to the south, fronts along a major arterial road and has access to existing transit.

The proposal ensures land, municipal services, and transportation systems are used efficiently and contributes to a full range of residential dwelling types.

**Alternatives for Consideration – See Page 19**

**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 a Zoning By-law Amendment. *Bill 23* amended the *Planning Act* to exempt residential developments containing not more than 10 units from Site Plan Control.

**HISTORICAL BACKGROUND**

**Report Fact Sheet**

<b>Application Details</b>	
Owner/Applicant:	1376412 Ontario Inc. (c/o Ali Alaichi)
Agent:	A.J. Clarke and Associates (c/o Stephen Fraser)
File Number:	ZAC-20-024
Type of Application:	Zoning By-law Amendment
Proposal:	Three storey multiple dwelling containing nine dwelling units with 14 surface parking spaces and a single access to Wilson Street West.

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<b>Property Details</b>	
Municipal Address:	140 Wilson Street West
Lot Area:	±1,363.39 m <sup>2</sup> (rectangular)
Servicing:	Full municipal services.
Existing Use:	Single detached dwelling and accessory structures (to be demolished).
<b>Documents</b>	
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:	“Community Node” on Schedule E – Urban Structure and “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations.
Secondary Plan:	Ancaster Wilson Street Secondary Plan – “Medium Density Residential 2”.
Secondary Plan Proposed:	No amendment proposed.
Zoning Existing:	Existing Residential “ER” Zone.
Zoning Proposed:	Holding Residential Multiple “H-RM6-714” Zone, Modified.
Modifications Proposed:	<ul style="list-style-type: none"> <li>• Minimum Lot Area from 0.4 ha to 1,330 m<sup>2</sup> (0.133 ha) and shall not include the area for future road right of way dedications;</li> <li>• Maximum Density from 60 to 70 units per ha;</li> <li>• Minimum Lot Frontage from 30 metres to 24 metres;</li> <li>• Maximum Lot Coverage from 25% to 41%;</li> <li>• Minimum Front Yard from 7.5 metres to 11.6 metres from the ultimate road right-of way;</li> <li>• Minimum Side Yard from 9 metres to 1.5 metres;</li> <li>• Minimum Rear Yard from 9 metres to 17.8 metres;</li> <li>• Parking from 2.0 parking spaces plus 0.33 visitor parking spaces per dwelling unit to 1.55 plus 0.22 spaces per dwelling unit;</li> <li>• Exempt Children’s Play Area requirement;</li> <li>• Maximum Height from 10.5 metres to 11.25 metres;</li> <li>• Minimum Landscaping from 40% to 29% of lot area; and,</li> <li>• Maximum Parking Coverage from 35% to 45% of lot area and to permit permeable pavers in the parking area.</li> </ul> <p>(See Appendix “C” attached to Report PED23122.)</p> <p>In addition, staff have included a modification requiring a minimum of 13 trees be planted in the Minimum Landscaping area.</p>

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<b>Processing Details</b>	
Received:	June 15, 2020.
Deemed Complete:	July 2, 2020.
Notice of Complete Application:	Sent to 198 property owners within 120 m of the subject lands on July 17, 2020.
Public Notice Sign:	Posted July 16, 2020 and updated with Public Meeting date May 17, 2023.
Notice of Public Meeting:	Sent to 197 property owners within 120 m of the subject lands on May 26, 2023.
Public Comments:	Three letters / emails providing comments, concerns, and support for the proposed development (see Appendix “E” attached to Report PED23122).
Revised Submissions Received:	<ul style="list-style-type: none"> <li>• March 10, 2021;</li> <li>• July 16, 2021;</li> <li>• November 8, 2021; and,</li> <li>• April 28, 2022.</li> </ul>
Processing Time:	1093 days, 411 days from receipt of final submission.

**Existing Land Use and Zoning**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Lands:</b>	Single Detached Dwelling	Existing Residential “ER” Zone.

