SUBJECT: Applications for Approval of Official Plan Amendment and a Change in Zoning for Lands Located at 56 Governor’s Road (Dundas) (PED09252) (Ward 13)

RECOMMENDATION:

(a) That approval be given to Official Plan Amendment Application OPA-08-015, Paul O’Krafka, Owner, for Official Plan Amendment No._____, to amend Schedule “A”, of the Town of Dundas Official Plan to modify the “Residential Neighbourhood” designation to permit a 10 storey seniors residence building and a 10 storey mixed use building on lands located at 56 Governor’s Road (Dundas), as shown on Appendix “A” to Report PED09252, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED09252, be adopted by City Council.

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement and conforms to the Hamilton Wentworth Official Plan.

(b) That approval be given to Zoning Application ZAC-08-069, Paul O’Krafka, Owner, to change the zoning on Block 1 from the Public and Private Service (PPS/S-90) and (PPS-FP) Zones, High Density Multiple Dwelling (RM4/S-62) Zone and Open Space – Conservation (OS) Zone to the High Density Multiple Dwelling (H-RM4) Holding Zone, Modified; to change the zoning of Block 2 from the Public and Private Service (PPS/S-90) and (PPS-FP) Zones, High Density Multiple Dwelling (RM4/S-62) Zone and Open Space – Conservation (OS) Zone to the High Density Multiple Dwelling (H-RM4) Holding Zone, Modified and to change the zoning on Block 3 from the Public and Private Service (PPS/S-90) and (PPS-FP) Zones and Single-Detached Residential (R1-FP) Zone to the
Conservation/Hazard Land (P5) Zone, to permit a 10 storey, 120 unit apartment building on the south side of the property and a 10 storey, 88 unit apartment building (including 2 stories of office/retail uses) on the north side of the property for lands located at the corner of Governor’s Road and Ogilvie Street (Dundas), as shown on Appendix “A” to Report PED09252, on the following basis:

(i) That the draft By-laws, attached as Appendix “C” and “D” to Report PED09252, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(iii) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Dundas Official Plan upon approval of Official Plan Amendment No. _____.

(c) That staff be directed to request the Minister of Municipal Affairs and Housing to appropriately modify the Urban Hamilton Official Plan to implement Council’s decision once Official Plan Amendment No. _____ in Recommendation (a) is final and binding.

Tim McCabe
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

The purpose of the application is for approval of an Official Plan Amendment and change in zoning in order to permit a 10 storey, 120 unit apartment building on the south side of the property and a 10 storey mixed use building and 88 unit apartment building (2 stories of office/retail uses) on the north side of the property at the corner of Governor’s Road and Ogilvie Street. The buildings are intended to be used in conjunction with the existing facilities on site in order to provide for a seniors lifestyle development.

The proposal has merit and can be supported since the Official Plan Amendment and changes in zoning are consistent with the Provincial Policy Statement, Places to Grow Growth Plan and implement the intent of the Hamilton-Wentworth Official Plan. The proposal is compatible with surrounding uses, protects existing environmental features, promotes ‘aging in place’ within an urban setting and is an appropriate development that will reinforce Dundas' housing supply and economic vitality by strengthening existing uses and facilitating creation of new housing, employment and economic development opportunities.
SUBJECT: Applications for Approval of a Change in Zoning and Official Plan Amendment for Lands Located at 56 Governor’s Road (Dundas) (PED09252) (Ward 13) - Page 3 of 20

BACKGROUND:

Proposal

The purpose of the application is for approval of an Official Plan Amendment and a change in zoning to permit the development of the lands located at 56 Governors Road, for a residential complex including commercial and office uses (see Appendix “A”). The subject lands currently accommodate three buildings dedicated to seniors housing and care. The proposed two buildings would be used in conjunction with the existing buildings on site, in order to create a lifestyle community aimed at assisting residents who wish to ‘age in place’.

