

**From:** Viv Saunders [mailto:viv@queenstongroup.com]

**Sent:** Wednesday, September 25, 2013 06:57 AM

**To:** Caterini, Rose

**Cc:** 'Anna Roberts' [REDACTED] 'Nancy Bleakley' [REDACTED]

**Subject:** FW: Mission, Vision, Values and Goals

Dear Rose,

Please add the attached correspondence to the meeting agenda for Council this evening. Thank you,

Viv Saunders

(on behalf of Lakewood Beach Community Council)

**From:** Viv Saunders [mailto:viv@queenstongroup.com]

**Sent:** Monday, September 23, 2013 9:18 AM

**To:** 'mayor@hamilton.ca'

**Cc:** 'tim.mccabe@hamilton.ca'; 'brian.mchattie@hamilton.ca'; 'jason.farr@hamilton.ca';

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Brad'; 'maria.pearson@hamilton.ca'; 'brenda.johnson@hamilton.ca';

'lloyd.ferguson@hamilton.ca'; 'russ.powers@hamilton.ca'; 'robert.pasuta@hamilton.ca';

'judi.partridge@hamilton.ca'

**Subject:** Mission, Vision, Values and Goals

Good Morning Mayor Bratina,

Attached please find our letter. It is a little lengthy but quite detailed.

We would appreciate a reply.

Sincerely,

Anna Roberts, Nancy Bleakley and Viv Saunders

(on behalf of Lakewood Beach Community Council)

September 23, 2013

Dear Mayor Bratina:

Over the course of the last several months, our neighbourhood has been involved in an appeal of the development proposed at 2 Oceanic Drive, Stoney Creek, Ward 10. The OMB hearing took place on August 28, 2013. On September 11, 2013 the OMB Vice-Chair issued his decision. Our appeal has been denied.

We have learned a lot from this decision and we wanted to share with you what transpired and respectfully request the City of Hamilton actively pursue making changes to the Planning processes and/or provide us with reasonable explanations as they pertain to our various observations.

Although we are disappointed with the OMB ruling, we maintain our position that the City was misled with incorrect information from the engineer and the Planner; the Planning Committee was misled by our own Ward Councillor, City Staff, and the Planner; and the public has been misled by the City Staff and our own Ward Councillor.

**Original Rezoning Application for 10 back-to-back maisonettes:**

Although the applicant initially proposed a 5 storey, 40 unit retirement home with a 2<sup>nd</sup> option of 6 townhomes during the Pre-Consultation, a Rezoning application was submitted for 10 back-to-back maisonettes with a zoning of RM3.

This application was received on April 13, 2012. On April 19, 2012 email correspondence between the City and the Engineer confirmed this was a plan of condominium. The Planning Act is quite specific as to the requirements to deem an application complete and one of those requirements is that the correct application and fee be submitted. A condominium application was not submitted yet the application was deemed complete on April 24, 2012 even though:

1. The wrong application was used
2. The application that was used contained inaccurate information on the Significant Features Checklist
3. The Conceptual Plan submitted lacked required dimensions
4. The Planning Justification Report did not include the requested details regarding market impact with respect to removing local commercial from the neighbourhood
5. The Noise Study did not address the outdoor living areas.

The paperwork to this point supports the logical conclusion that the proposal was not complete and it was irresponsible to circulate this application out to the public.

With the City's limited resources, shouldn't the appropriate verification of applications be completed at the onset?

If the citizens of Hamilton are to have trust in the planning processes internal controls need to be in place to ensure that at the very least the initial (albeit minimal) requirements are met. Otherwise, time and city resources are being wasted on the public requesting copies of all documents each and every time a Pre-Circulation Notice is sent out.

(By the way, back in December 2011 the municipal address was changed from 2 Drakes to 2 Oceanic. Ontario Land Registry still have this block registered as 2 Drakes which has caused some confusion when we were researching records)

### **Pre-Circulation Notices:**

The appeals section in the notifications sent to the public is not quite accurate. Submissions sent to the "City of Hamilton" are not entered into the public records. Quite a few of our neighbours wrote in to Council. However, because only 2 were actually entered in to the public records, only those 2 individuals had the option of appealing. In the interest of clarity, these notices should state that you need to write to Council AND make a request to the City Clerk to be added to the agenda.

### **Informal Neighbourhood Meeting:**

We were advised by our Councillor that single family homes are not considered intensification. Is this accurate?