**Surrounding Land Uses:**

North	Multiple Dwellings	Residential Multiple “RM6-530” Zone, Modified; and, Residential Multiple “RM6-665” Zone, Modified.
South	Multiple Dwelling and Single Detached Dwellings	Residential Multiple “RM6-278” Zone, Modified; and, Existing Residential “ER” Zone.
East	Single Detached Dwellings	Mixed Use Medium Density (C5, 565) Zone; and, Existing Residential “ER” Zone.
West	Multiple Dwellings	Residential Multiple “RM6-278” Zone, Modified; and, Residential Multiple “RM6-665” Zone, Modified.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Provincial Planning Policy Framework**

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2020). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS 2020.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal (OLT) approval of the City of Hamilton Official Plan, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of Provincial interest (i.e. efficiency of land use) are discussed in the Official Plan analysis that follows.

As the application for a change in zoning complies with the Official Plan and the relevant policies in the PPS (2020), it is staff's opinion that the application is:

- Consistent with Section 3 of the *Planning Act*,
- Consistent with the Provincial Policy Statement (2020); and,
- Conforms to 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 designated "Neighbourhoods" on Schedule E-1 – Urban Land Use Designations. The lands are further designated "Medium Density Residential 2" on Map B.2.8-1, Ancaster Wilson Street Secondary Plan – Land Use Plan. The following policies, amongst others, apply to the proposal.

#### **Cultural Heritage**

"B.3.4.2.1 The City of Hamilton shall, in partnership with others where appropriate:

- a) Protect and conserve the tangible *cultural heritage resources* of the City, including *archaeological resources*, *built heritage resources*, and *cultural heritage landscapes* for present and future generations."

The subject property meets three of the ten criteria used by the City of Hamilton and the Ministry of Citizenship and Multiculturalism for determining archaeological potential:

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- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 2) In an area of sandy soil in areas of clay or stone; and,
- 3) Along historic transportation routes.

These criteria define the property as having archaeological potential. Stage 1 and 2 and Stage 3 archaeological reports (P231-0067-2019 and P321-0104-2020 respectively) have been submitted to the City of Hamilton and the Ministry of Citizenship and Multiculturalism. The Province signed off on the Stage 1 and 2 report (P231-0067-2019) for compliance with licensing requirements in a letter dated January 22, 2020. The Provincial interest has yet to be signed off by the Ministry for the subsequent Stage 3 report (P321-0104-2020), advising that a subsequent Stage 4 report is required. A Holding Provision has been added to require the completion of the Archaeological Assessment to the satisfaction of the Ministry.

#### Noise

- “B.3.6.3.1 Development of noise sensitive land uses, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.”

The lands front Wilson Street West, which is identified as a major arterial road on Schedule C – Functional Road Classification in the UHOP. Staff have reviewed the noise impact study titled “140 Wilson Street West Residential Development”, prepared by dBa Acoustical Consulting Inc. and dated January 2020, which concluded that ventilation requirements and noise warning clauses are required for the proposed development. Staff are generally satisfied with the findings of the study, subject to the submission of a detailed noise study to ensure that the study’s recommendations continue to be appropriate, including further evaluation of any required HVAC equipment. As the proposed development is no longer subject to Site Plan Control, a Holding Provision has been added to require the completion of a detailed noise study. Further, at the future Draft Plan of Condominium application stage the necessary noise warning clauses will be included through acknowledgments and undertakings in all offers of purchase and sale or lease agreements to be implemented within the registerable portion of the Condominium Agreement.

#### Neighbourhoods Designation

- “E.3.2.1 Areas designated Neighbourhoods shall function as *complete communities*, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents.

- E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:
- a) Residential dwellings, including second dwelling units and *housing with supports*.”

The subject proposal is a permitted use in the “Neighbourhoods” designation. The policies of the “Neighbourhoods” designation seek to establish complete communities with a full range of residential types and densities and the proposed development implements this policy direction.

#### 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 in and around the subject property. Staff have reviewed the submitted Tree Protection Plan and Landscape Plan, prepared by Adesso Design Inc. (Mario Patitucci, OALA) and dated October 26, 2021. A total of 31 trees (two municipal and 29 private) have been inventoried. Of these trees, 24 have been identified for removal (22 private of which 16 have been previously removed, and two municipal trees). Two of the private trees proposed for removal (#8 and #9, Norway Spruce) are located on the neighbouring property located at 150 Wilson Street West. Written permission has been obtained from the owner of the neighbouring property to remove these trees and replant with four Norway Spruce. As the remaining trees proposed to be removed are not in good health, there are limited opportunities for retention of these trees and staff are satisfied with the submitted Tree Protection Plan.