The site is located south of Governor’s Road, west of Ogilvie Street and east of Overfield Street. The subject lands are adjacent to residential uses to the north, west and south in the form of single detached units to the south and west and higher density units to the north; up to and including 13 storey apartment buildings. A portion of the property is also located within the Dundas Valley Environmentally Significant Area (ESA #41). The ESA surrounds existing buildings on the eastern and southernmost portions of the property west of Ogilvie Street. In addition, Spring Creek runs northeast through the forested valley lands along the southeast portion of the property.

The applicant is proposing to develop a 10 storey, senior’s residence building comprised of 120 residential units in the southerly portion of the site; and, a 10 storey mixed use building comprised of 88 apartment units and 2 stories of office/retail uses on the north side of the property at the corner of Governor’s Road and Ogilvie Street. Consequently, the applicant has requested the proposed uses be assessed against a modified High Density Multiple Dwelling (RM4) zone, with the remaining Open Space areas to be protected, placed within a Conservation/Hazard Land (P5) Zone. The concept plan illustrates that the two buildings would require a number of modifications to the proposed zone, most notably regarding height, number of parking spaces, and the inclusion of office/retail uses. These will be discussed in the Analysis/Rationale section of the report (Page 4). Finally, it should be noted that the proposal would be subject to Site Plan approval, which will assess in detail design and locational issues.

Owner/Applicant: Paul O'Krafka

Agent: IBI Group

Location: 56 Governor’s Road (Dundas)

Description:
Frontage: 47.5 metres (Governor’s Road)
Flankage: 420 metres (Ogilvie Street)
Area: 9.54 ha. (Approx.)
Details of Submitted Application

EXISTING LAND USE AND ZONING:

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<th>Subject Lands</th>
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<td>Single-Detached Residential (R2) Zone</td>
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<td>East</td>
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<td>West</td>
<td>Detached Dwellings</td>
<td>Single-Detached Residential (R1) Zone</td>
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ANALYSIS/RATIONALE:

1. The proposal has merit and can be supported for the following reasons:

   i) It is consistent with the Provincial Policy Statement and Places to Grow Growth Plan, and conforms to the Hamilton-Wentworth Official Plan.

   ii) It is compatible with the type and form of development in the surrounding neighbourhood and would maintain the privacy and amenity of lower density residential uses.

   iii) It is an appropriate development that will protect existing environmental features, will promote inclusive design and housing options for Hamilton Residents, and reinforce Dundas’ economic vitality by strengthening existing uses and facilitating creation of new employment and economic development opportunities.

2. The proposal will be subject to Site Plan Approval and, as such, final design and grading details will be assessed further at that time. Notwithstanding this, the applicant has submitted a concept plan and an accompanying shadow
assessment and urban design brief justifying the location and design of the buildings to be constructed (see Appendix “G”). The concept plan illustrates that the proposed development would occupy two 10 storey buildings – one mixed use building consisting of 88 apartment units and 2 stories of office/retail uses on the north side of the property and a 10 storey, 120 unit apartment building on the south side of the property. Review of these submitted reports, in addition to the requested modifications, is discussed in detail in the Streetscape Character, Residential Amenity and Traffic section of the report (Pages 6, 7 and 8, respectively).

3. A preliminary engineering report dated March 2008 compiled by S. Llewellyn & Associates Limited was submitted in support of the application. Staff are in agreement with the report findings that the subject lands can be properly serviced to permit the development of the proposed buildings. Staff note that additional detailed review of Storm Water Management and grading and sedimentation details will be required at the development stage. This will be required as a condition of Site Plan Approval.

4. With respect to archaeological potential of the subject lands, the applicant has submitted a Stage 1 and 2 Archaeological Assessment. The archaeological assessment has identified two mid-nineteenth century historic sites on the subject property. Staff therefore request that the subject lands be placed in an “H” Holding Provision until such time as the Stage 3 and 4 archaeological investigations have been completed to the satisfaction of the City of Hamilton and the Ministry of Culture, as detailed in the amending by-law (Appendix “C” and Recommendation (b)).

