

## Salamone, Salvatore

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**From:** clerk@hamilton.ca  
**Sent:** Thursday, November 2, 2023 8:37 AM  
**To:** Kelsey, Lisa  
**Subject:** 10.2 a i FW: Zoning By-Law Amendment Application ZAC-23-002  
**Attachments:** 2800 Library Lane\_ZBA\_CommunityComments.pdf; image001.png

### Magda Green

*Administrative Assistant II to the City Clerk*  
Office of the City Clerk, Corporate Services  
City of Hamilton  
[magda.green@hamilton.ca](mailto:magda.green@hamilton.ca)

City Hall is located on the ancestral territory of the Haudenosaunee Confederacy, the Anishinaabe and many other Indigenous peoples. It is also covered by the Dish with One Spoon Wampum agreement, which asks that all sharing this territory do so respectfully and sustainably in community.

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**From:** LAURA BARLOW [REDACTED]  
**Sent:** November 1, 2023 8:02 PM  
**To:** clerk@hamilton.ca; Van Rooi, James <James.VanRooi@hamilton.ca>  
**Subject:** Fw: Zoning By-Law Amendment Application ZAC-23-002

Mr. James Vanrooi;

File ZAC-23-022

We are in receipt of the letter entitled Notice of Public Meeting of the Planning Committee scheduled for November 14, 2023 at 9:30 am, received on October 28, 2023.

We have requested an alternate date and time as we wish to attend in person or by Webex. We cannot do either on November 14, 2023 at 9:30 am. We have not received a response to this request for an alternate time or date of the meeting. In the event the meeting is not rescheduled please review the chain of correspondences with Glanbrook non profit of which we were direct by them to forward to you and your department. Please accept these correspondences as our written submission of objection to the proposed zoning change preserving our rights to object and appeal any decision made on this matter with the City of Hamilton or the OLT.

Please do not include our personnel information as part of the public record.

Please acknowledge receipt of these communications as satisfactory and substantiate for written submission at the public meeting.

We have made request for information supporting a memorandum from SHS on the proposed development forwarded by Ms Burrows of the Glanbrook Non-Profit. We were direct to you and the planning department to provide the information and responses requested below. Can you please review and provide at your earliest.

Please advise on an alternate meeting date.

Regards

Todd and Laura Barlow

----- Forwarded Message -----

**From:** LAURA BARLOW [REDACTED]  
**To:** GLANBROOK NON-PROFIT [REDACTED]; LISA GRANBERG [REDACTED]; LAURA BARLOW [REDACTED]  
**Sent:** Wednesday, October 4, 2023 at 07:15:09 p.m. EDT  
**Subject:** Re: Zoning By-Law Amendment Application ZAC-23-002

Ms Burrows;

Having reviewed the attachment to your email "Memorandum Re: Community Feedback for Proposed Development at 2800 Library Lane" written by SHS Consulting of Toronto Ontario, on July 20, 2023 we have the following comments and unresolved concerns. We have structured a response in the same categories and order of the Memorandum,

Property Value;

The memorandum offers very anecdotal comments to address the concerns raised to date on property value. The memorandum offers no substantive data to support those comments and seems to indicate the concerns brought forth are not warranted. One comment on Property Value states ""numerous studies have demonstrated that infill development and intensification actually increases land values of neighboring properties". What studies? Please site these studies as references to the memorandum or provide the information referenced to support that statement. In the absence of that information one can make a reasonable logical extension that a home purchased in a rural setting with a agriculturally zoned property adjacent to it is worth less than a home purchased in rural setting with a multi unit residential develop immediately adjacent to it. Additionally the statement "an increase in the value of neighboring properties not have a material impact on area property taxes as any additional infrastructure which may be required to support the development will be paid by the Applicant rather than an area specific property tax levy". Can SHS or the City of Hamilton support that statement with detail calculations to demonstrate and support the statement? Please define a "material increase" and how can one be certain that would not occur? Can assurances to that statement be provided?. Currently the Tax Payers in the City of Hamilton are being presented with a contemplated 14% plus property tax increase to levied in the next budget and no discussion of area rating. Can the City development team, SHS, or Glanbrook non-profit, detail how this development can help relieve that proposed increase in the next budget?