To ensure existing tree cover is maintained, the City requires one for one compensation for the 22 trees (10 cm diameter at breast height (DBH) or greater) that have been or are proposed to be removed from private property, with said compensation to be identified on the Landscape Plan. Compensation is required for 22 trees and based on the Landscape Plan submitted 13 trees are proposed to be planted on site. While the Landscape Plan proposes planting four trees on the adjacent property, the City’s Tree Protection Guidelines require compensation trees to be planted on site or cash-in-lieu be provided to the City to plant trees elsewhere. Staff have included in the proposed Zoning By-law Amendment (attached as Appendix “B” to Report PED23122) a modification requiring a minimum of 13 trees be planted in the Minimum Landscaping area on site. Further, a Holding Provision has been added to require the completion of a revised Landscape Plan to provide for adequate compensation for the 22 trees, through replanting the minimum of 13 trees on site, and payment of cash-in-lieu for the balance of nine trees. A Landscape Plan may also be required as a condition of approval of a future Draft Plan of Condominium application.



The two municipal trees conflict with the proposed driveway required to access the proposed development and are proposed to be replaced with two new municipal street trees. Forestry and Horticulture staff have reviewed the Tree Protection Plan and Landscape Plan and despite not supporting removal of the two large municipal tree assets they have approved the plans subject to receipt of applicable fees.

#### Road Widening

“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 45.720 metres unless otherwise specifically described in Schedule C-2 – Future Right-of-Way Dedications.”

Wilson Street West is classified as a Minor Arterial with a future right-of-way width of 30.480 m from Halson Street to Highway 403 specified in Schedule C-2 – Future Right-of-Way Dedications of the UHOP. Accordingly,  $\pm 2.0$  metres is required to be dedicated to the right-of-way (ROW) along the frontage of the subject lands. The proposed development is no longer subject to Site Plan Control. As noted in Report PED23045, due to the *Planning Act* changes in Bill 23, the City can require that ROW dedications be dedicated to the municipality as a condition of site plan, consent, or subdivision / condominium. The City has no means to acquire ROW dedications through the Zoning By-law Amendment application, however the lands to be dedicated have been identified as “Block 1” in Special Figure 3 added to the proposed Zoning By-law Amendment (attached as Appendix “B” to Report PED23122) to not be included in the measurements of setbacks or contain the minimum landscaped area or planting strips. ROW dedication requirements can be addressed through the future Draft Plan of Condominium application.

Based on the foregoing, the proposal complies with the applicable policies of the UHOP.

#### **Ancaster Wilson Street Secondary Plan**

The subject lands are designated “Medium Density Residential 2” on Map B.2.8-1, Ancaster Wilson Street Secondary Plan – Land Use Plan and are identified within the Gateway Residential area and Community Node area on Appendix A, Ancaster Wilson Street Secondary Plan – Character Areas and Heritage Features. The following policies, amongst others, apply to the application.

Medium Density Residential 2 Designation

“B.2.8.7.2 In addition to Sections B.3.2 - Housing Policies, C.3.2 - Urban Area General Provisions, and E.3.0 - Neighbourhood Designations of Volume 1, the following policies apply to all residential land use designations identified on Map B.2.8-1 - Ancaster Wilson Street Secondary Plan: Land Use Plan:

- a) Residential *development or redevelopment* and *infill development* shall maintain and enhance the character of the residential areas through architectural style that is sympathetic and complementary with the existing *adjacent* residential areas, heritage buildings, and uses. Further direction regarding design shall be provided in the Urban Design policies, detailed in Policy 2.8.12 of this Plan.