### **Revised Rezoning Application:**

Over the course of the next 5 weeks (from April to June 2012), the application to rezone to RM3 appears to serve its intended purpose:

- The neighbourhood reacts with outrage over a preposterous proposal (please note the minimum lot area for RM3 is 4000 sq m – this lot is less than 2000 sq m)
- The Ward Councillor appears to engage the public by hosting an informal, unrecorded Neighbourhood meeting and conducts a telephone survey (the results of which are not public record)

Then the applicant brings forward a revised proposal for 6 townhomes which is one of the options originally proposed during the Formal Consultation. (It is important to note, that Staff confirmed during the Planning Committee meeting they would not have supported the recommendation for the 10 maisonettes)

This revised application for RM2 rezoning was received on Friday, June 8<sup>th</sup>, 2012 and was deemed complete on Monday, June 11<sup>th</sup>, 2012

This revised application was deemed complete even though:

1. An updated Planning Justification Report was not submitted
2. An updated Stormwater/Servicing Report was not submitted
3. The Conceptual Plan did not include any lot lines, yard dimensions, % of lot coverage, location of privacy areas or location of parking spaces per unit.

4. The Conceptual Servicing Plan and the Conceptual Feasibility Plan had different dimensions shown.
5. The Conceptual Plans show the incorrect lot length along Oceanic Drive
6. An updated Noise Study was not submitted even though the revised plan had outdoor living areas.
7. The Application itself contains inaccurate information with respect to the Details of Previous Use
8. The Application contains inaccurate information with Uses Adjacent to the Subject Lands (Core Area not identified)
9. Lot is located less than 500 m from Lake Ontario, less than 500 m from the ESA to the East, less than 500 m from the ESA to the West, abuts a Pond Core Area which contains fish habitat, less than 25 m from the linkage to the south, and is a nesting site for species of special concern, yet all of the Significant Features questions were answered No

We've been advised by Staff that these applications are not checked for accuracy. This is not a logical; nor a reasonable response. Why are rezoning applications not checked for accuracy? Are all planning applications not checked?

According to the Planning Act, the city has 30 days to review these applications for completeness, why was this particular applicaiton deemed complete in 1 (one) business day? Is this standard operating procedure for the City of Hamilton Planning Department?

In addition, the circulation for the notice for the Revised Zoning application increased from the original 70 households to 111. The additional 41 households were not reflected in the written submissions in the Staff Report nor in the Circulation List submitted to the OMB. Why were submissions from the public omitted from the public record? Shouldn't the public records and the OMB records include everyone's submission?

### **Staff Report and Staff Input:**

According to the Planning Act "when an approval authority, or the Municipal Board, makes a decision under this Act that relates to a planning matter, it shall have regard to, (b) any supporting information and material that the municipal council, or approval authority, considered in making the decision" and the Planning Act further states that "before passing a by-law under this section,...., the council shall ensure that sufficient information and material is made available to enable the public to understand generally the zoning proposal that is being considered by the council"

Up to this point, council and the public were not aware of the majority of the previous information, but relied on the Staff Report for their information. Misleading information, inaccurate information or omitting information in this report, in our opinion, should not occur. Honest, open and transparent information to the Council and the Public is paramount to ensuring the City abides by the regulations in place (Transparency & Accountability by-laws, Planning Act, etc)

Financial Implications: Report shows N/A, but wouldn't higher density development at this location potentially add funds to the City in regards to the TransCab taxes it receives? Our estimate is that the city receives \$110,000 per year from the residents in our neighbourhood. Of

which we estimate the city nets \$100,000 per year. Is this a fair estimate? In addition, is it not true that the City charges a rate of 3x more for property taxes on townhomes than on single family homes?

Legal Implications: Is it not true that under the Municipal Act, the city bears *no liability* for water seepage, sewage/storm water back-up into our homes?

Historical Background: “In light of public submissions, the applicant submitted an amended application”; can Staff honestly say this is true? Did the applicant receive copies of our public submissions back in May 2012? Why doesn’t this section include the full Historical Background starting with the Pre-consultation meeting when 6 townhomes were proposed as a second option?

As well, it might interest you to know that when the original sub-division was built, this lot was used for the developer’s sales office. When the sales office was no longer needed, we’ve been advised that the original developer intended to build on this lot but when the hole was dug, water started pouring in so the hole was left and the property was sold for a \$1.

Over the next 10 years or so, the neighbourhood filled, what was referred to as the “pit” with garden waste (some even put in car batteries), their Christmas trees etc.

This might explain why the previous owner held on to this property for the last 30 years.

Chronology: Other municipalities have by-laws in place regarding the posting of Public Notice Signs erected on corner lots. Hamilton doesn’t appear to have one. Why would the Public Notice sign be posted on the *least travelled* side of this corner lot?