5. In accordance with the new provisions of the Planning Act and the Council Approved Public Participation Policy, a Preliminary Circulation was sent to 784 property owners within 120 metres of the subject lands, and a public notice sign was placed on the property. 118 responses were received to the preliminary notice of circulation letter (attached as Appendix “E”). The majority of public concern regarded loss of on-site amenity and greenspace for existing residents; increased traffic compromising public safety and amenity; over intensification and detrimental impact upon character; overshadowing; insufficient parking; and, reduction in property values. These concerns, in addition to other issues, will be discussed in the following review.

6. **Impacts Upon the Environmentally Significant Areas**

The property contains a portion of Spring Valley which is part of the Dundas Valley Environmentally Significant Area (ESA#41). Given the environmental constraints of the site and its location within an ESA, the applicant submitted an Environmental Impact Study (EIS), prepared by Natural Resource Solutions Inc., dated October 2008, in support of the proposal. The report makes several recommendations; including the requirement for a 7.5m buffer from the woodlot
and the building proposed to be located in the southern portion of the site, and post construction restoration plantings of native species.

The EIS was circulated for review to the Hamilton Conservation Authority (HCA) and ESAIEG committee. Both HCA and ESAIEG are in general agreement with the report’s findings. However, it was noted that the 7.5m buffer was not as wide as typically provided to minimize disturbances to the ESA. However, both HCA and ESAIEG have advised that a 7.5m wide buffer adjacent to the building could be accepted provided the applicant prepare and implement a construction management plan which demonstrates how the ESA will be protected during the construction phase. In addition ESAIEG and HCA have requested review of the landscape plan and tree management plan. The general scope and content of the construction management plan required by the HCA has been accepted by the applicant (attached as Appendix “H”). These issues, should the applications be approved, will form conditions of approval at the Site Plan Stage.

7. **Loss of On-site Amenity and Greenspace**

A number of residents within the existing St. Joseph’s facility have raised concerns over the loss of outdoor amenity space as a result of the proposed buildings and parking areas proposed in this application. The subject lands represent approximately 9.5 ha. with over half of the site being un-developable due to the grade and existing environmental constraints. Consequently, the level of site coverage and provided setbacks existing and proposed meet with the zoning regulations intended to secure adequate amenity and open space. Notwithstanding this, staff acknowledge that the buildings and associated parking areas would impact upon the availability and usability of the existing amenity areas. Staff will therefore ensure that enhanced landscaping and improved circulation space within the site is provided and maintained. This will form part of the detailed review that will take place at site plan stage.

8. **Traffic/Parking Issues**

In support of the proposed development the applicant submitted a Traffic Impact Study compiled by Paradigm Transportation Solutions Ltd., in December 2008; and, a follow-up memorandum submitted March 23, 2009. The studies sought to determine the impact of the additional development traffic on the surrounding road network and the improvements required to accommodate future traffic growth. The traffic impact study assessed the proposed development in two phases, Phase 1 consisting of 120 senior apartment units and Phase 2 consisting of 88 senior apartment units and 3470 m$^2$ of commercial and office space.

In terms of the proposal, vehicle access to the site will be provided by the existing driveway connections to Governor’s Road and Ogilvie Street respectively. In assessing the impacts on these driveway connections in addition to the surrounding intersections, the report concludes that future traffic volumes
would result in some deficiencies for the Governor's Road intersection with Main Street and Ogilvie Street. However, the increased congestion forecasted would primarily be a result of background traffic growth as opposed to development traffic. In addition to these conclusions, the report notes that there will be a requirement for a westbound turn lane on Governor’s Road; and, that following the Phase 2 level of development (the construction of the mixed use building) a northbound left turn lane on Ogilvie Street would be required.

These reports and conclusions have been reviewed by the Traffic Engineering and Operations Section. They are in agreement that a westbound turning lane on Governor’s Road, as a result of the Phase 1 development, would be required, and that this would be secured through conditions of site plan approval. Phase 2, however, is expected to generate 70 new vehicle trips in the a.m. peak hour and 180 new vehicle trips in the p.m. peak hour. These larger trip volumes are primarily related to the office and commercial uses rather than the senior's apartment units.