B.2.8.7.4 In addition to Section E.3.5 – Medium Density Residential of Volume 1, for lands designated Medium Density Residential 2 on Map B.2.8-1 - Ancaster Wilson Street Secondary Plan: Land Use Plan, the following policies shall apply:

- a) Notwithstanding Policy E.3.5.2 and E.3.5.4 of Volume 1, the permitted uses shall be limited to single detached dwellings, semi-detached dwellings, all form of townhouse dwellings, low-rise multiple dwellings, and live-work units.
- b) Notwithstanding Policy E.3.5.7 of Volume 1, the net residential density range shall be 60 - 75 units per hectare.
- c) Notwithstanding Policy E.3.5.8 of Volume 1, the maximum building height shall be three storeys.”

The design and placement of the proposed multiple dwelling is sympathetic and complementary with the existing character of the area by maintaining consistent setbacks while being designed to address the street and there is no anticipated shadowing or overlook issues onto adjacent residential areas. The proposed low-rise, three storey multiple dwelling with a net residential density of 66 units per hectare complies with the policies of the “Medium Density Residential 2” designation in the Ancaster Wilson Street Secondary Plan.

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.
- 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.
- g) *Development or redevelopment* shall not negatively affect *active transportation* within the Ancaster Wilson Street Secondary Plan.
- h) *Development and redevelopment* shall foster streets as interactive outdoor spaces for pedestrians.”

The design and placement of the proposed multiple dwelling is consistent with the Ancaster Wilson Street Secondary Plan Urban Design Guidelines. The proposed development is complementary and compatible with the existing character of the Gateway Residential area by maintaining consistent setbacks and massing that respect the existing street proportions and lot patterns while being designed to address the street, and includes high-quality materials, main entrance doors directly accessible from the sidewalk, upper storey balconies, and ample glazing (see the Concept Plans attached to Appendix “D” to Report PED23122). Parking is located in the rear yard, at grade beneath the second storey of the multiple dwelling, and within the front yard screened behind a one metre high decorative wall and planting strip. Direct pedestrian connections are provided between the municipal sidewalk and the front entrances.

The single access to the property is designed to minimize conflicts between traffic and pedestrians, and the streetscape will be enhanced with the one metre high decorative wall and planting strip to screen and minimize the street presence of parking areas while complementing the built form of the proposed development. Streetscaping considerations, including but not limited to plantings and street trees, will also be fundamental to ensuring that pedestrian comfort and scale is achieved. The proposed development is no longer subject to Site Plan Control. Accordingly, a Holding Provision has been added to require the completion of a Landscape Plan.

**Ancaster Zoning Bylaw No. 87-57**

The subject property is currently zoned Existing Residential “ER” Zone in Ancaster Zoning By-law No. 87-57, as shown on Appendix “A” attached to Report PED23122, which permits single detached dwellings and uses, buildings and structures accessory thereto. The proposed Zoning By-law Amendment is to rezone the property to the Holding Residential Multiple “H-RM6-714” Zone, Modified, under Ancaster Zoning By-law No. 87-57, in order to permit a three storey multiple dwelling containing nine dwelling units with 14 surface parking spaces. Site specific modifications to the “RM6” Zone have been requested to implement the subject proposal and are discussed in greater detail in Appendix “C” attached to Report PED23122. A Holding Provision has been added to address outstanding archaeological, landscaping, and noise study requirements.

**RELEVANT CONSULTATION**

<b>Departments and Agencies</b>		
<ul style="list-style-type: none"> <li>• Corporate Services Department, Financial Planning and Policy Division, Budgets and Fiscal Policy Section;</li> <li>• Public Works Department, Strategic Planning Division, Asset Management;</li> <li>• Public Works Department, Strategic Planning Division, Construction;</li> <li>• Public Works Department, Transit Operations Division Transit Planning and Infrastructure;</li> <li>• Canada Post Corporation; and,</li> <li>• Conseil Scolaire Viamonde.</li> </ul>		No Comment
	<b>Comment</b>	<b>Staff Response</b>
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> <li>• Right-of-way dedication of ±2.0 m is required along the frontage of Wilson Street West;</li> <li>• The Applicant is to demonstrate how the proposed driveway access will interact with the municipal sidewalk; and,</li> <li>• No major concerns with the preliminary site grading and water, sanitary, and storm servicing plans. Detailed review will be provided at the Building Permit application stage.</li> </ul>	<ul style="list-style-type: none"> <li>• As discussed above, the City has no means to compel and protect right-of-way dedications through the Zoning By-law Amendment application for a 9 unit multiple dwelling due to the <i>Planning Act</i> changes in Bill 23.</li> </ul>