Property Description: Oceanic Drive is shown as 23.83m on this report. It is actually 36.32m as per the Ontario Land Surveyors Block 55 Plan of Survey. Staff has advised us that they use what is submitted by the engineer. Why is this not checked for accuracy? Or at the very least compared to the OLS plan? According to Zoning By-Law 3692-92, the shortest lot line is the front, which in this case is Drakes Drive at 25m. (the importance of this will follow under Neighbourhood Character)

Surrounding Land Uses: Staff report omits that this lot abuts a Core 2 Area . During the OMB hearing, Staff advised that council was made aware of this yet we’ve been unable to determine when or how. Zoning maps only indicate OS (open space) and no reference to the SCONES reports. Although the Planning Act doesn’t specifically state this should be pointed out, we believe the spirit of the Act is such that it should. The legend of the SCONES report also indicates buffers of 50 m are required for Core 2 Areas yet these setbacks have not been adhered to on the Conceptual Plan

Noise Feasibility Study (Page 5) “staff concurs with the findings that residential development is feasible subject to appropriate mitigation measures” The Public & Council weren’t advised that this meant an acoustic noise barrier fence is the “appropriate mitigation measure”. Our understanding is that noise barrier fences in the middle of established neighbourhoods in not in keeping with the Official Plans.

In addition, Page 7 second to last paragraph states again “noise mitigation measures” but the fact that this is an acoustic noise barrier fence is not mentioned. As well, the Ministry of the Environment guidelines states “mitigation is only warranted if it will reduce noise levels by at

least 5 dBa. Staff at this time settled for a noise fence that would reduce the noise from 60 dBa to 57 dBa and 55dBa is the recommended guideline. Omission of these details is misleading. (We also did our own study with a meter reader and the actual dBa at this site is consistently higher than the 60 dBa the Study states. On Monday, June 17, 2013, the actual readings were 65.6, 64.7, 65.5, 63.8, 64.7, 64.6 from 6:30 a.m. to 5:00 p.m.) We've been advised that this will be addressed during the Site Plan Control, but we all know that this process is not public yet a noise barrier fence in this location definitely affects the public.

Secondary/Neighbourhood Plan: Why don't we have one? Why has the Lakeshore Neighbourhood Plan never been adopted as a Secondary Plan? It appears in reading the Official Plan this was the Ward councillor's responsibility and should have been done some time in the last 30 years. The Lakeshore Area Secondary Plan includes a description of where these lands are located yet we've been advised that the verbiage in this Secondary Plan doesn't apply because we don't have a corresponding "map" that has been adopted. This makes no sense to us. We are also supposedly in the Urban Lakeshore Protection Area – is this a misnomer? This area does contain a schedule yet seems to have been completely overlooked with respect to setbacks and floodplains.

Forestry and Horticulture Section (Public Works Department) The staff report states there are numerous private trees on site. This is incorrect. The only private tree on this lot isn't even indicated or addressed on the Tree Protection Plan (and our best estimate is that it will be in one of the units living room). The Staff report doesn't include the fact that there are numerous public trees on the site nor the fact that the Tree Protection Plan submitted by the engineer does not include the noise barrier fence that will ultimately harm these trees. While these aren't really worth protecting; it's the omission of these details to the Council and the public that is our concern. Lastly, another public tree will end up in the driveway of the one unit which is probably why it also wasn't shown on the Tree Protection Plan.

Hamilton Municipal Parking System: advised that public, on-street parking in the area is limited. Our concern is that the removal of these 6 parking spots from the existing parking shortage has not been addressed.

Hamilton Conservation Authority: advised us that there are no current floodplain maps for this area. How can approval of this development occur on this basis?

Public Consultation: Out of an original circulation of 70 households approximately 50 responses were received; this represents a 71% response rate. Staff have been unable to advise us whether this is considered a high response rate. Regardless, in our opinion, it is.

Of those 50 written submissions, 37 (74%) were opposed to multi-residential in any form while 13 stated they were opposed to the original rezoning .

We would like to know why reg. 5.4.4.3 in the Growth Plan was not considered? In other words, why an Open House and/or a recorded Neighbourhood Meeting was not held even though the large majority of residents had concerns about the revised rezoning?

School Boards: We were advised during the OMB hearing that the school boards were contacted. We can't locate anything in the file to confirm this. We're concerned about the safety of the children with respect to the "alleyway" created at the school bus stop. We didn't feel the response,

“they would be trespassing” addressed this concern adequately. The site plan agreement on file for this block states the Board of Education must be satisfied with regard to the facilities to be provided for the safe assembly of children waiting for school buses. In our opinion, the school board was not provided with the conceptual plan which shows this “alleyway”.

Driveway Locations and Traffic/Safety: The engineer drawing submitted to Traffic Engineering omitted the locations of the existing public tree and the 2 existing utility pedestals so the fact that these are proposed to end up in the one driveway was not addressed. In addition, it appears that 2 of the driveways exceed the maximum width allowed under the City of Hamilton Zoning By-Law #05-020. Please advise why this wasn’t addressed in the Staff Report. And lastly, no parking is permitted in flankage yards, which in this case is Oceanic. Again, Traffic Engineering had no way of knowing this since the drawings provided by the engineer were incorrect with respect to the dimensions and what is actually considered the front yards, side yards, etc.