Given the minor traffic volumes generated by Phase 1, which are within daily traffic volume fluctuations, staff can support the Phase 1 development; subject to the provision of a westbound turning lane. However, concern remains over the approval of Phase 2 until improvements have been made to the Governors Road corridor and/or its intersections with Main Street and Ogilvie Street. On this basis, staff, therefore recommend that the Phase 2 portion of the development be placed under an ‘H’ Holding provision until such time that improvements have been made and staff have approved an updated Traffic Impact Study. This provision has been placed in the recommended implementing by-law (Appendix “C” and in Recommendation (b))

With regard to parking, it is noted that 150 spaces are required for the residential building (providing 120 apartments) and that this requirement would be satisfied through the provision of 137 spaces below grade, in an underground parking facility and through the provision of 13 at grade spaces. The second building, providing both residential units and commercial/retail space, would be required to provide 222 spaces, but are proposing 134 spaces (120 spaces below grade and 14 spaces above grade).

Notwithstanding the shortfall of 88 spaces, and the absence of dedicated loading spaces, staff are satisfied that the provision of parking is satisfactory given the nature of the site, its size, its intended use and availability of additional space should parking become in greater demand, following construction and occupation of the buildings. On this matter, staff notes, in particular, that the operation of a mixed use building provides a greater opportunity for the sharing of parking spaces, compared to that provided for either a full commercial or full residential building; as the two combined uses would predominately have greater parking demands at opposing times of the day.
It is also recognized that the commercial/retail uses provided on-site would provide additional amenity to existing as well as future residents living within the subject lands; potentially reducing further, the need for residents to have access to vehicles/parking. Furthermore, it should be noted that the modification to the required parking and loading spaces will permit a greater level of landscaping to be provided. It should be noted that all landscaping details will be reviewed and secured through site plan approval.

9. Streetscape Character/Intensification/Overshadowing

Given the existing policy framework of the Dundas Official Plan, in addition to the numerous concerns raised by local residents, staff are sensitive to the impacts associated with the proposed height of the buildings (10 storeys or 32m) and their relationship with the character and amenity of the surrounding area and the subsequent impact of the built form upon important views of the escarpment. As discussed earlier, it should be noted that the area adjoins a number of residential uses which range from low density residential uses to the south and west and higher density residential buildings in the form of apartment buildings ranging from 4 -13 stories in height; including the existing residences on-site.

In assessing the proposal, staff note that the existing Official Plan designation for the subject lands applies policies that do not contemplate development at the density and height requested. Consequently, the applicant has requested an Official Plan Amendment to permit apartments and commercial uses in the “Residential Neighbourhoods” designation outside of a “Residential Intensification” area. As a result, the overall objectives of the “Residential” designation have been used to evaluate whether the Amendment meets the intent of the Official Plan and in addition, this evaluation also incorporates many of the policies in effect for the “Residential Intensification” areas in order to provide greater critical review of the application.

Objective 3.1.2.1 of the Dundas Official Plan seeks to provide new housing through residential infill and intensification within existing neighbourhoods. Staff consider that the proposal not only represents intensification, but also expands the housing options for Hamilton residents in line with the PPS and Places to Grow legislation. Notwithstanding this, staff acknowledge that the intensification of residential areas must be demonstrated to be appropriate and compatible with the existing area, based on individual site evaluation. Consequently, staff has been directed by the existing policy framework of the Dundas Official Plan regarding "Residential Intensification" areas. Policy 3.1.3.5 provides a number of criteria used to assess development within Intensification areas.