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	<b>Comment</b>	<b>Staff Response</b>
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department <b>Continued</b>		<ul style="list-style-type: none"> <li>• However, the lands to be dedicated have been identified as “Block 1” in Special Figure 3 added to the proposed Zoning By-law Amendment (attached as Appendix “B” to Report PED23122) to not be included in the measurements of setbacks or contain the minimum landscaped area or planting strips. ROW dedication requirements can be addressed through the future Draft Plan of Condominium application;</li> <li>• As noted in Report PED23045, the City will review and update processes for driveway access reviews and permits for developments of three to ten units to ensure access management principles are achieved; and,</li> <li>• Grading and servicing will be addressed at the Building Permit application stage.</li> </ul>
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> <li>• Reviewed and approved the Tree Management Plan and Landscape Plan, subject to receipt of applicable fees, despite not supporting removal of two large municipal tree assets.</li> </ul>	<ul style="list-style-type: none"> <li>• Noted.</li> </ul>
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> <li>• Confirmed that the municipal address of 140 Wilson Street West will be retained; and,</li> <li>• Inquired if the subject development will be condominium tenure.</li> </ul>	<ul style="list-style-type: none"> <li>• The proponent advised that the development is intended to be condominium tenure.</li> </ul>

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	<b>Comment</b>	<b>Staff Response</b>
Landscape Architectural Services, Strategic Planning Division, Public Works Department	<ul style="list-style-type: none"> <li>• Ensure all surface drainage is contained / captured within the site; and,</li> <li>• Does not request cash-in-lieu of parkland dedication at this point in the planning process.</li> </ul>	<ul style="list-style-type: none"> <li>• Preliminary grading and drainage plans have been reviewed by the Development Engineering Approvals Section and there are no concerns; and,</li> <li>• Cash-in-lieu of parkland will be required to be paid prior to the issuance of any building permits.</li> </ul>
Recycling and Waste Disposal Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> <li>• This development is eligible for municipal waste collection subject to meeting the City's requirements. The property owner must contact the City to request waste collection service to complete a site visit to determine if the property complies with the City's waste collection requirements.</li> </ul>	<ul style="list-style-type: none"> <li>• The applicant has proposed an internal garbage room and curbside municipal collection service, which is considered acceptable to the Recycling and Waste Disposal Section.</li> </ul>
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<ul style="list-style-type: none"> <li>• Traffic generated by the proposed development will not generate a substantial number of trips and no measurable effect to the surrounding road network is foreseen, and accordingly a Transportation Impact Study was not required.</li> <li>• Right-of-way dedication of ±2.0 m is required along the frontage of Wilson Street West;</li> <li>• 3.0 metres x 3.0 metres visibility triangles have been demonstrated at the driveway access; and,</li> <li>• Confirm the method of garbage and recycling pickup as this will determine what type of vehicles will be internal to the site. Under no circumstance will reversing of vehicles onto the right-of-way be permitted. Vehicles must be able to enter the site in a forward manner, turn around on private property, and exit the site in a forward manner.</li> </ul>	<ul style="list-style-type: none"> <li>• As discussed above, the City has no means to compel and protect right-of-way dedications through the Zoning By-law Amendment application for a 9 unit multiple dwelling due to the <i>Planning Act</i> changes in Bill 23, however the lands to be dedicated have been identified as "Block 1" in Special Figure 3 added to the proposed Zoning By-law Amendment (attached as Appendix "B" to Report PED23122) to not be included in the measurements of setbacks or contain the minimum landscaped area or planting strips. ROW dedication requirements can be addressed through the future Draft Plan of Condominium application.</li> </ul>

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.