Neighbourhood Character: The Staff Report inaccurately states the predominant land use in the Lakeshore Neighbourhood is of single detached residential housing form. This information is misleading. We have approximately 434 townhomes (plus another 1100 being built in the next block), 421 condo apartments and only 237 single family homes. This represents 22% single family homes in the neighbourhood. During the OMB hearing, Staff advised that no housing mix targets existed. Upon further research, we’ve determined that the Official Plan states the City shall prepare and annually update housing targets including Housing Mix. Has the City adhered to this policy? If so, please provide these targets to us. If not, please advise why.

In addition, the Staff Report states additional modifications to RM2 would not be required for this proposal. Again, this information is not accurate. The front of this corner lot is Drakes therefore multiple revisions to the rezoning will be required with respect to set-backs. It appears this has not been noticed by the City (again due to incorrect dimensions on the engineer’s plans)

Sidewalks We’ve been advised by Staff that sidewalks and public transit will be coming to our area and therefore development can be supported. We’ve been advised by our Ward Councillor we won’t be getting sidewalks in our neighbourhood. We know that no sidewalks means no public transit. Common sense also leads us to believe that it would not be financial prudent of the City to give up the revenue from the Trans Cab program, or to invest in the infrastructure that would be required. So can we please be provided with information in this area that is consistent, transparent and stops insulting our intelligence?

Property Values: One of our concerns about potential loss of property values is based on the City of Hamilton Noise Paper which states noise barrier fences can affect the value of nearby property. Another concern is that the more floods we experience, the more depressed our Property Values will become. Can someone please adequately address our concerns?

Flooding: An email from Gavin Norman to Alvin Chan advises the Staff Report should be more specific as to what our concerns are “ (ie) if there is historical flooding in the area you need to speak to it”. It appears the history of flooding in this area has been completely ignored since it was not included in the Staff Report nor was it mentioned by our Ward Councillor who has provided the Stoney Creek News with numerous reasons for these floods.



Sherry Revesz and other area residents have brought this to Council's attention numerous times in the past. They have written about the floods and the fact that some of us can't get water loss coverage from our home insurance companies. Those that can, pay 5x to 8x more than other City of Hamilton residents.

In addition, a Storm Emergency Response Group report discussed underground pipes in Stoney Creek as having limited carrying capacity by design. Rainfall greater than the 1:5 year rainfall in Stoney Creek would cause the pipes to overflow. As well, increased impervious land area and changes in adjacent property characteristics were identified as conditions that cause hydraulic demand in sewer systems to exceed carrying capacity. We have historical (sometime annual) flooding/water issues on Lakegate, Drakes, Oceanic, Frances, Pinelands, Teal, Church and even the new townhomes on Green Road. In addition, we're starting to notice red marks in our toilets. The causes of these issues have varied but suffice it to say that when it rains most of us are biting our finger nails hoping our sump pumps, back flow preventers, etc can accommodate a regular rainfall.

Given the flooding in Calgary and Toronto, and other neighbourhoods within the City of Hamilton that are being addressed, we're dumbfounded to understand why our concerns are being ignored? Ultimately, whose responsibility is it to fix this problem? In the 20+ years we've lived here, we don't ever recall a 5 year span of time passing without some neighbour experiencing sewage and/or water damage in their home.

Alternatives for Consideration: Should this not list the pros and cons for each alternative so that a diligent determination can be made?

Corporate Strategic Plan: Why is Environmental Stewardship not listed as one of the Focus Areas?

Location Map: We believe the spirit of the Planning Act is such that these maps should include significant features such as Core 2 Areas, Truck Routes, Waterfront Trail Bike Route, Lake Ontario, water bodies, linkages, etc.

Schedule A: the dimensions of the 12 m arc were omitted. Was this an oversight or intentional? It was provided by the applicant on the plans reviewed by Staff for the 6 townhomes back in September 2011 (2<sup>nd</sup> option during Formal Consultation) but have been omitted on the plans and information provided to the public, Council and the OMB since that time.

**Public Input & Planning Committee Meeting:** In order to adequately understand our concerns, it is important to view the public video on the public website. It is quite revealing. Our observations are as follows:

1. The public input process doesn't really accommodate the public. We've spoken to numerous other municipalities and they hold their public input meetings in the evenings. Even though a request was made to hold this meeting in the evening this was ignored. Why?
2. Planner's Power Point Presentation & Questioning:



- States existing trees are being kept yet they haven't even been identified on the Tree Preservation Plan and as mentioned previously they would be located in the living room and driveway of one of the units.
- The housing form slide is extremely skewed but does look pretty.
- States the alternative is a 7,700 sq foot commercial plaza yet the lot size would only accommodate @ 5,100 sq feet.
- States that homeowners in this area keep "junk" in their garages. Some of us find this comment disrespectful

Whose responsibility is it to correct misleading information provided by the Planner to Council?