Proposed Land Use;

Can SHS elaborate on the comment that the "proposed location is appropriate and desirable". This section contains discussion on a "new comprehensive Zoning By-Law" that has yet been applied to Binbrook. Correct it has not, and in part, the proposed development is on land that is currently zoned A2 Restrictive Agriculture. When you research the definition of this type of zoning, and what is permitted on that land for use, Multi unit residential buildings are not identified. The balance of the development is on Medium density to low density residential zoning as indicated in SHS Memorandum. I would debate that a 3 story 105 unit building does not meet the definition of low density residential. It is premature for SHS to extrapolate on what the land should or should not be used for based on its characteristics, more over the current zoning defines what it can be used for, and it is clear based on that . The statement that the proposed land for development is "in close proximity to 2 arterial roadways" is in part the basis for the concern that the already congested and traffic laden roads in the area with be further impacted with 105 units and possibly up to 200 vehicles with only 78 parking spots being add to the daily activities of the area. SHS may not be interpreting the concern presented as it was intended in the last Paragraph of this section - "the fact that the lands were vacant or underutilized when neighboring property owners moved in". Properties were purchased with adjacent land that had specific zoning at uses defined by that zoning at the time of purchase. Changing that zoning has to follow the processes associated with it. The proposed development is not consistent with the current zoning. It is premature to offer comments on land use until proposed zoning changes have followed the prescribed processes. Do we have a potential situation upcoming where the City of Hamilton may be acting hypocritical by forcing through municipal zoning by law changes without process or consultation but on the opposite hand objecting to the province doing the same in the Greenbelt land exchange controversy? This is a situation to uniquely keep in mind as it is relevant to this proposed development and the movement to re-urbanize higher density developments.

Building Height and Density;

There is no debate on the need for additional affordable housing for seniors, again it is not understood why these comments are included in the memorandum they are not factually relevant. The concerns brought forth by the residents surround the selection of this location for the proposed development citing various and several local issues that in our

opinion still have not been adequately addressed. First and foremost appropriate zoning for the proposed development is not in-place. Please provide the "Urban Hamilton Official Plan" and the "Binbrook Village Secondary Plan" referenced in the memorandum for review or are they part of the public record that can be accessed. Can you provided the supporting documentation or the report from City staff which details that the "necessary infrastructure to support this density is available". The current contracts and construction activities for tunneling and road cut connection to Binbrook are not complete for the Sanitary and Storm sewers. The Technicore contract is active and the previous McNally contract has not been connected to the town core yet to the best of my knowledge.

Traffic and parking;

Please provide the referenced Arcadis IBI traffic report for information. Can the the City, SHS, and Glanbrook non-profit elaborate on "several Transportation Demand Management measures as an alternative means of travel for future residents which the applicant is looking at implementing after construction" this is an open-ended statement, vague and non committal. Why would the group not put the details of the transportation demand management plan on the table for discussions to the residents concerned with that issue?

Waste Storage and Collection

Can you please forward drawings and details of the proposed Waste Storage and Collection System for information.

Site Lighting;

Please provide details of the proposed site lighting plan when completed. If there is an exchange of sky-glow lighting pollution for the relocation of the proposed structure to the middle of the property that should be discussed with the impacted residents during the development phase after any zoning issues have been resolved.

Privacy and Shadow

The set backs in the SHS memorandum do not appear to be consistent when scaled off the site plan provided by the City of Hamilton and Glanbrook non profit. When scaled it appears that the building envelope is within 10 ft - 3 m of the property lines. Please confirm which is correct. Please provide the "Shadow Study" referenced in the memorandum attached to the "re submission of the Zoning By-law Application". I don't think the residents have ever received a decent response to the question "Why cant the proposed development be located in the middle of the proposed property if the zoning issue is ever resolved and lands merged"? Moving the structure to the middle of the proposed lands would go a long way to mitigating any potential Privacy and Shadowing concerns.

Stormwater Management

Please provide details of how the stormwater will be "detained within the limits of the proposed development". I assume this comes in the from of an engineering report and design with assumptions that are relevant to the increase in number of rain events that are beyond the 90th percentile. This was the expectation of the design contemplated with the Freshco development and to date is has not functioned properly during heavy rainfall events resulting in local flooding of the backyards behind the parking lot. I would have substantial reservations about the statement that 'the proposed regrading of the site would alter site grading such that stormwater would be contained within the site and be directed towards the west". I would like to see a report or details that substantiate that statement. The west is the most difficult direction to send stormwater runoff. If the proposed stormwater management design is considering a detention tank and low-lift pumping station to the existing storm system on Highway 56, I would like to see those details.