Staff notes that the proposed buildings, as discussed previously in this report, demonstrate conformity with the traffic, parking and engineering requirements as detailed in this policy. Furthermore, the location of the subject lands ensure amenities including commercial and institutional uses are available both within and in close proximity to the property. The density would be approximately 50
units per hectare (including the ESA lands) which is also below the 75 units per hectare threshold prescribed. Policy 3.1.3.5 does, however, suggest the maximum height not exceed 3 storeys or 10.5m. In considering the proposed OPA to amend this, staff have been guided by Objective 3.1.2.2 in general - which seeks to ensure development is compatible with the scale and character of existing development and the natural features surrounding the urban area; and the Infill Intensification Guidelines contained in Policy 2.5.5 in particular.

The issue of compatibility is fundamentally the most important notion when assessing the impact of the proposed buildings, particularly as they are at a height beyond that contemplated in the Official Plan. With regard to the mixed use building, which is located at the corner of Governor’s Road and Ogilvie Street, staff are satisfied that the existence of similar high density residential developments in close proximity to this building, and its proximity to a major arterial road, assuage any immediate incompatibility concerns. The main concern over compatibility is, therefore, with regard to the siting, bulk, and height of the residential building to the south of the subject lands, because of its proximity to low density residential development - particularly on Walnut Grove (see Appendix “G”).

In support of this proposed building, the applicant has provided a Sun-Shadow Study, prepared in accordance with the City’s Site Plan Guidelines (i.e. time of year and time of day) demonstrating that most of the shadow effect would be cast upon the ESA as opposed to any residential uses outside of the site. The report also provides perspectives that illustrate how the orientation of the building and use of balconies would control and direct views towards the escarpment instead of towards the neighbouring low density dwellings. This is considered to successfully mitigate loss of privacy through overview. Notwithstanding these design solutions (which would be secured through site plan approval), staff notes that the final building design will be further reviewed at the Site Plan Stage to ensure that the scale and bulk of the proposal and its ability to conform to the gradation and harmonious design policies of the Official Plan are secured.

It should be noted that the grade changes between the existing low density and proposed high density designations do mitigate the overall scale of the building. In addition, the presence of existing high density apartment buildings in and around the site to the north, provide a context by which the proposal would not appear conspicuous nor incongruent with the area, particularly as the setting and size of the subject lands provide greater opportunity for intensification. It should also be noted that the intended use would be symbiotic to the existing amenities within the site and that, from an architectural position, the density and scale of the proposal could be considered harmonious and in keeping with existing development. Furthermore, the low density dwellings would be separated through enhanced landscaping and be setback from the building by over 30m further mitigating any potential loss of amenity.
On balance, staff recognize that the buildings although substantial in size and density, are consistent and harmonious with the scale and sitting of buildings within the area and pay sufficient regard to the protection and setting of adjacent lower density residential development.

Finally, with regard to the views of the escarpment, the buildings while tall, have been orientated and designed in order that they minimize loss of views towards the escarpment, in accordance with Policy 2.5.2.5. This will be further reviewed and assessed at site plan stage.

10. **Reduction in Property Values**

Concerns have been raised regarding the potential loss of property values that would occur should the proposed application be approved. Staff are not aware of any supporting real estate information that would substantiate this concern.

**ALTERNATIVES FOR CONSIDERATION:**

If this application is denied, the applicant can use the subject property for the range of uses that are currently permitted under the existing Public and Private Service (PPS/S-90) and (PPS-FP) Zones, High Density Multiple Dwelling (RM4/S-62) Zone and Open Space - Conservation (OS) Zone.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial: N/A.

Staffing: N/A.

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for an amendment to the Official Plan and Zoning By-law.

**POLICIES AFFECTING PROPOSAL:**

**Places to Grow**

The application has been reviewed with respect to the Provincial Growth Plan for the Greater Golden Horseshoe (Places to Grow). Staff considers the application to be consistent with the policies that manage growth, and direct general residential intensification to the built up areas, as per the policies contained in 2.2.2 and 2.2.3.

The proposal maintains the intent to create vibrant neighbourhoods, which provide both employment and residential uses that are transit supportive.
Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Staff recognizes that the application is consistent with the policies that focus growth in settlement areas (Policy 1.1.3.1).