### 3. City Staff:

- Misled Councillor Partridge when stated RM2 zoning would only allow a maximum of 6 units; it is actually 8 units
- Inaccurate answers to Councillor Collins on the dimensions of the lot frontage and the fact that multi-residential is not predominant in the neighbourhood.
- States street townhouses can be located with no modifications to RM2, no changes to setback; which we know is not true when the correct lot frontage is applied.
- 

Whose responsibility is it to correct misleading information provided by Staff to Council and the Public?

### 4. Councillor Pearson:

- Stated only 1 household was opposed during her Telephone Survey; yet multiple neighbours have come forward advising they stated they were opposed during the call
- Stated there are "no impacts on the ponds to the East" yet an Environmental Impact Statement was not requested for this area that has an "Environmentally Sensitive Area" sign posted.
- Stated there's "an objection to change in the neighbourhood" which we take offense to. We don't recall much objection to the rezoning and the townhomes that were built along Frances Avenue. Perhaps Councillor Pearson can expand on this?
- Based on other comments from the members of the Planning Committee, they were led to believe our Councillor worked with the constituents yet there was no public engagement between the time of the Revised Pre-Circulation Notice to the date of this meeting (9 months)
- Stated lot doesn't support commercial, yet we are not aware of any empirical data to support this comment. The market impact study was waived and the previous owner appeared to have just let his \$1 investment sit for 30 years so he could benefit from a great return
- Spoke on the matter for longer than the 5 minute period allowed under the Procedural By-Law
- Appears to engage in behaviour that was disruptive to the proceedings (called Chair over and spoke to him, signalled Chair to "hurry someone along", signalled Chair to "cut off" another member of Council, etc.)

- Spoke about *the people* who live in the neighbourhood during the portion of the meeting that was after our delegates spoke. This did not allow for a fair exchange of information between the Public and the Council.

Whose responsibility is it to correct misleading information provided by the Ward Councillor to Council?

5. Councillor Ferguson:

- Appears to have left the room during the City Staff presentation (missed most of it), missed the Planner's presentation and missed most of our delegations input. In addition, when he was in attendance he's video-taped as being on his hand-held device; yet still felt confident to vote in favour of the rezoning. To us, it appears he voted based on his own agenda and had a total disregard for the public's input. At one point, one of the neighbours in attendance at the meeting said Councillor Ferguson was napping. We're sure this wasn't the case but once you view the video it did appear this way. The final vote was 4 to 3 which is why we felt the need to address this.

**Notice of OMB Hearing:** On July 26, 2013 – we received notice that hearing date has been set for August 28<sup>th</sup> (which provided us with 23 calendar days) yet city, owner and some neighbours knew 3 weeks before (OMB advised City July 9, 2013) Why did it take the City this long to send us this information? Is this common procedure?

**Additional Information:** For greater clarity, we're also attaching the Timeline in addition to our Issues List that we intended to go into detail with at the OMB hearing.

Currently, the perception in our community is that the City of Hamilton and our Ward Councillor have not exercised due diligence and proper care in addressing the concerns of our neighbourhood. Our concerns have been repeatedly marginalized by the City and by our elected officials. We find this unacceptable.

The City Planner repeatedly stated during the OMB hearing that many of our concerns were to be addressed during "Site Plan Control". We believe the next step for the applicant is to apply for Site Plan. Since this is not a public process, it is our expectation that the City of Hamilton put the appropriate systems in place to ensure that the site plans submitted will be reviewed for accuracy. We believe that this should lead to an amendment request to the Committee of Adjustments and depending on what is proposed at that time, our Issues List may resurface.

Your Worship, our confidence in the Planning Processes falls short of our expectations. We need to have the City and the Public work together to restore confidence in the procedures aimed at ensuring good long term land use planning.

If deemed appropriate, we would welcome discussing or expanding on any of our concerns in person.

Sincerely,

Anna Roberts    Nancy Bleakley    Viv Saunders  
(on behalf of Lakewood Beach Community Council)