Wild Life;

Can you please provide the report detailing the decommissioning of the septic bed mentioned in the memorandum that has subsequently been over grown by bulrushes? When the proposed construction schedule and site preparation duration is known who audits the proposed construction activities to ensure nesting duration is not interrupted? I'm not sure the residents have seen any proposed landscaping plans so this is new information to me.

Noise;

Has the Glanbrook non profit and/or the City done any back-ground noise monitoring to understand any impacts of post construction noise or modeling that would predict post construction changes to the current conditions? If so can you please provide that information.

Construction Period;

Please forward the Construction Management Plan as soon as readily available the memorandum states it is being worked on which I find strange that construction planning is happening prior to any proposed zoning change outcome.

Additional Questions/Concerns or Comments

Has SHS Consulting visited the proposed site for development?

I find it challenging for the City of Hamilton and Glanbrook non-profit to expect that the residents concerned should accept without question a report from a consultant that was hired by the City, purpose built to respond in a way that dispels all concerns categorically.

Looking forward to being updated on meeting dates that will allow us to participate in the proposed re-zoning process in addition to correspondences on the development issue at hand, which are of the most importance to the current residents living in this community.

Regards,

Todd Barlow

On Thursday, September 14, 2023 at 12:57:53 p.m. EDT, GLANBROOK NON-PROFIT [REDACTED] wrote:

Hi Todd and Laura,

My name is Lisa Burrows. I am the Executive Director for Township of Glanbrook Non-Profit Housing, which owns the existing seniors rental apartments at 2800 Library Lane and is planning an expansion on the vacant lands behind your property. We are a small local non-profit which operates dedicated affordable rental apartments for seniors on modest incomes and are looking to provide new independent living opportunities for Binbrook seniors – our waitlist is currently years long.

I am sorry we missed you on our neighbour visits a few weeks back. Myself, a member of our board, and our planning consultant dropped by twice that week in August – Monday and Tuesday – and visited every home on Tanglewood which backs onto our property. We were lucky enough to be able to speak with roughly one third of households during our visits and left flyers at all houses where there was no response at the door indicating that we would like to speak those we missed, and including our contact information. It's unfortunate that this flyer didn't find its way into your hands and that you heard about this from a neighbour instead, at a later date. As our flyers indicated, we were and continue to be open to meeting individually with our neighbours at a time that is convenient for them.

As an aside, we are expecting further mailed communication to all our neighbours from the City regarding an upcoming public meeting. This meeting will discuss the zoning for the development, primarily permitting residential uses on what were previously agricultural lands. We were initially supposed to have the meeting late September/early October, but have been informed by the City that it will be pushed back to late October or early November. Unfortunately, the date is still not confirmed. Once we have the date/time confirmed, we will also share with our mailing list.

I appreciate you sharing your list of concerns. Our neighbours are important to us and as part of our neighbour visit where we missed you, we shared that we are soliciting input on issues important to our neighbours, such as tree plantings, fencing, lighting, etc. which are still at preliminary stages. We certainly hope you are open to participating in a dialogue

with us on these key features, so that we can integrate neighbour feedback into what we propose to the City at the still upcoming Site Plan review stage.

Attached to this email you will find a copy of a memo from our Planning Consultant which was provided to the City, but I know they are not always the speediest with sharing these types of materials with the community. The memo addresses planning and functional concerns raised by neighbours and hopefully will address some of your questions from the email below.

I have done my best to briefly summarize responses to a few key concerns below, but please feel free to read the memo and let me know if you have any questions or would like to meet to discuss further:

- We do not operate a Long-Term Care or nursing home and as a result do not have the same traffic from staff and visitors as those types of facilities. The new development would mirror our existing resident demographics, including rates of car ownership which are much lower among seniors, even in Binbrook. Our transportation consultant confirmed the proposed parking would be sufficient for the planned units.
- The placement of the proposed building along the east end of the property (7.5m or 25 feet from the property line, for a few feet, at it's closest point) is actually intended to minimize negative impacts on our neighbours. This allows us to accommodate the parking required on the west side of the site – this will radically reduce the amount of light pollution from high light standards that goes into your backyard, as well as any possible stormwater runoff, and certainly noise from snow clearing in the winter months, which can be quite loud. It also allows us and the landscape architects to actually increase the number of trees and greenspace planted on the site, ensuring we can keep space for birds post-construction. Moving the building to the centre of the site would have meant you would have parking directly behind your fence.
- We made the design decision to have no exterior balconies for individual units in order to enhance neighbours privacy
- Following neighbour feedback from the community meeting we organized last year, our architects were able to place the third floor within the roof line (think units with dormers). In this way, we lowered the roof line by about 6 feet from the initial design, increasing the sunlight and sky views you will see from your backyard
- While it is still in preliminary stages, we are looking at planting columnar / pillar trees between the property line and the proposed new build to increase privacy while also minimizing leaves and shading of your backyard. We hope to receive your feedback on this.
- Also still in preliminary stages, our architects and planner are thinking about having only small pillar lights (about 3 feet high) which use full cut-off design to only illuminate a pedestrian pathway that will circle the new building. We are not fans of the lighting at the Freshco plaza either and don't want to replicate that for either you or our own future residents.
- All waste will be stored fully indoors within a dedicated separate waste storage building at the north end of the property. We don't want odour or pests affecting our future residents either!
- Currently a portion of the vacant lands drains towards Tanglewood. This was never addressed when your subdivision was built. We have proposed (and are required) to build a small retaining wall to correct this grading so all rain water flows away from Tanglewood.
- We understand from speaking to some of your neighbours that apparently some realtors (and possibly the builder of your subdivision) made claims or promises about the vacant land being some kind of wildlife refuge and protected for development in perpetuity. If that also happened to you, I'm truly sorry. Our Planning Consultant and the City have made it clear that was never the case and that for almost 20 years that land has been planned to accommodate future growth within City plans and policies. In fact, when Binbrook was part of Glanbrook pre-amalgamation, the Township had given the land for our existing apartments at 2800 Library Lane and set aside the vacant lands for future development. For a number of reasons that was not feasible before and the zoning of the lands never changed to reflect other plans at the City-level.

I hope these responses as well as the attached memo address some of your concerns. We hope to continue to receive your and your neighbours feedback and are happy to meet with you at a time convenient to you.

Kind regards,

Lisa Burrows

Lisa Burrows

Executive Director

Township of Glanbrook Non-Profit Housing Corporation

[REDACTED]

[REDACTED]

[REDACTED]

Sent from [Mail](#) for Windows 10

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**From:** [LAURA BARLOW](#)

**Sent:** September 6, 2023 7:44 PM

**To:** [REDACTED]

**Subject:** Fw: Zoning By-Law Amendment Application ZAC-23-002

Re:2800 Library Lane

We are the residents of 129 Tanglewood Drive in Binbrook Ontario. We understand that you visited the Neighborhood on or about August 15, 2023, Friday mid afternoon. Our Neighbors passed along your contact information as we were out of the country and not available to meet with you. I imagine most residents were not available on a Friday in the middle of the day, in the middle of the summer to meet with you - good thing our neighbor was on afternoons to collect your contact information for us and voice some of our collective concerns. Please ensure our contact information and email is on file to provide information on meeting dates with you or the City for any proposed development or zoning changes effecting the lands to the west of our home. I don't find the timing you choose to engage the community to have been genuine and effective. Please find an email chain below with the details of only some of our concerns that we have raised with the City for any proposed development or zoning change. In short we have strong objections to the proposed development and find that the planning and communication to date is fractured, short sighted, and disingenuous.

Todd and Laura Barlow.

----- Forwarded Message -----

**From:** LAURA BARLOW [REDACTED]

**To:** LISA GRANBERG [REDACTED]

**Sent:** Sunday, February 26, 2023 at 03:41:16 p.m. EST

**Subject:** Re: Zoning By-Law Amendment Application ZAC-23-002

Hi Lisa,

No worries at all.

Talk soon, Laura

On Sunday, February 26, 2023 at 12:36:53 p.m. EST, LISA GRANBERG [REDACTED] wrote:

Hi Laura,

I am so sorry we didn't get back to you about this earlier. I had read it late and had already sent ours in. We got the same reply. So I sort of dismissed it as I had already done that. I just re read it now. When I sent the email, I had cc Mark Tadeson in on it.

