

Executive Summary:

The proposed development of the Highgate Retirement Residence, located at 325 Fiddler's Green Road ("FDR") and encompassing the residential property at 307 FGR is unacceptable to the neighbourhood. This was evidenced by a petition against the development which included signatures from 275 households in the surrounding neighbourhood.

The proposed development is vastly out of character with the surrounding neighbourhood and represents an obvious over-intensification. In support of this premise, the Ontario Municipal Board ("OMB") has already turned down similar proposals at 121 FGR and 293 FGR for reasons primarily focused on preserving the character of the neighbourhood, which are single detached residential homes. In response to the OMB's decision, Councillor Lloyd Ferguson told the Hamilton Spectator that "it was a good day for Ancaster" and that "intensification does not trump everything else".

In this case, the City of Hamilton has received advice from Report PED13183, prepared by a City of Hamilton Planner. Unfortunately, Report PED13183 contains a significant amount of errors and omissions and fails to consider numerous issues related to the development.

Specifically, it is recommended by Report PED13183 that approval for the proposed development be provided without consideration or plan for traffic, storm water runoff, parking, utilities, domestic water supply or radial separation. Further, Report PED13183 does not articulate the height of the proposed third floor, which represents a significant consideration given that this development would be the only three story building on FGR. Also, Report PED13183 errs in certain urban planning concepts, and appears to ignore the fact that the proposed development will violate the Urban Hamilton Official Plan.

Overall, the neighbourhood feels that it is under attack by the proposed development. If this development were to proceed, it would logically flow that further development along adjacent properties on FGR would proceed, which would dramatically alter the character of the neighbourhood. It is not extreme to suggest that if this development is approved, the flood gates will open.

While the neighbourhood is severely concerned about the proposed development, we are not of the expectation that things must stay the same. Progress is a part of life, but such progress must move at a pace and in a way that is acceptable to the neighbourhood. In this regard, the neighbourhood would be pleased to see the development scaled back to:

- a) a maximum of two stories to be built on top of the existing footprint, with many fewer new residents than proposed;
- b) in a manner consistent with the existing character of the neighbourhood in a way that meets the green space, low profile and generous setback aspects that characterize our community; and
- c) with the issues that we have identified in the current proposal, especially the infrastructure concerns, addressed to the neighbourhood's satisfaction before approval of a revised proposal, not at the site planning stage.

This page left blank.

Re: Report on Proposed Zoning By-law Amendment for Application ZAC-12-021 - 307 and 325 Fiddler's Green Road (Ancaster) (PED13183) (Ward 12)

A complete review of proposal ZAC-12-021 by a qualified independent municipal planner not employed by the City of Hamilton is required because:

1) The proposed redevelopment is not consistent with the City's Urban Hamilton Official Plan (UHOP)

The subject property is located in the Maple Lane neighbourhood of Ancaster. The land use is designated as "Neighbourhood" in the Urban Hamilton Official Plan (UHOP). The neighbourhood was established in the 1950s and is characterized by single family homes and a few small two storey multi-family dwellings along Fiddler's Green Road (hereafter "FGR"), including the subject property. All the properties have generous frontages with significant green space. Mature trees have developed and are features of the area providing shade, windbreaks and habitat for wildlife.

Redevelopment in the neighbourhood that has been occurring over the past number of years has to this point respected the aesthetic continuity and the character of the neighbourhood. A number of proposals for intensification that have been brought forward for the neighbourhood have not been supported by the City of Hamilton or the Ontario Municipal Board. [These are discussed in section 2) below.]

While Report PED13183 (hereafter "the report") of the proposed redevelopment identified a number of benefits, it completely overlooked a number of significant deficiencies relative to the UHOP including:

Section E.3.5.1 of the UHOP states, "Medium density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting on collector roads."

a) The subject property is not included in Schedule E-1, primary nodes and corridors, the proposed area for intensification in Ancaster.

b) The variance requested is major. Highgate is zoned I2 for a maximum capacity of 50 residents, but was actually houses 40 persons, the current number of residents. The proposal is to increase the number of residents to 120, is therefore a **200% increase**. The redevelopment does not meet the criteria for intensification with respect to maintaining existing neighbourhood character, is not compatible with the scale, form and character, and is not supported by the existing transportation and storm water infrastructure. A zoning amendment cannot be passed if it does not comply with the official plan.

According to Zoning by-law 05-200, there are three categories of Institutional Zoning in Hamilton: Neighbourhood, Community and Major. The number of residents for a Retirement Home is limited to 15 for Neighbourhood and to 50 for Community and Major. The proposal asks to vary the I2 zoning of 325 FGR to a number of units that is well above that permitted under the by-law, effectively to change Highgate by the back door into a Major Retirement Home without going through the proper processes of actually applying for that zoning. If this proposal is approved the owner/developer could come back at a later date and apply for Major Retirement Home zoning amendments on the basis that it already has a large number of units and, if successful, subsequently add even more units.

c) The UHOP notes the transportation limitations for Ancaster as a reason for development restrictions within the ward. The proposed redevelopment would place additional demands in an area not planned for intensification. The existing corridor (FGR) does not meet requirements for an active transportation network and there are no imminent plans for development of one. It is not a pedestrian friendly street and it does not currently have any features to support barrier free accessibility, such as transit stop

accessibility, sidewalk continuity, crosswalks, voice signals at crosswalks, etc., even for the current use of the Highgate property. (Before being able to walk to the central shopping area, Highgate residents must walk 200m south, cross FGR on the lights at Amberly Blvd., then return 200m north to a point opposite Highgate before they can continue to the shopping area.)

d) The report does not consider the overall impacts of the redevelopment on the neighbourhood. The UHOP recognizes the importance of considering the connection of individual applications to the design with the following statement: "Our city is built one building at a time and each building contributes to the overall design of the City, therefore attention to each building is an important step in the city building process." Section E.3.5.9b states, "Development within the medium density residential category shall be evaluated on the basis of the following criteria: ...b) Development shall be integrated with other lands in the neighbourhoods designation with respect to density, design, and physical and functional considerations."