## ISSUES LIST: Page 1 of 2

1. Is the proposed development and/or rezoning amendment considered Sustainable Development?
2. Were the regulations with respect to the planning process, proposed development and/or rezoning amendment as set out in the Growth Plan for the Greater Horseshoe adhered to? Including but not limited to:
  - a) Will there be a reduction in automobile dependence through the development of mixed use and transit-supportive urban environment?
  - b) Is a balance of transportation choices that reduce reliance upon any single mode offered?
  - c) Is the proposed development safe for all system users – children, pedestrians, cyclists and motorists?
3. Were the regulations with respect to the planning process, proposed development and/or rezoning amendment as set out in the Official Plans adhered to? Including but not limited to:
  - a) Is the development in keeping with the Residential policies?
  - b) Is the subject site identified as being within an intensification area?
  - c) Is there a clear policy direction for a higher density of development on the subject lands?
  - d) Is there a deficiency with respect to an appropriate mix and range of densities?
  - e) Is the residential character maintained and enhanced?
4. Is the proposed development and/or rezoning amendment “consistent with” the overall policy direction and specific regulations of the Provincial Policy Statements? Including but not limited to:
  - a) Will this cause environmental, public health or safety concerns?
  - b) Has adequate consideration been given to potential flooding hazards or has it been demonstrated that rezoning will not exacerbate existing drainage and flooding impact on the residential properties to the west, north and east?
  - c) Is the transportation systems required safe, environmentally sensitive and energy efficient?
5. Were the specific regulations in the Planning Act followed with respect to the planning process, proposed development and/or rezoning amendment? Including but not limited to:
  - a) Was a complete application submitted?
  - b) Was sufficient information submitted to justify the feasibility of the proposed development?
  - c)
6. Were the regulations in the Municipal Act followed with respect to the planning process?

## **ISSUES LIST: Page 2 of 2**

- 7.** Were the municipal Zoning By-Laws followed with respect to the planning process, and/or proposed development
- 8.** Why was the Natural Heritage of the adjacent lands and the area not addressed as per the Provincial Policy Statements, Environmental Protection Act, Growth Plan, Ontario Natural Heritage Manual, and Official Plans.
- 9.** Were the regulations with respect to the planning process, proposed development and/or rezoning amendment as set out in the Secondary Plan adhered to?
- 10.** Are the preliminary Site Plans appropriate to base a good land-use planning change or are they inadequate? Including but not limited to:
  - a) Yard setbacks
  - b) Driveway locations
- 11.** Has it been demonstrated that the development of the site will not encroach into the Regulatory Floodline?
- 12.** Has it been demonstrated that stormwater can be effectively controlled and conveyed from the site without negative impacts on adjacent properties?
- 13.** Has sufficient grading information been submitted to demonstrate the feasibility of the development without unacceptable grading impacts on adjacent residential properties and natural features?
- 14.** Would the proposed development and rezoning amendment represent an undesirable over-intensification of the site?
- 15.** Is it premature to approve this site specific zoning by-law amendment tailored to accommodate a development plan that has not been proven feasible and/or where future adjustments to the development plan and/or the zoning by-law are inevitable?
- 16.** Was the public and Council provided with sufficient information and/or misled during this planning process? Incl but not limited to:
  - a) Neighbourhood Meeting
  - b) Telephone Survey conducted by Ward Councillor
  - c) Staff Report
  - d) Public Information / Planning Committee Meeting
  - e) Public Notices

## **Timeline (page 1 of 5)**

**May 26, 2010** – **HGC Engineering contacts MTO** (Christopher Bee) for traffic data on QEW (1 ½ years before purchase of land)

**September 12, 2011** – Request for Formal Consultation Meeting submitted to City

**September 26<sup>th</sup>, 2011** – GUJ Holdings purchased land (2 Drakes Drive) from Afaf Sakran for \$350,000

**October 18, 2011** – Formal Consultation Meeting to construct five storey 40 unit retirement home ***with a second option of six townhomes*** at 2 Drakes Drive takes place. ***No minutes of meeting*** are available due to a staff vacancy.

**October 18, 2011** – HCA provided comments “only needs to request written permission at time of building”

**October 18, 2011** – HCA sent a fax referencing site plan dated September 1 2011. Recommended preliminary screening of species at risk Also mentioned outside of flood and erosion hazards for Stoney Creek Watercourse 0. Yet ***we were advised no accurate flood plain maps exist for this area.***

**October 18, 2011** – Derek in Planning wrote a memo outlining requirements re; triangles, sewer and water requirements, grading, erosion report -

**October 26, 2011** – Formal Consultation Report for 2 Drakes Drive mailed to GUJ Holdings (owner/applicant) .

**December 2011** – Municipal Address Changed to 2 Oceanic Drive

**April 10<sup>th</sup>, 2012** – MMK Engineering Submitted Zoning Amendment Application for 2 Oceanic with various enclosures: (received by City on April 13<sup>th</sup>, 2012) and a proposal for 10 back-to-back maisonettes, RM3 zoning change.