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	<b>Comment</b>	<b>Staff Response</b>
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department <b>Continued</b>		<ul style="list-style-type: none"> <li>The applicant has proposed curbside municipal collection service, and no large vehicles will need to enter the site.</li> </ul>

<b>Public Consultation</b>		
	<b>Comment</b>	<b>Staff Response</b>
Tree Removal	<ul style="list-style-type: none"> <li>Residents are concerned about the lack of regard for the neighbourhood and the environment as a result of the previous removal of larger trees;</li> <li>Residents would like as many of the remaining trees retained as possible as they help define character of the area; and,</li> <li>It is suggested that the driveway be moved to retain the two street trees, and that new trees be planted in the front and rear yards.</li> </ul>	<ul style="list-style-type: none"> <li>The Tree Protection Plan (TPP) submitted with the application, prepared by Adesso Design Inc. and dated October 26, 2021, inventoried 29 private trees. Of these, 22 have been identified for removal (of which 16 have been previously removed). As the remaining trees proposed to be removed are not in good health, there are limited opportunities to retain these trees and staff are satisfied with the TPP;</li> <li>The City requires 1 for 1 compensation for any tree (10 cm DBH or greater) that is proposed to be removed from private property (22 trees), which is being addressed through the proposed zoning modifications and a Holding Provision being applied to the subject lands; and,</li> <li>Two municipal trees conflict with the proposed driveway required to access the proposed development and are proposed to be replaced with two new municipal street trees. It is not feasible to reconfigure the driveway to retain these trees due to the required geometry of the driveway access. Forestry and Horticulture staff have reviewed the Tree Protection Plan and Landscape Plan and approved the plans.</li> </ul>

**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 140 Wilson Street West, Ancaster (PED23122) (Ward 12) – Page 16 of 20**

	<b>Comment</b>	<b>Staff Response</b>
Existing Neighbourhood Character	<ul style="list-style-type: none"> <li>• One resident expressed concern that the character of the neighbourhood is deteriorating as a result of new development;</li> <li>• One resident appreciates the scale and architectural design of the proposed development; and,</li> <li>• One resident has expressed full support for the redevelopment of the subject lands.</li> </ul>	<ul style="list-style-type: none"> <li>• The area contains a variety of low density single detached and multiple dwellings. The proposed development would not be out of character with the existing context and implements the “Medium Density Residential 2” designation of the Ancaster Wilson Street Secondary Plan; and,</li> <li>• The subject property is appropriate for residential intensification as it is situated within a Community Node and fronts along a major arterial road.</li> </ul>
Traffic and Parking	<ul style="list-style-type: none"> <li>• The proposed development will further increase traffic along Wilson Street West and will decrease pedestrian safety crossing the street;</li> <li>• The width of the proposed driveway and parking area will decrease walkability along the frontage of the property; and,</li> <li>• The parking area is too close to the rear lot line at 3 metres.</li> </ul>	<ul style="list-style-type: none"> <li>• Transportation Planning staff advised that traffic generated by the proposed development will not generate a substantial number of trips and no measurable effect to the surrounding road network is foreseen;</li> <li>• The proposed driveway width is 7.5 metres which conforms to the minimum access width required at the property line in accordance with City transportation standards. The parking area in the front yard will be screened by a one metre high decorative wall and planting strip to minimize its street presence; and,</li> <li>• The setback to the parking area has been increased to 3.86 metres and will be screened by a planting strip along the rear property line.</li> </ul>
Noise and Pollution	<ul style="list-style-type: none"> <li>• There is concern regarding noise and pollution generated from traffic along Wilson Street West, the rear parking area, and general property maintenance being a nuisance on adjacent properties.</li> </ul>	<ul style="list-style-type: none"> <li>• The noise impact study submitted with the application, prepared by dBA Acoustical Consulting Inc. and dated January 2020, determined that the noise impact from Wilson Street West vehicular traffic is the only source of noise impacting the development and concluded that ventilation requirements and noise warning clauses are required for the proposed development.</li> </ul>



	<b>Comment</b>	<b>Staff Response</b>
Noise and Pollution <b>Continued</b>		<ul style="list-style-type: none"> <li>• A detailed noise study is being required through a Holding Provision being applied to the subject lands and these matters will also be addressed at the future Draft Plan of Condominium application stage. The proposed development will help mitigate road traffic noise towards the neighbourhood to the south;</li> <li>• As noted above, the increase in traffic as a result of the proposed development is negligible and the rear parking area has been further setback and screened from adjacent residences; and,</li> <li>• The Noise Control By-law No. 11-285 regulates source noises which are or could become a public nuisance.</li> </ul>

### **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 198 property owners July 17, 2020.

A Public Notice Sign was posted on the property on July 16, 2020, and updated on May 17, 2023, with the Public Meeting date. Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on May 26, 2023.