The report does not consider how the proposed redevelopment fits with the existing or planned development for the area, and if accepted would set a precedent for future development that has not been contemplated in the UHOP. Approval of this proposal would also set a dangerous precedent in that it would effectively change the UHOP without discussion or approval of the City Council.

e) On Page 1 the report states, "... to permit the expansion of an existing Retirement home on lands known as 307 and 325 Fiddler's Green Rd...", and on Page 3 the report states, "The property known as 307 Fiddler's Green Road has been occupied by the Highgate Retirement Home since 1999." These statements are completely untrue and, as part of a planning report, extremely misleading. There is not now and never has been an "existing retirement home" on the 307 FGR property. The building currently occupying 307 FGR is a single story house, built in the style and form of other houses in the original neighbourhood.

2) The Ontario Municipal Board (OMB) has already turned down two different development proposals on FGR, one at 293 FGR and one at 121 FGR. In both cases the OMB said that the proposals were not in keeping with the character of the neighbourhood. Other zoning decisions have been in agreement with this principle. Despite these rulings, which are very clear, the Planning Department of the City of Hamilton has recommended approval of the Highgate proposal.

a) Re 293 FGR the OMB adjudicator wrote:

"However having considered all of the evidence" the Board finds the proposed lots are not consistent with the development pattern of the existing neighbourhood" the proposal does not respect the existing character of the neighbourhood and the proposed development does not represent appropriate land use planning."

"Other opportunities for intensification can and should be considered where the area can accommodate such redevelopment" provided it is consistent with the character of the neighbourhood. However" in this instance the proposal fails to respect the character of this neighbourhood."

"The Board further finds that the proposed severance would serve to destabilize this older" low density neighbourhood by creating a new lot configuration and dwelling siting that are out of step with the established lot fabric of the neighbourhood."

b) Re 121 FGR the OMB adjudicator wrote:

"In my estimation, this Exhibit clearly and frankly, dramatically, reinforces the argument that the character of this area is single detached residential homes."

"I am of the view that the proposal does not conform with 4.4.8(i), 4.4.8(iii) and 4.4.10(i)(a) in that the development is in a central area of an existing single detached neighbourhood, it represents a concentration rather than dispersal of attached housing and it does not complement, because of the proposed building height, mass and setbacks, the established development pattern of the neighbourhood."

"The proposal is not compatible with the character of the area and will result in over intensification."

c) Quote: **Fiddler's Green condo plans struck down by OMB** (Hamilton Spectator, 16 Nov 2012)

"Councillor Lloyd Ferguson, who voted against the project, called it a good day for Ancaster. "The main message is this should prove that intensification does not trump everything else, especially character of the community," he said in an email. "Our community was under siege especially Fiddler's Green Road, all in the name of intensification as set out in the new provincial policy."

Full Article attached as Appendix 1.

d) Article: **Ancaster's 'unique' community under attack: councillor** (Kevin Werner Mar 07, 2008 Ancaster News.com)

High density developments viewed as a threat to community heritage

"Ancaster's way of life is under attack from Hamilton development, says councillor Lloyd Ferguson."

Full Article attached as Appendix 2.

e) In 2008 a proposed severance of the property at 30 Ravina into two residential lots was not supported by staff and the Committee of Adjustment. The report to the Committee of Adjustment dated May 15, 2008 made the following recommendation: "It is the opinion of staff that the severance of the subject property is not appropriate development of the land and as such, recommend that the applications AN/B-08:45 and AN/A-08:120 be denied." Following the denial the applicant made an appeal to the OMB, but subsequently withdrew it in September 2008 and rebuilt a single family dwelling which is in keeping with the character of the neighbourhood.

3) Building Height

By-law 05-200 states very clearly that the maximum building height is 10.5m. Report PED13183 is very careful not to give or mention the exact height of the proposed building and only mentions the subject three times. On page 13, under COMPATIBILITY (Item b) it states, "... the proposal would not contribute to overlook or overshadow through the proposed building height or massing because the site is of sufficient size....". On the same page, under TRANSITION (Item d) it states, "The use of mansard style roofing along the façade would also reduce the effect of building height." On page 21, under Urban Design, it states, "The expanded building would maintain existing setbacks and would provide for an appropriate building height for the surrounding low density residential area."

Further, the drawing "Revised Elevation Plans for Proposed Addition" on page 37 shows a height of 3m for the first floor above grade and 3.4m for the second floor, but does not give a height for the third floor and roof.

This proposal should not be approved without the question of building height being addressed explicitly. If approved it appears almost certain that the actual final building height will be a hidden variance.