Let me know if you need anything from me,

Lisa

On Wednesday, February 15, 2023 at 07:34:27 p.m. EST, LAURA BARLOW [REDACTED] wrote:

Hi Lisa,

I sent you the letter we sent and the response we got back today. Feel free to use it as a template or parts of it and remove our specific property details adding yours (obviously...lol). As for the Alderman Mark Tadeson's letter, Todd feels it should be shorter more concise requesting to meet with us to discuss our concerns collectively. Let us know your thoughts.

Laura:)

See Below....

[Sent from Rogers Yahoo Mail for iPhone](#)

Begin forwarded message:

On Wednesday, February 15, 2023, 12:53 PM, Morton, Devon <[Devon.Morton@hamilton.ca](mailto:Devon.Morton@hamilton.ca)> wrote:

Good afternoon Laura,

Thank you for your email and for providing formal comments on the application.

Your concerns have been noted and will be included in the staff report to Planning Committee (date to be determined).

Staff have not formalized a recommendation to Planning Committee at this time but will consider all public input in making that recommendation.

All registered landowners within 120 metres of the subject lands will receive notification of the statutory Public Meeting once the date has been finalized.

Should you require anything further, please let me know.

Thank you,

**Devon M. Morton, MCIP, RPP** (he/him/his)

Planner II (Rural Team)

Development Planning



Planning & Economic Development Department

City of Hamilton, 71 Main St. W, 5<sup>th</sup> floor, L8P 4Y5

Ph: (905) 546-2424 ext. 1384

Email: [Devon.Morton@hamilton.ca](mailto:Devon.Morton@hamilton.ca)

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**From:** LAURA BARLOW [REDACTED]  
**Sent:** Tuesday, February 14, 2023 10:06 PM  
**To:** Morton, Devon <[Devon.Morton@hamilton.ca](mailto:Devon.Morton@hamilton.ca)>  
**Subject:** Re: Zoning By-Law Amendment Application ZAC-23-002

In addition please do not make our personnel information part of public record.

Regards

Todd and Laura Barlow

On Tuesday, February 14, 2023 at 09:56:00 p.m. EST, LAURA BARLOW [REDACTED] wrote:

Mr. Morton;

We are residents of Binbrook living at 129 Tanglewood Drive since 2007. We are writing to strongly object to the application ZAC-23-002 put forward to the City of Hamilton for the rezoning of the properties identified by the City in the letter dated January 27, 2023. As a note we did not receive any notification addressed to us from from the City. Thankfully our neighbors informed us and gave us a copy of your letter. Specifically we object to the proposed rezoning of Restricted Agricultural "A2" Zone to Residential Multiple "RM4-XXX" Zone. Your letter details the zoning change is required for the proposed construction of a 3-storey building immediately adjacent to our property. Restricted Agricultural "A2" zoning does not permit multi story residential development. The list of objections we have are long and diverse but we will summarize the main ones below.

First and foremost the Intrinsic damage to our property value from the proposed rezoning is our greatest concern. We specifically purchased our home at this this lot location with a significant premium and the knowledge that we would live with our property adjoined to a restricted agriculturally zoned property. The premium paid and the intrinsic value of this zoning was a key factor in our purchase decision 16 years ago. To have that potentially taken away by a proposed zoning change is completely unacceptable, unfair, and punitive to us and our family. In addition to the pure financial impact to our property value, we will loose all the enjoyment of our property outdoor space, which will be equally damaging to us. The shading of our property and intrusion of privacy into our yard will be untenable. We purchased the house and immediately installed an in-ground pool and associated finishes (Gardens, Concrete patios, sheds, Gazebo's sitting space) at significant cost to enjoy the outdoor space with our family and friends. This pool installation was done by design with a continuous Southwest exposure to the sun mid morning through the evening. This will all be taken away with any proposed development of this nature shading us all afternoon.