### **Public Consultation Strategy**

Pursuant to the City’s Public Consultation Strategy Guidelines, the applicant prepared a Public Consultation Strategy which included a public information letter dated March 29, 2021 which was mailed out to residents within 120 m of the subject lands. The letter provided context for the submitted applications and described the proposed development, and invited residents to submit comments to the applicant. The public information letter and comment response memo are included in Appendix “F” attached to Report PED23122.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - i) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
  - ii) It complies with the UHOP and complements the Ancaster Wilson Street Secondary Plan, in particular the function, scale and design of the Medium Density Residential policies as they relate to residential intensification and complete communities in the Neighbourhoods designation; and,
  - iii) The proposal represents good planning by, among other considerations, providing a compatible residential development that contributes to a complete community through the establishment of a range of housing forms, types and densities in the area that are in keeping with existing and planned development in the surrounding area. The proposed development provides a transition from the commercial uses in Uptown Core of Ancaster to the low density residential uses further to the west and to the interior of a largely residential neighbourhood to the south, fronts along a major arterial road and has access to existing transit. The proposal ensures land, municipal services, and transportation systems are used efficiently and contributes to a full range of residential dwelling types.

### **2. Zoning By-law Amendment**

The proposed Zoning By-law Amendment is to rezone the subject lands from the Existing Residential “ER” Zone to the Holding Residential Multiple “H-RM6-714” Zone, Modified, under Zoning By-law No. 87-57 (Ancaster), in order to permit a three storey multiple dwelling containing nine dwelling units with 14 surface parking spaces.

Given that the proposed development complies with the UHOP and the Ancaster Wilson Street Secondary Plan, will accommodate residential uses to support and enhance the character of the neighbourhood through intensification, has a built form that is compatible with existing development in the area, and has adequate servicing and transportation available with sufficient capacity ensuring efficient use of land and infrastructure, staff are supportive of the proposed Zoning By-law Amendment attached as Appendix “B” to Report PED23122.

3. A Holding ‘H’ Provision is required to ensure that an archaeological assessment is completed for the site and to ensure a landscape plan and detailed noise study are prepared and approved for the proposed development.

4. While the proposed development is no longer subject to Site Plan Control, should an application for a Draft Plan of Condominium be submitted, the following items, amongst others, can be addressed through the Draft Plan of Condominium process:

- Compensation tree plantings;
- Noise impacts; and,
- Right-of-way dedications.

Should the proposed development not proceed with a Draft Plan of Condominium application, thereby operating as a rental tenure multiple dwelling, municipal interest in the above matters have been protected through the modifications and Holding Provisions being applied to the proposed Zoning By-law Amendment attached as Appendix “B” to Report PED23122. Municipal interest in other matters, such as zoning compliance, grading, servicing, and site access, will be addressed through the building permit review process.

## **ALTERNATIVES FOR CONSIDERATION**

Should the application be denied, the lands could be developed in accordance with the Existing Residential “ER” Zone, which permits uses including, but not limited to, a single detached dwelling.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Community Engagement and Participation**

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

### **Healthy and Safe Communities**

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

### **Built Environment and Infrastructure**

*Hamilton* is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

### **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 PED23122 - Location Map

Appendix “B” to Report PED23122 - Draft Zoning By-law Amendment

**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 140  
Wilson Street West, Ancaster (PED23122) (Ward 12) – Page 20 of 20**

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Appendix “C” to Report PED23122 - Zoning Modification Chart

Appendix “D” to Report PED23122 - Concept Plans

Appendix “E” to Report PED23122 - Public Submissions

Appendix “F” to Report PED23122 - Public Information Letter and Comment Response

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