4) Neighbourhood response to the proposal:

a) The citizens' petition against the proposal presented to the city was signed by 275 households, most containing two or more adults. In addition 16 citizens wrote letters, ten (10) citizens spoke at two (2) Ancaster Community Council meetings and four (4) citizens spoke at the 3 Dec 2013 Planning Committee meeting, all against the proposal. This is a significant amount of opposition. Copies of these petitions and letters are part of Report PED13183.

b) The neighbourhood already accommodates housing for a significant number of Senior Citizens. On FGR between Calvin and Willson St there are currently five (5) housing developments specifically or primarily intended for use by seniors: Green Acres Senior Citizen Apartments (# 109 FGR) - 46 units (geared to income – seniors only); Fiddler's Green Village (# 175 FGR) - 64 units, mostly seniors; The Gables (# 210 FGR) - 14 units, mostly seniors; Major Ralph Willcock Apartments (280 FGR) - 16 units (geared to income – seniors only); Highgate (325 FGR) - 40 residents.

Sketch showing existing senior housing in immediate Highgate area is attached as Appendix 3.

5) The City of Hamilton appears to be in a conflict of interest because it is the owner of two multi-unit residences on FGR (Major Ralph Willcock Apartments & Green Acres Apartments). It appears that City Staff are recommending a precedent setting by-law change at Highgate that in future could result in the City trying to re-develop or sell Major Ralph Willcock Apartments & Green Acres Apartments at much higher density.

6) Contrary to the information given in the report and comments made by staff at the Dec. 3, 2013 meeting, Ancaster and the immediately adjacent parts of the City of Hamilton already have an abundance of community style retirement homes and residences:

- i. In Ancaster there are three (3) privately owned for profit Retirement homes providing care for a total of 304 residents. Highgate (40) Carrington Court (64) and the Meadowlands (200). The latter two have vacancies and no waiting lists. The supposed waiting list at Highgate is unproven: it may only be expressions of interest due to phonebook ad. There are two (2) Long Term Care Centres providing care for a total of 297 residents. The Meadows (128) and Willowgrove (169).
- ii. In nearby Dundas there are seven (7) Retirement homes providing care for a total of 343 residents. All of these have vacancies and no waiting lists. There are three (3) Long Term Care Centres caring for a total of 618 residents.
- iii. On Hamilton Mountain, between the former Ancaster border and Upper James St. there are three (3) Retirement homes providing care for a total of 249 residents. Two (2) have vacancies and no waiting list. There is also a brand new Retirement home, Deerview Crossing with 121 rooms now available. There are four (4) Long Term Care Centres caring for a total of 690 residents.

A search of on-line sources has found no documentation in the media or on government websites regarding a shortage of for-profit Retirement Homes in Ancaster or the surrounding area.

See Appendix 4 for Table of residential properties

7) Many Urban Infrastructure issues must be addressed before approval is granted, not at the Site Planning stage.

a) Storm water drainage – While on page 28 the report states, “The proposed storm water management facility for the provision of a dry pond to be located within the front yard area would require an Encroachment Agreement in light of the future widening to permit part of the pond to be located on the City’s widened road allowance.” This statement masks a much, much larger problem.

- i. This section of FGR has no storm sewers. When the developments at 175 FGR (Fiddlers Green Village) and 210 FGR (Gables) were built, major work including underground pipes and culverts to the nearby ravine were required to handle storm water. However, running storm water off the site is no longer permitted – it must be handled on the site. The ground area of the Highgate property is similar in size to the 175 FGR property, and that of 210 FGR is smaller, which means that water issues at Highgate will be as great or greater than on those properties.
- ii. There has been no engineering design work to prove that any “dry pond” or “vegetated filter strips” or “infiltration trenches” will be sufficient to handle storm water, melting snow or spring run-off at Highgate. An engineering design and environmental impact study must also include provision for any possible impact caused by the future widening of Fiddler’s Green. Simply changing Highgate setbacks to accommodate widening does not accomplish this. There must be solid evidence that any pond will be sufficient to accommodate storm water on the Highgate property from the increased roof and paved areas, and that there will be no overflow onto or flooding of FGR or neighbouring properties which are on lower grades than 307-325 FGR.

b) Fiddler’s Green Road was not built for the current traffic.

- i. Although currently rated as a “minor arterial road”, this is only because the city has not taken the proper steps to change its status based on road and traffic changes in Ancaster. FGR is one of only two residential area roads in Ancaster with access to Hwy. 403 and only one of four residential area roads in Ancaster that allow traffic to cross over Hwy. 403.
- ii. Planned road upgrading and widening to 32.0m wide under UHOP Schedule C-2, with possible sidewalks and storm sewers, possible movement of electrical wiring underground, etc. should all be completed before any further development or intensification on any property along Fiddlers Green, including Highgate. Special consideration in widening FGR will be required for private properties purchased under the Veteran’s Land Act.
- iii. No evidence that any traffic study has been done by Highgate to take into account the actual nature of traffic on FGR, especially on weekends.
- iv. The increase of 200% in the number of residents, plus additional staff and visitors at Highgate will generate more traffic, both on weekdays and on weekends.
- v. Risks to pedestrians and bicycle riders on FGR and surrounding streets from more traffic and street parking has not been considered.
- vi. There are no traffic lights or crosswalks for residents to cross safely between Amberly and Gilbert. The cross walk light at Gilbert had to be added for safe crossing by seniors who reside at 175 FGR due to the speed of motorists and amount of traffic on FGR.
- vii. There are no sidewalks on the east side of FGR between Highgate and Gilbert St, and no plans to add any prior to the future widening of FGR.

c) Electricity Supply – there is no evidence of a study of the proposal or concurrence in principle with the proposal by Hydro One. The neighbourhood is already experiencing an increased number of electrical outages because of Hydro One equipment limitations. Further development can only add to the load on existing circuits. In the last 18 months there have been six major power outages affecting significant parts of Ancaster.