Further, we have already experienced significant damage to our yard with the Fresh-co Plaza development. Vermin pests, and other animals, are persistent at the trash collection located at the southeast corner of the parking lot. The animals migrate to our backyard. This area is rarely maintained in good order by the plaza tenants. To have a second repository so close to the first, and proposed to be immediately behind our lot, will no doubt amplify the already persistent issue of waste mismanagement in addition to heavy truck traffic and noise. The additional light pollution any proposed development will have on our outdoor space and the rear of our home will be amplified again - the fresh-co plaza is already disrupting further artificial light would be purely disruptive to sleeping at night. During the construction of the adjacent plaza, through inadequate construction methods and planning, our yard was wrecked by the site development activity. Temporary drainage was not controlled which result in overland flow and flooding to several backyards with mud and construction debris during a rain event. This caused thousands of dollars of damage which was virtually unrecoverable from the site service contractor. We just installed new liners and pool equipment again this summer after 15 years and are not willing to endure 2 years of construction activity that will result in the same damage again, given the site grading and drainage. Post construction it would be incredibly difficult to convince me that this proposed development would not ruin the natural detention of rain water from the existing field., This will result in significantly larger volumes of water flowing overland causing almost certain continuous saturation in the rear of our lots from simple routine rain events. Some firm would have to develop some rigorous grading and drainage modeling to convince me otherwise.

It is unconscionable to us as to why the proposed structure, over 30 ft tall, will be located nearly 10 feet from the existing property lines of us and our neighbors. Would it not make equitable sense in the event the zoning change receives the light of day that a development would be lower in height and located in the middle of the existing plot instead of on the eastern limit where there is no buffer to adjacent properties. 78 parking spots - 105 units and no accessibility to public transportation in Binbrook dictates that you are adding in the order of 100-200 cars on any given Sunday visitation as a result of this proposed development. Where is the overflow going to park? This will be in a congested area with no traffic control for pedestrians or cars on Highway 56. This is most definitely putting the cart before the horse - improve the access to public transit in Binbrook and have a traffic plan before proposing a multi story - multi unit development that adds this number of vehicles. All of this is presented without consideration for the disruption to the natural habitat and nesting that occurs in the low lying bull rush area to the south of us. Several bird species use this space as observed throughout the warmer months and all that would be lost.

In summary we oppose the proposed zoning change and are willing to take all necessary actions available to us to prevent the acceptance of the zoning by-law amendment application to the City.

Please advise of the meeting time and location for us to attend. Since we are not receiving written communications in the mail form from the City. Can you ensure we are on any mailing list both electronically and by physical mail. Please acknowledge receipt of this email for the purpose of preserving our rights to appeal a zoning decision, if any, made on this application to the City.

Regards;

Todd J. Barlow, P.Eng - [REDACTED]

& Laura Barlow, R.N. - [REDACTED]



July 20, 2023

To: City of Hamilton – Development Planning

Attention: James Van Rooi  
Senior Planner (Rural Team)  
Telephone: (905) 546-2424, ext. 4283  
Email: James.VanRooi@hamilton.ca

## **MEMORANDUM**

### **Re: Community Feedback for Proposed Development at 2800 Library Lane**

Dear Mr. Van Rooi,

As part of the first-round comments received by the Applicant from City Staff as part of the Zoning By-Law Amendment application for 2800 Library Lane, Binbrook, five (5) letters from community members and neighbours were included for Applicant review and response. The five letters expressed concern regarding the proposed intensification of the Site and were submitted by immediate neighbours of the site. Collectively, the letters touched on eleven (11) themes or concerns:

#### Property Value

Several of the letters from the community expressed concern regarding the potential impact of proposed development on the market values of neighbouring properties. Specifically, they expressed concern that the proposed development of seniors apartments next door may reduce their property values. While this is a common concern raised by existing property owners adjacent to proposed development, numerous studies have demonstrated that infill development and intensification actually increases the land values of neighbouring properties. Additionally, it is generally accepted and supported by the Tribunal that this is not considered to be a planning argument against development. Furthermore, an increase in the value of neighbouring properties should not have a material impact on area property taxes as any additional infrastructure which may be required to support the development will be paid by the Applicant rather than an area-specific property tax levy.

#### Proposed Land Use

The proposed land use for the Site was another area of concern for residents.

First, it bears clarification that the proposed development will be a seniors affordable rental apartment building – which is classified as a residential use. The apartments are planned as an independent living community for seniors, which can be contrasted against a ‘retirement home’



type use where residents require additional support from staff and community organizations on-site 24/7.