**April 19<sup>th</sup>, 2012** – Email from Alvin Chan to Darren Kenny re; 2 Drakes Drive, and HCA.

**April 19<sup>th</sup>, 2012** – Email from Alvin to MMK Engineering re; 2 Oceanic/Drakes Drive – confirming ***proposal would be a plan of condominiums***

**April 24, 2012** – Date Application deemed complete by City on the Rezoning Application form

**April 27, 2012** – Notice of Complete Application and Preliminary Circulation to amend the Zoning By-law for Lands located at 2 Oceanic Drive sent out to households within 120 metres

**April 27 2012** – Roll Inquiry for 003.040.19948.0000 2 Oceanic received on April 30<sup>th</sup> with No Comments

**May 1<sup>st</sup>, 2012** – Memo from Diana Yakni (Legislative Approvals) to Alvin

**May 2<sup>nd</sup>, 2012** – emails / letter pour in from Public – 50 in total out of circulation of 70

**May 4, 2012** – Email from MTO – is within MTO permit control.

**May 8, 2012** – Public Notice Sign erected ***on least travelled side of corner lot.***

## **Timeline (Page 2 of 5)**

May 9, 2012 – Email from Recreation Planning Staff – no comment. Only a very small parkland deficiency (-0.074) in this planning unit (6302) and theres access to other parks.

May 9, 2012 – In response to Alvin’s April 23<sup>rd</sup> memo – Forestry & Horticulture have reviewed and plan shows there is a potential for Urban Forestry Tree conflicts. ***Need Tree Management Plan***, etc.

May – mid, 2012 – “Dear Neighbours” put in mailbox requesting neighbourhood to not oppose development.

May 28, 2012 – Councillor Pearson hosts Neighbourhood Meeting

May 29<sup>th</sup>, 2012 – Councillor Pearson writes note to those who signed attendance sheet at meeting thanking them for reviewing “Jason’s” proposed development.

June 8, 2012 (Friday) – Revised Application for Zoning By-Law Amendment received for 6 Street Townhouse units and change to RM2 zoning

June 11, 2012 (Monday) – Application Deemed Completed by City (have 30 days – whats the rush – missing documents)

June 12, 2012 – City received June 18, 2012 – letter from Horizon Utilities regarding original zoning application. – standard call before you dig, etc.

June 19<sup>th</sup> – memo from Development Planning to City Clerk that Revised Zoning By-Law application was received on June 8<sup>th</sup>, 2012 and was deemed to be complete on June 11, 2012 for a change in zoning from LC to RM2 with special exceptions to permit 6 street townhouse

June 22, 2012 – Operations and Waste Management Division wrote to Alvin re; Revised application – no comments.

June 25, 2012 – Recreation Planning has no new comments re Revised application

June 25, 2012 – Notice of Complete REVISED Application circulated to 111 homes

June 26, 2012 – Letter from Horizon Utilities replying to request to June 19<sup>th</sup>, 2012 – standard wording – call before you dig, etc.

June 26, 2012 – Memo from Legislative Approvals – new noise study needed

June 27, 2012 – Roll Inquiry requested. Received June 28<sup>th</sup>, 2012 . Still shows as 2 Drakes Drive June 28, 2012 –Building, Engineering & Zoning Dept wrote Planning Dept – received July 4, 2012. Outlines all the non-conformances with RM3 zoning – original rezoning application from April 2012.

June 28, 2012 – Growth Management Division sent email outline municipal addresses if approved.

June 29, 2012 – Memo from Community Planning & Design - confirm they need an amendment to the Lakeshore Neighbourhood Plan. Memo outlines Natural Heritage (adjacent to Core Area to the East and Linkage to the South) and ***staff requirement of a EIS***. –Memo outlines a Tree Protection Plan is required and should be done as part of EIS



## **Timeline (Page 3 of 5)**

Undated Development Application Comments from E&SI to Development Planning Worksheet with Comments Due by July 4, 2012 from Alvin Chan –Alan Kirkpatrick, Transportation Planning referred to future road widening, etc.

July 3, 2013 – Revised Public Notice sign erected on least travelled side of corner lot.

July 4, 2012 – Forestry and Horticulture – potential for Urban Forestry tree conflicts. Notes private trees fronting Frances are regulated. Need Tree Management Plan. Private trees, that meet S.C. Tree By-law, must be surveyed, identified and accurately plotted on the plan. If existing trees remain, a zone detail and preservation techniques need to be submitted. All proposed surface treatments within driplines needs to be depicted

July 6, 2012 – Public Works (Traffic Engineering office) – No comments to the application. Future Site Plan requirements: change angle of unit 6 driveway or increase width to smooth out the curve. Change location of unit 5 driveway to the west side. ***Minimum of 1.2 m separation from City's road allowance between an access and any utility, fire hydrant, etc***

July 13, 2012 – Bell Canada letter responding to original application – need easements for telecommunications services since it's a private condo block.

July 15, 2012 – Hamilton Municipal Parking System – public on-street parking is limited. Suggested warning clause.

July 24, 2012 – Building Services Division – Conceptual Plan and Conceptual Servicing Plan differ. Compliance cannot be determined fully.

July 24, 2012 – beginning of Public's responses to amended application One missing a page.