June 2012 - <http://www.thespec.com/news-story/2246293-power-returning-to-ancaster/>

August 2012 - <http://www.thespec.com/news-story/2253597-power-outage-in-ancaster/>

Apr 2013 - <http://www.cbc.ca/news/canada/hamilton/news/power-restored-for-rural-hamilton-area-homes-1.1413076>

July 22 2013 - <http://www.thespec.com/news-story/3902606-storm-cleanup-no-one-knows-what-s-going-on/>

July 27 2013 - <http://news.ca.msn.com/ontario/hamilton/power-outage-in-ancaster>

23 December 2013 – 1 January 2014 – Major Ice storm affects Ancaster

d) Domestic Water Supply – there is no evidence of a study of the proposal or concurrence in principle with the proposal by the City of Hamilton Public Works, Water Department. How will they impact water pressure and water delivery for the surrounding residences on FGR and neighbouring streets?

e) Emergency Services – there is no evidence of a study or review of the proposal by City of Hamilton Emergency Services. The size and shape of the existing Highgate property appears to be somewhat restricted in terms of the space available for emergency vehicles to operate on the property. This can only get more difficult if more buildings are added. For a medical call involving oxygen, a minimum of one ambulance and one fire truck would be required to attend. An actual fire would require many more vehicles, including large hook and ladder trucks. There is also no evidence of a study or review of the proposal to determine if there are sufficient fire hydrants in the immediate Highgate area to provide enough water and attachment points in the case of a major fire.

f) Radial Separation – there is no evidence of any study being done to ensure that the proposal meets requirements of Hamilton by-laws for radial separation of Highgate from other senior housing on FGR.

8) Other significant issues that should be addressed before approval is granted, not at the Site Planning stage.

i. set-backs on conceptual drawings may be within by-laws but are not in keeping with the street esthetic and character of the neighbourhood. The imposing size of the proposed three storey building is institutional in appearance compared to the single family homes in the neighbourhood. Even if within height by-laws it would dominate the streetscape as the only three storey structure on FGR. If approved, neighbours are extremely concerned that Highgate would be used as justification for additional three story building developments on FGR whose design may not make any effort to conform to the existing streetscape.

ii. conceptual vs. actual – a large number of very important aspects of the proposal are deferred to the site planning stage. This would leave little or no recourse for neighbours if items approved conceptually cannot actually be delivered as promised. These are:

a) While the report states on Page 25, "Air Conditioning Noise: The owner has advised that they will be using a noiseless system", during the December 3, 2013 planning committee meeting Lloyd Ferguson obtained information from the owner that two different systems would be used and in fact, there is no such thing as a "noiseless system". Need to know make, model, height, ambient noise levels and location of all proposed air conditioning units. Also need to know if these are located on a roof, do they constitute an extra floor on a proposed building.

b) Garbage disposal – need to know exact model(s) of Molok units, precise proposed locations and whether or not they meet Hamilton rules and regulations for garbage units. What precautions are in place to minimize smell and wind borne particles during dumping of bags into truck or if lids are left open?

- c) Blue Box recyclables – Hamilton is supposed to be a leader in waste diversion. Although not specifically required by by-laws, the Highgate proposal contains no provision for collection and/or storage of Blue Box recyclables. The subject is not mentioned in the planning report.
- d) Kitchen and landscaping waste – Hamilton is supposed to be a leader in waste diversion but the proposal contains no provision for collection and/or storage of organic and paper waste from the kitchen feeding all residents or yard waste from the grounds. The subject is not mentioned in the planning report. An example of an institution that collects organic waste for recycling is Hillfield Strathallan College. Although not specifically required by by-laws, the Highgate proposal contains no provision for collection and/or storage of organic waste. The subject is not mentioned in the planning report.
- e) On site parking – No professional study of parking done.
- i) even if new residents generally do not have cars of their own, the proposed increase of 200% in residents will increase the number of staff, visitors and service people needing parking. No evidence that proposed parking and road areas will be sufficient for emergency vehicles to operate safely when needed.
 - ii) Overflow parking during Highgate family events already a problem. Stated overflow parking agreement with Marshall United was a one-time verbal agreement with one individual – during December 2013 Christmas event visitors parked on all available lawn space; not at Marshall; The Chairman of Marshall Church Building Committee, responsible for parking at the church, knows nothing about any long-term agreement with Highgate.
 - iii) Proposed shuttles will still impact residents and traffic between Highgate and the Church; just moves the issue further down the street. No evidence that visitors to Highgate will choose to use an alternative parking location and shuttle service.
 - iv) Section 5.2a of the City Zoning By-law related to parking states, “Where a parking lot is situated on a lot which abuts a Residential Zone a visual barrier shall be provided and maintained along that portion of the lot line that abuts a Residential Zone in accordance with Section 4.19 of this By-law; (By-law 06-324, October 25, 2006). While the report states on Page 17 “The use of wide landscape buffers would also protect the neighbour to the north from any impacts due to vehicular noise from the expanded parking area.” There are no details in the report describing the buffer area and type, i.e. berm, vegetation, etc., and no evidence that the neighbours have agreed to anything.
- f) While the report states on Page 19, “A Tree Protection Zone (TPZ) is required for all trees to be retained through a Tree Management Plan. Forestry staff have noted that the creation of a hard surface, which would create runoff, may affect some of the trees.” The Tree Preservation Plan drawing on page 40 of this report is too small to read and no details have been provided, particularly regarding trees adjacent to the property that may be affected by the creation of new hard surfaces. An enforceable guarantee is needed from Highgate that all trees bordering 299 FGR will be protected from damage during construction and subsequently not be removed unless certified dead by an independent qualified arborist, and if removed immediately replaced
- g) Paths – proposal says there will be walking paths for the residents but no precise locations given. It is very difficult to see where there will be any room for any paths.
- h) Dec 3, 2013 Planning Committee Meeting (Recording 02:40:49-02:42:03) Staff said an increase to 120 residents at Highgate will enhance community feeling, create pods, and enhance operations. This is not referenced in PED13183. An independent study or reference to the supporting reference studies is requested to support the statement. For example, research by **Dr. W.H. Thomas’ a**