Second, the location of the proposed development is appropriate and desirable. From a policy perspective, while the existing zoning for the site is A2 Restrictive Agricultural, this is out-of-date and a legacy of the old Binbrook Zoning By-Law No.464. The City of Hamilton is going through the process of updating zoning throughout the City with a new comprehensive Zoning By-Law. New zoning classification has not yet been applied to Binbrook and so the existing does not reflect more recent policies in the Urban Hamilton Official Plan and Binbrook Village Secondary Plan. Those documents clearly designate the site as 'Mixed Use – Medium Density' and 'Low Density Residential', respectively. This policy designation clearly indicates an intention for infill development on the site and reflects existing conditions. The Site is not feasible for agricultural uses given the size of the property and the fact that it is completely surrounded by residential and commercial uses. Furthermore, the location of the Site in close proximity to 2 arterial roadways (Regional Road 56 and Binbrook Road), commercial services and amenities and community services make it ideal for development and a more intense level of residential use.

Finally, the fact that the lands were vacant or underutilized when neighbouring property owners moved into the area is not, and cannot be a guarantee that lands maintain that use or intensity of use in perpetuity. The Tribunal has also confirmed that this is not a valid planning argument against development.

#### Building Height and Density

Questions were raised regarding the rationale for the height and density of the proposed development. There is an urgent need for both more seniors and affordable housing within Binbrook and the wider City of Hamilton. This is part of an ongoing and escalating cost-of-living and housing crisis within the region and province. Seniors are among the most vulnerable residents to rising housing costs because of their limited and fixed incomes. In this way, both the Applicant and City of Hamilton have a moral obligation to provide as much housing for seniors as possible while taking into consideration Site constraints (physical and community infrastructure, healthy and safety, etc.).

As previously mentioned in this memo, the Site has been designated for infill development through the Urban Hamilton Official Plan and Binbrook Village Secondary Plan. The proposed height and density for the site (3 storeys, 105 additional residential units) are consistent with Official Plan policies and zoning for the existing seniors affordable rental apartments currently located on the southern portion of the Site at 2800 Library Lane. Furthermore, City staff have confirmed that the necessary infrastructure to support this density (water, wastewater capacity) is available.

From a design perspective, by building the development up to 3 storeys in height allows for greater greenspace and soft landscaping on the site, thereby maintaining greater habitat for birds and mammals, as well as greater stormwater infiltration which would reduce the load on municipal stormwater infrastructure in the area. The architects were very conscious of placing the third floor within the roof of the building, significantly reducing the height of the peaked roof,



while also improving the aesthetics for neighbouring residents when compared to a somewhat shorter flat roof.

### Traffic and parking

A Traffic and Parking Study was undertaken by reputable third-party consultants from Arcadis IBI. This study confirmed several important points:

- Given traffic patterns from the proposed resident demographic there would not be a significant or adverse impact on traffic on Library Lane or Regional Road 56
- A traffic light was not recommended or required to accommodate traffic from the proposed development
- The proposed parking supply was adequate to support the needs of future residents. Rates of automobile ownership by seniors are lower than other adult demographics, especially for low- or moderate-income seniors who already have difficulty paying their household rent, let alone the upkeep and operating costs of private vehicles.

The Traffic and Parking Study also recommended several Transportation Demand Management measures to provide alternative means of travel for future residents, which the Applicant is looking at implementing after construction.

### Waste Storage and Collection

The proposed waste storage location will be in a secure, fully-enclosed accessory building located at the north end of the site, in close proximity to the existing waste collection areas for the retail commercial plaza to the north. Collection will be from the west side of the building. Both of these measures will minimize odours and pests as nuisances on future residents of the proposed development, as well as neighbouring property owners. The Applicant has an interest in maintaining this area and ensuring it is well-maintained. Unlike the commercial plaza to the north of the site, the proposed uses for this development are residential and odour or pests would also be a nuisance for residents on the Site.

### Site Lighting

While Site Lighting has not yet been finalized (it will be detailed further during the Site Plan Control application process in the near future), reducing light pollution is an important design consideration which is top-of-mind for the design team. The architects and consultants are looking into using full cut-off lighting for both the parking area and pedestrian pathways surrounding the proposed development. Full cut-off lighting is known to direct the light downwards only, eliminating skyglow and, perhaps more importantly from the perspective of neighbouring property owners, glare and light trespass which would unintentionally illuminate the backyards of properties to the east of the Site.