July 25, 2012 – New Noise Feasibility Study completed

August 1, 2012 – New Proposed Site Plan – shows driveway of unit 5 moved

August 13, 2012 – Public Works – confirm revised driveway design for units 5 and 6 are acceptable.

August 22, 2012 – Development Engineering memo – needs a Reference Plan for the road widening – Recommend a H Holding provision or in Site Plan Control, to dedicate lands to City for triangles, for a detailed grading plan, detailed erosion and sedimentation control plan, servicing plan and External Works Agreement.

August 28, 2012 – Legislative Approvals confirms they reviewed New Noise Feasibility Study which shows 60 dba but study says Noise Barriers are not recommended. City objective is to get to 55 dba.

September 2012 Engineer proposed 1.8 metre noise barrier to reduce to 58 dBA's.

September 2012 ***City settled for 57 and requests a 2.1 metre noise barrier*** at the Site Plan Control stage

## **Timeline (Page 4 of 5)**

September 6, 2012 – Public Works – no comment on the revised application. Make sure approach ramp for driveway of unit 6 doesn't extend over lot line next door.

September 6, 2012 – Community Planning & Design –. Unable to approve Tree Protection Plan until further information is received.

September 11, 2012 – Building Services Division – Revised Site Plan (dated July 2012) has been reviewed. Unable to determine compliance with building height (no elevation drawings provided); with unitary equipment (none indicated on plan); or with parking amount (unless garages are proposed).

October 25, 2012 – Community Planning & Design –. State they've reviewed revised Tree Protection Plan and are satisfied with it.

October 31, 2012 – MTO – no concerns with rezoning – however, is within 396 metre permits control. Will require permits prior to construction.

November 23, 2012 – email from Gavin Norman, Growth Management Division to Alvin – with a few questions/concerns re flooding etc

December 5<sup>th</sup> – Ward Councillor has informal meeting with staff to review their report to be presented at Planning Committee meeting January 15<sup>th</sup>. Edits and revisions required. Therefore, Public Information Meeting deferred to February 5<sup>th</sup> – not able to find out what these edits/changes were.

December 17, 2012 – Forestry & Horticulture Section – replying to August 16<sup>th</sup> memo. State there are no municipal trees located on the road allowance; just internal private trees that are regulated by SC Tree by-law. Reviewed Tree Preservation/Management Plan and Landscape Plan and both are approved.

December 21, 2013 – Notice of Public Meeting sent to some neighbour's within 120ms but not all?

January 18, 2013 – Notice of Public Meeting schedule for February 5<sup>th</sup>, 2013 (***note Staff report says this was sent out on December 21<sup>st</sup> yet mine and Anna's are dated January 18th***)

January 24, 2013 – Staff Report and written comments sent to me along with confirmation will be discussed at February 5, 2013 Planning Committee meeting.

February 5, 2013 – Public Information / Planning Committee Meeting held at 9:30 a.m. Vote was 4 to 3 in favour of rezoning. Our Councillor voted for development

February 9, 2013 – Neighbourhood flyer asking us to attend or contact Councillors before February 13<sup>th</sup> Council Meeting.

February 13, 2013 – Council Meeting (***of which at least 5 letters were not added to the agenda***)

February, 2013 – Neighbour's flyer asking neighbourhood for our input as to whether she should file an Appeal to OMB.

## **Timeline (Page 5 of 5)**

February 25, 2013-- - ***email from owner of property to neighbour stating this will be a rental housing development.***

February 27, 2013 – Form 1 Notice of the Passing of a Zoning By-Law mailed from Rose Caterini, City Clerk. Deadline to appeal is March 19, 2013

March 18, 2013 – Appeal filed.

March 27<sup>th</sup>, 2013 – Declaration from Vanessa Robicheau including Planning Committee Minutes

March 28, 2013 – Vanessa Robicheau completed Municipal Submission Form to OMB. Application date states June 11<sup>th</sup>. It was actually June 8<sup>th</sup>. No biggie but reaffirms sloppiness in process.. Application states that all written submissions received prior to or after its passing are included in package to OMB – missing emails sent to Council A statement was suppose to be attached confirming decision of Council and Planning conforms to or does not conflict with any applicable provincial plan or plans and conforms to the official plan and conforms to Provincial Policy Statements. It wasn't included – Vanessa put N/A Report beside this requirement.

April 2, 2013 – copy of letter from City to OMB along with Municipal Submission Form

April 9<sup>th</sup>, 2013 – Board acknowledges receipt of Appeal form and assigns Planner.

July 26, 2013 – ***I received notice that hearing date has been set for August 28<sup>th</sup> (23 calendar days) yet city, owner and some neighbours knew 3 weeks before (OMB advised City July 9, 2013)***

August 28, 2013 – August 30, 2013 - Hearing dates