Geriatrician and North American leading expert in accommodation for seniors shows that smaller (houses or pods with 7-12 residents) is a better living environment and results in better outcomes for seniors. (<http://thegreenhouseproject.org/>) Over 20 years ago Dr. Thomas developed an "innovative design for small residential care homes" to enhance community feeling and quality of life (Rabig et al, 2006 http://www.informedesign.org/Rs_detail.aspx?rsId=2827). Where possible, owners of residential care facilities are trending to either tearing down large facilities or remodelling large ones to create pods of 7-12 residents. The 200% increase for Highgate seems to contradict this trend. The questions become: Why request a 200% size increase for Highgate when the desired results can be achieved without an increase in size? Why do Staff agree with this size increase?

8) Inaccuracies, misstatements and unresolved issues in the City of Hamilton's Planning Report

There are inaccuracies, misstatements and unresolved issues in the City of Hamilton's Planning Report for 307 and 325 FGR. Please note on page 3 of this report it indicates that the Circulation of Notice that was sent to all residents within 120 m of the subject lands was dated November 15, 2013. The actual letter received by the residents was dated November 25, 2013, NOT November 15, 2013 as stated in the report. This report was received by residents only 7 days before the December 3, 2013 Planning Committee meeting, leaving residents only a very short time to prepare for the December 3, 2013 meeting. While on first reading, it seems there is only one amendment being applied for, there are in fact numerous issues/modifications that need to be addressed concretely and definitively in detail rather than conceptually as in this report.

Council cannot make an informed decision based on a report with so many inaccuracies, misstatements and unresolved issues.

Here are the inaccuracies, misstatements and unresolved issues found in this report:

1. Page 1 Quote from first paragraph: "... to permit the expansion of an existing Retirement home on lands known as 307 and 325 Fiddler's Green Rd..." Issue: There is no existing retirement home on 307 Fiddler's Green Rd.
2. Page 3 Quote from Background: "The property known as 307 Fiddler's Green Road has been occupied by the Highgate Retirement Home since 1999." Issue: There is no retirement home on 307 Fiddler's Green Rd.
3. Page 3 Quote: "The Retirement Home is served by a driveway entrance that abuts the southerly side of 325 Fiddler's Green Road" Issue: The driveway is situated on the north side of 325 FGR.
4. Page 4 Quote: "The applicant is proposing to amend the existing zoning for both parcels in order to establish a Community Institutional "I2" Zone, with several special modifications." Issue: Applicant is leaving plan open to future modifications. See the video form of the Planning Committee meeting of December 3, 2013, time signature 2:33:00 to 2:33:15, where the planner states "The modifications are out of an abundance of caution." The pluralization of "special modifications" allows other future amendments to slip in without debate.
5. Page 5 Quote: "Minimum Northerly Side Yard 23.9 m" Issue: Contradicts quote from page 13 under Transition: "The end portion of the proposed building expansion would also be located approximately 18m from the neighbouring property to the north."

6. Page 5 Quote: "Depth: 325 Fiddler's Green Road: 51.9m, 307 Fiddler's Green Road: 88.9 m"
Issue: Contradicts Appendix A, Report PED13183, Page 1 which shows 307 has the smaller depth.
7. Page 5 Quote: "Area: 325 Fiddler's Green Road: 0.31ha, 307 Fiddler's Green Road: 0.65ha"
Issue: Contradicts Appendix A, Report PED13183, Page 1 which shows 307 has the smaller area.
8. Page 5 Quote: "To require 51.5% of the property to be landscaped" Issue – Appendix C to Report PED13183 Revised Conceptual Site Plan, Page 1 shows the landscaped area appears to be much less than as stated. The buildings, parking lot and sidewalk (not a pathway) are not included as landscaped area as per the definition below:

Quote from By-Law 05-200, page 3-10 and 3-11: "Landscaped Area shall mean any portion of a lot which:

- a) Has no building thereon;
- b) Is not used for parking, access to parking, driveways or loading space;
- c) Is used for the purpose of landscaping."

Quote from By-law 11-276 (November 16, 2011)

"Landscaping shall mean outdoor space for use, enjoyment and recreation and shall include natural vegetation areas and constructed areas such as patios, decks, playgrounds, pathways, outdoor recreational amenities, fencing, decorative architectural features and retaining walls."