More broadly, the proposed location of the new building near the eastern edge of the site was intentionally selected to protect the residential properties to the east of the site from the brighter lights required to illuminate the surface parking area which sits on the west of the Site

### Privacy and shadow

A consistent concern raised by neighbouring residents was privacy and shadowing of the backyards for residential properties located to the east of the Site. The minimum distance the proposed building will be located from the east property line is 7.5 metres or 25 feet, with an average setback closer to 10 metres or 33 feet. These setbacks are not uncommon for infill multi-residential development and are consistent with where the roof structure begins.

By placing the third storey within the roof of the proposed building, the design significantly reduces the height and shadow impacts on neighbouring properties, as shown by a Shadow Study included with the resubmission of this Zoning By-Law Application. While there is shadowing, it is only very minor and for a few hours a day at most, particularly in the summer time when neighbouring residents are most likely to be in their backyards.

Several other design elements were also privacy considerations intended to reduce impacts on neighbouring residents. First and foremost, the building does not have exterior balconies for individual residential units. Instead, it has several shared terraces located off common areas at circulation and connection points joining the three residential “blocks” which makes up the proposed building. This limits the number of ‘eyes’ overlooking the backyards to the east.

Screening at the property line by tree planting was proposed by City Urban Design Staff in first-round submission comments. This is counter to a desire expressed by many residents of the neighbouring properties to the east, who complained of shading and leaf clean-up impacts this would create for their properties. Should these property owners change their mind in the future, the Applicant would be open to tree planting along the property line. The Applicant is also committed to consulting with neighbours to determine appropriate fencing to protect privacy.

### Stormwater Management

Several community members expressed concern over surficial flooding resulting from development on the Site. Apparently, this is an ongoing issue for some property owners to the east in heavy rainfall events. The Site Grading Plan submitted with this application shows that several sections along the eastern edge of the site currently drain eastwards, leading to surficial water flow into neighbouring backyards. The proposed regrading of the site would alter site grading such that all stormwater would be contained within the site and ultimately directed west, towards Library Lane and Regional Road 56 not only preventing increased flows into neighbouring properties, but in fact improving existing conditions. Meanwhile, the increased stormwater runoff created by a reduction in the site permeability caused by the proposed building and surface parking area would be detained by a new underground storage tank, reducing peak flows to the stormwater main located under Regional Road 56.

### Wildlife

The proposal for 2800 Library lane recognizes that the north end of the Site, currently vacant, is in a somewhat naturalized state resulting from years of benign neglect by the City of Hamilton. A high water table near the center of the site has created a seasonally wet area surrounding a decommissioned septic bed which has become populated by bullrushes which were not cleared.



While this is not original habitat, it has over the years given shelter to nesting migratory Red-Winged Blackbirds. Red-Winged Blackbirds are not considered a species-at-risk and have ample habitat in the areas surrounding Binbrook. Nevertheless, maintaining space for nature on the site is a design priority for the proposed development. Construction on the site, in particular site grading and preparation is planned to occur outside of the nesting season so as to minimally impact migratory birds. In turn, the landscape plan envisions the planting of many new trees within the site, and the creation of a new 'bird sanctuary' which will provide nesting habitat for a wide variety of native birds year-round, not just migratory Red-Winged Blackbirds.

### Noise

Given the scale of the new building proposed for 2800 Library Lane it is understandable that some nearby residents are looking for assurance that the required HVAC units for the development will not create excessive noise. With this in mind, the proposed mechanical design eschews typical roof-mounted HVAC units. Instead, the only equipment to be located on top of the building are ERV units which manage ventilation and which will be contained within the attic space. There would be 3 of these indoor ERV units – 1 for each residential 'block' in the proposed design. Because there are only 3 smaller units located within the attic, which only manage airflow, the noise generated is not anticipated to be significant, especially as compared to a standard HVAC unit. Detailed equipment selection and evaluation will be dealt with further during the Site Plan Control application process.

### Construction Period

So as to minimize impacts resulting from construction of the proposed development on neighbouring residents, the Applicant is undertaking the preparation of a Construction Management Plan, which would include a section on soils management and erosion control. Furthermore, to reduce the time to construct the proposed apartment building as well as noise resulting from construction on-site, the project architects have been investigating off-site prefabrication or panelization.

We hope the above responses and referenced submission materials are satisfactory to address concerns by members of the Binbrook community, neighbouring residents, and City Staff. We are happy to discuss further should additional clarification be required.

Sincerely,

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