9. Page 11 Quote: "75-85 age cohort grew by 50% from 2001-2006...85 age cohort grew by 150%. It is expected that these trends will continue." Staff Quote from Dec 3, 2013 Planning Committee (Recording 02:24:43-02:24:45): "The over 85 age group in particular is growing very rapidly". Issue: This is an opinion, misleading and a misrepresentation of facts on pages 8 and 9 in Community Profiles Ancaster, November 2009 (Patterson, Mayo and Jaffray) which reads: "...across Ancaster...the greatest number of seniors is found in the area...where large retirement and long term care facilities have been built...Between 2001 and 2006 there were quite different growth rates of...senior age groups. Youngest seniors (aged 65-75) grew by 15%...under the average for all age groups in Ancaster...seniors 75-85 grew by over 50%...seniors over age 85 grew by over 150%...This large growth [of seniors] is due in part to the opening of new long term care residences (such as the Willowgrove on Old Mohawk Road) which attracted older seniors from other parts of the city or province." (Emphasis added – this report is available on-line at:

<http://www.sprc.hamilton.on.ca/wp-content/uploads/2008/11/Community-Profile-Ancaster-November-2009.pdf>)

10. Page 12 Quote: "This is considered compatible with the existing low density form of development in this area." Issue: This is an opinion, not a fact. Please see the petition signed by residents of 275 households as well as 16 letters sent by concerned citizens who also have opinions and who felt that it is NOT compatible.
11. Page 12 Quote: "...the proposal would provide for the development of an expanded building form, which would be 3-stories in height...the vertical articulation of the front elevation (facing

Fiddler's Green) is broken into smaller components to establish a form which is similar in scale to single family dwellings." Issue: This is inaccurate and misleading - there are NO other 3-storey buildings on FGR.

12. Page 13 Quote: "The location of the building expansion would not contribute to noise issues for neighbouring dwellings." Issue: This is a misstatement as the current driveway is being moved closer to the neighbour to the north, who already hears Highgate snow blowing equipment running in the early morning hours.
13. Page 14 Quote: "Streetscape...It would also respect the smaller detached residential lots to the east (approximately 7 units) by maintaining the existing building form and parking area close to the easterly property line." Issue: This contradicts page 19 – Quote: 'The east driveway must be a minimum 7.5 m wide at the property line to accommodate two-way traffic.' There is no "east" driveway shown on the conceptual plan.
14. Page 15 Quote: "the proposed building expansion would be compatible with existing housing forms" Issue: This is inaccurate and misleading - there are NO other 3-storey buildings on FGR.
15. Page 15 Quote: "it provides for the intensification of an existing use that enhances the surrounding area." Issue: This is not factual. It is an opinion that is contrary to the petition signed by residents of 275 households as well as 16 letters sent by concerned citizens. These residents include corridor management officers, superintendents, lawyers, other builders, city administration staff, professionals and other citizens who live in the area and have a good understanding of what enhances the surrounding area.
16. Page 19 Quote: "Waste Management has advised that the proposed Molok system would require the services of a private contractor for waste removal, as the City does not have the required equipment to service this type of system." Issue: The Molok units shown in Appendix C to Report PED13183 Revised Conceptual Site Plan, Page 1 are located on the northeast corner of 325 Fiddlers Green Road. This contradicts the presentation made to the Planning Committee on December 3, 2013. (See also Item 23 below.)
17. Page 21 Quote: "The proposed addition would not contribute to impacts on neighbouring properties such as overview, overshadow, or spill-over lighting." Issue: The current plan shows that the lights have been relocated right up to the north property line, which is not acceptable. Before approval of the proposal, not at the site planning stage, neighbours need to know make, model, height, light value, light pattern and location of all proposed outdoor lighting. (See also Item 22 below.)
18. Page 21 Quote: "The proposed addition would be compatible with the neighbouring residential properties to the east, as there would be only small-scale changes required for parking in this area." Issue: This contradicts page 19 - Quote: "The east driveway must be a minimum 7.5 m wide at the property line to accommodate two-way traffic". This is not compatible with the neighbouring residential properties to the east nor is it a small-scale change. Also, as pointed out in item 13 above, there is no "east" driveway.
19. Page 22 Quote: "Servicing issues have been reviewed generally and would be addressed at the Site Plan Stage" Issue: See Section 7) Urban Infrastructure issues, above.

20. Page 23 Quote: “Concerning items a), c), and f),... staff are of the opinion that the proposal would result in an attractive development that would enhance the streetscape of Fiddler's Green Road.” Issue: This is not a fact. It is an opinion not supported by the petition signed by residents of 275 households as well as 16 letters sent by concerned citizens, who felt that this is not compatible with the neighbourhood.
21. Page 24 Quote: “Concerning parking ... this appears to have been a single event” Issue: See Section 8 e ii) above.
22. Page 25 Quote: “Proper site lighting is required for parking areas as part of Site Plan approval.” Issue: This report currently shows lighting right up against the property to the north, which is not acceptable. A lighting plan should be submitted before approval of the proposal, not at the site planning stage. (See also Item 17 above.)
23. Page 25 Quote: “Waste management ...This matter will be examined in more detail at the Site Plan stage.” Issue: The Molok units shown in Appendix C to Report PED13183 Revised Conceptual Site Plan, Page 1 are located on the northeast corner of 325 Fiddlers Green Road. This contradicts the presentation made to the Planning Committee on December 3, 2013. (See also Item 16 above.)
24. Appendix C to Report PED13183 Quote: “Revised Conceptual Site Plan, Page 1” Issue: Plan should be definite rather than conceptual.

Appendix 1: Fiddler's Green condo plans struck down by OMB

Fiddler's Green condo plans struck down by OMB <http://www.thespec.com/news-story/2262541-fiddler-s-green-c...>



Fiddler's Green condo plans struck down by OMB

Hamilton Spectator

The Ontario Municipal Board has slammed the door on a 24-unit condominium development that sparked a two-year battle between a developer and residents of the Fiddlers Green Road neighbourhood.

"I'm just so relieved," said Teresa St. Michael, a Douglas Road resident. "The right decision was made."

St. Michael and other neighbours collected more than 260 signatures on a petition against the proposal in 2011. Developer Gabriel Gasbarrini of Award Construction asked the OMB to overturn the city's denial of the project, which was previously supported by city planning staff.

In his decision released Nov. 7, OMB adjudicator Steven Stefanko cited concerns over density, compatibility with the surrounding area and parking as reasons to deny an amendment to the zoning bylaw.

Aside from a two-storey apartment complex, a two-storey townhouse building and two small commercial buildings, Stefanko agreed with the argument of city solicitor Lia Magi that the property of 121 Fiddler's Green falls within an area of single detached homes.

He also found the proposed density of 77.8 units per hectare does not establish a gradual transition from low to high density as required by the Ancaster official plan. He ruled it exceeds the maximum density permitted by the Ancaster Wilson Street Secondary Plan of 20-60 units per hectare.

Stefanko also took issue with a parking reduction to 39 spaces, arguing that even though the developer plans to market the units to elderly residents, any attempt to limit occupancy based on age is contrary to the Planning Act.

Councillor Lloyd Ferguson, who voted against the project, called it a good day for Ancaster.

"The main message is this should prove that intensification does not trump everything else, especially character of the community," he said in an email. "Our community was under siege especially Fiddler's Green Road, all in the name of intensification as set out in the new provincial policy."

During the OMB appeal on Oct. 1, Gasbarrini said he applied to build three single-family homes on the site, but due to storm water management costs, the project was not economically viable.

Hamilton Community News

Appendix 2: Ancaster's 'unique' community under attack: councillor

High density developments viewed as a threat to community heritage

Kevin Werner Mar 07, 2008 - Ancaster News.com

Ancaster's way of life is under attack from Hamilton development, says councillor Lloyd Ferguson.

And if nothing is done to preserve its "unique" community, said the first-term councillor, the third oldest Ontario community will likely disappear.

"Ancaster is special," said Mr. Ferguson. "We need to preserve our heritage. We have a duty to preserve it."

The latest "threat" to Ancaster's lifestyle is a residential development council and staff approved last week to be constructed at 591 Garner Road West. Mr. Ferguson strongly opposed the plan.

The development, proposed by Monterey Heights Development Corp, received a number of planning exemptions that Mr. Ferguson stridently fought against.

For instance, the developers asked for and received an exemption to Hamilton's Official Plan to increase the density from 62 residential dwellings per hectare to 105 dwellings, an agreement that Mr. Ferguson said will "lead residents to revolt again."

The development involves constructing one 3.5-storey apartment building, and two 4.5-storey apartments, for a total of 153 residential units on the property. The buildings will exceed the former town's 3-storey height restrictions.

City planning staff stated the higher buildings were justified so that "residential intensification can be achieved with a smaller footprint."

Mr. Ferguson was also irritated that since the residential development is categorized as "adult-oriented" with one and two-bedroom units, city staff agreed to exempt the developers from constructing a play area for children.

An additional problem is the limited number of parking spaces for residents. So far there are about 293 parking spaces planned, but the development, according to planning staff, needs about 322 parking spots. The developer agreed to provide two parking spaces per unit, while reducing the number of visitor parking spots available. The developer had originally wanted 1.9 spaces from the 2.33 spaces required.

Mr. Ferguson said the limited number of parking areas, plus the fact there is no sidewalks along Garner Road West will mean parking will be at a premium in the surrounding neighbourhood.

"People will be parking in the church (next door to the development)," said Mr. Ferguson.

"We shouldn't be supporting this," he insisted.

The Monterey Heights residential plan is only the latest development that has Ancaster residents afraid their town is slowly being consumed.

Other developments that are expected to further change the surrounding environment and squeeze the community's available services, clog roads, and eat up parking spots are Mount Mary's 127-unit development, Wilson Street's 62-unit condominium project, the recently approved hotel and office complex near the Lincoln Alexander Parkway that also will exceed the town's height restrictions, and the 22-hectare, available land on Garner Road the Ontario Real Estate Corporation owns and is willing to sell to prospective developers.

Only last year members of Mr. Ferguson's advisory council urged Hamilton planning authorities to incorporate Ancaster's Official Plan into Hamilton's Official Plan in an attempt to protect Ancaster's small-town atmosphere. There has already been discussions between Ancaster residents and city planners about the issue.

City planners are slowly and carefully creating a new Hamilton Official Plan that incorporates all of the planning designations from the new suburban areas eight years after amalgamation occurred.

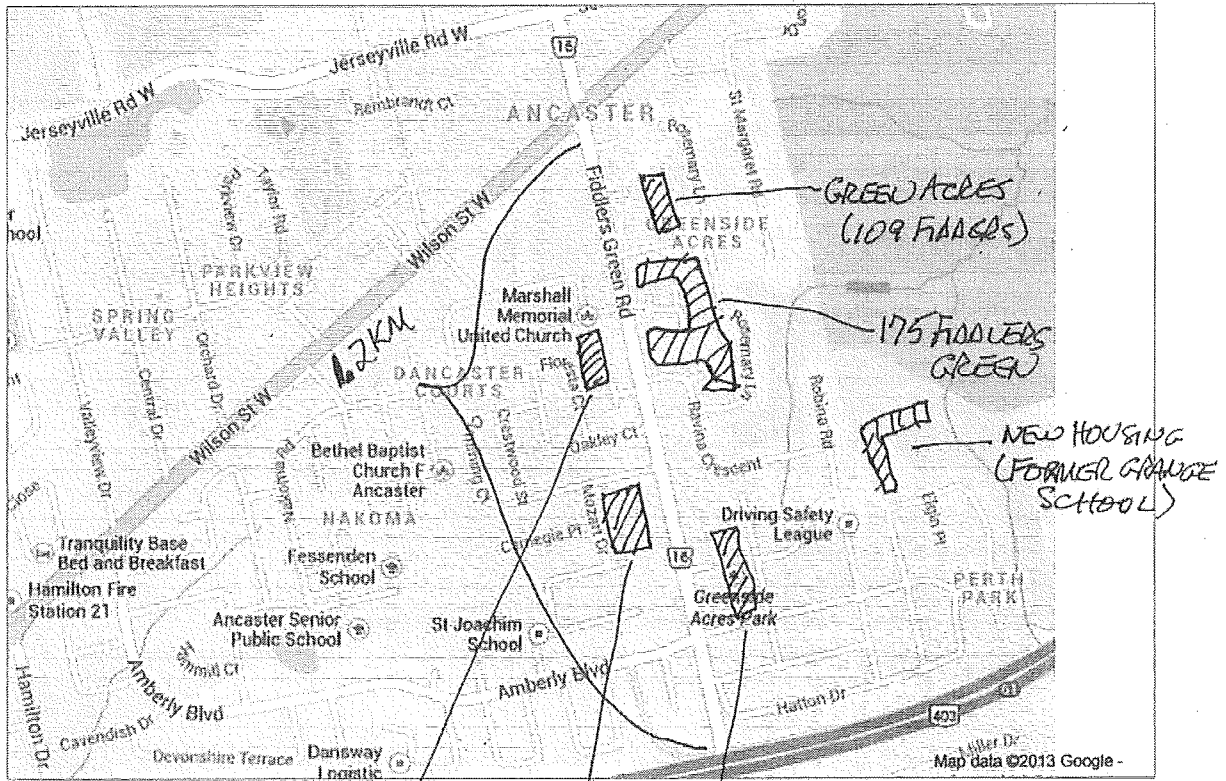
Mr. Ferguson said it is Ancaster's opportunity to integrate the former town's specialized characteristics into the city's official document and preserve the character of the community. If not, he said, Ancaster could become just another appendage to the ever-growing Meadowlands commercial

and residential area and the sprawl that dominates the Mountain area.

Mr. Ferguson said it could take about a year for city planners to complete the city's new Official Plan, which gives the local community a deadline to get something into the Official Plan. If not, it will be a missed opportunity that will have reverberations throughout the community for decades to come, said Mr. Ferguson.

"Ancaster has its own Official Plan," he said. "It is the third oldest in Ontario behind Niagara-On-The-Lake and York. We need to preserve it. We are unique. We are special. We have to fight for it."

Appendix 3: Sketch showing existing senior's housing in Highgate Neighbourhood



GABLES COURT (210 FLAAGERS)
RALPH WILCOCK HIGHGATE COURT (280 FLAAGERS)

SUBMITTED BY M. STREET
905-648-3737

EXISTING HIGH DENSITY HOUSING

Appendix 4: Retirement Homes and Long Term Care Facilities in Ancaster and Area

Table 1: Ancaster

Name	Level of Care	Location	# of Units	Waiting List
Highgate Residence	Retirement Home	325 Fiddlers Green Rd	40	Possible
Carrington Place	Retirement Home	75 Dunham Drive	64	No
The Meadowlands	Retirement Home	1248 Mohawk Road	200	No
The Meadows	Long Term Care	12 Tranquility Ave	128	Yes
Willowgrove	Long Term Care	1217 Old Mohawk Rd	169	Yes

(Note: Report PED13183 and Staff Presentation at Dec 3, 2013 Planning Committee Meeting (2:17:00/4:38:43) quotes 50 residents at Highgate Residence. This is incorrect.)

Ancaster Retirement Home TOTAL: 304

Ancaster Long Term Care Home TOTAL: 297

Table 2: Dundas

Name	Level of Care	Location	# of Units	Waiting List
The Georgian	Retirement Home	255 Governors Rd	64	No
Blackadar	Retirement Home	99 Creighton Road	18	No
Governors Manor	Retirement Home	37 Ogilvie Street	22	No
Bertram Place	Retirement Home	21 Hatt Street	35	No
Dundas Ret Res	Retirement Home	33 Main Street	45	No
Amica at Dundas	Retirement Home	50 Hatt Street	142	Yes
Yorkville Ret Res	Retirement Home	211 York Road	17	No
Blackadar	Long Term Care	101 Creighton Rd	80	Yes
St. Joseph's Villa	Long Term Care	56 Governor's Rd	378	Yes
Wentworth Lodge	Long Term Care	41 South St W	160	Yes

Dundas Retirement Home TOTAL: 343

Dundas Long Term Care Home TOTAL: 618

Table 3: Hamilton Mountain West of Upper James

Name	Level of Care	Location	# of Units	Waiting List
St. Elizabeth Villa	Retirement Home	391 Rymal Road W	Villa – 75	No
Westmount Terrace	Retirement Home	725 Rymal Road W	51	No
Villa Italia	Retirement Home	530 Upper Paradise	123	Yes
Deerview Crossing	Retirement Home	460 Rymal Road W	121	No
Idlewyld Manor	Long Term Care	449 Sanatorium Rd N	192	Yes
Regina Gardens	Long Term Care	536 Upp Paradise Rd	128	Yes
St. Peter's Residence	Long Term Care	125 Redfern Ave	210	Yes
Extendicare Hamilton	Long Term Care	90 Chedmac Dr	160	Yes

Hamilton Mountain (west of Upper James)

Retirement Home TOTAL: 370 (including 121 new vacancies at Deerview Crossing)

Long Term Care Home TOTAL: 690

Data above provided by facility staff members in response to telephone enquiries Dec 2013-Jan 2014.