Policy 2.1.6 outlines that development shall not be permitted on adjacent lands to the natural heritage feature identified (ESA#41) unless the ecological function of the adjacent lands has been evaluated, and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. The applicant has completed an EIS for the subject lands and this has met with approval from the Hamilton Conservation Authority and ESAIEG. Consequently, staff is satisfied that the proposal would protect the ecological function of the adjacent ESA.

Policy 2.6.2 outlines that development and site alteration may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted. An Archaeological Study has been submitted in support of the proposed development. However, the Archaeological Assessment has identified two mid nineteenth century historic sites on the subject property. Staff therefore request that the subject lands be placed in an “H” Holding Provision until such time as the Stage 3 and 4 archaeological investigations have been completed to the satisfaction of the City of Hamilton and the Ministry of Culture, as detailed in the amending by-law (Appendix “C” and Recommendation (b)).

Lastly, Policy 1.7.1e) details that sensitive land uses should be appropriately designed to mitigate adverse effects from noise and other contaminants. Given the proximity of Building B to the intersection of Governor’s Road and Ogilvie Street, staff may request a noise report at the site plan stage. This will be reviewed and requested in greater detail at the site plan stage.

Hamilton-Wentworth Official Plan

The subject property falls under a dual designation under the Hamilton-Wentworth Regional Official Plan. The portion of the property where the proposed Building B is to be located is designated as “Urban Area - Mixed Use Centre”, while the remainder of the property is designated as “Urban Area”. Policy C-3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. These areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020. In addition, Policy C-3.1.1 states that a compact higher density urban form, with mixed use development in identified Regional and Municipal centres and along corridors, best meets the environmental, social and economic principles of sustainable development.
Further, to ensure that development opportunities create a desirable urban form Policy C-3.1.1.6 states that the Region will require each Area Municipal Official Plan to identify one or more Mixed Use Activity Centres and/or Corridors in the Urban Area, including those designated in Map No. 1. The location of the centres on Map No. 1 are approximate in nature and will be more precisely identified in Area Municipal Official Plans. Targets for the density, intensification and population/employment ratio for each centre and corridor and the permitted uses will also be identified. Each centre or corridor will:

a) Have a range of residential, commercial, retail, institutional, and related employment opportunities which is appropriate for its size and function;

b) Be relatively self-contained to reduce the need for commuting;

c) Have a full range of housing types to provide opportunities to live/work in the same community;

d) Be easily accessible to public transit and provide for good internal pedestrian movements;

e) Provide an identity for the Area Municipality and a focus for local activity; and,

f) Permit various combinations of retail, residential, institutional and commercial uses in individual buildings within corridor designations.

Based on the above, the proposal complies with the “Urban Area” and “Urban Area – Mixed Use Centre” designations of the Hamilton-Wentworth Regional Official Plan.

However, Policy C-1.2.2 of the Plan states that land use changes in or adjacent to Environmentally Significant Areas will only be permitted where such development:

i) Will not adversely affect, degrade or destroy any of the qualities which are the basis for the area’s designation;

ii) Will not cause any significant impacts upon water quality and quantity; and,

iii) Will not adversely affect the implementation of any resource protection policies or plans.

As noted above, the subject lands are located partially within the Dundas Valley Environmentally Significant Area (ESA #41). Staff note that and Environmental Impact Study (EIS) was completed by Natural Resource Solutions Inc. The report is titled “St. Joseph’s Villa Dundas, Ontario Environmental Impact Study” and is dated October 27, 2008. This report has been reviewed by both Hamilton Conservation Authority and ESAIEG who, subject to greater detailed review at Site Plan Stage, are in general agreement with the report’s findings and are satisfied the proposed buildings will not adversely affect the adjacent ESA.
In addition, Policy B-9.2 states that the City shall consider the protection and preservation of regionally significant historical and cultural resources, including recognizes archaeological sites, in the review of proposals for development and redevelopment. Where possible these attributes will be incorporated into the overall design in a manner which minimizes adverse impacts and encourages maintenance and protection. As noted above, a Stage 1-2 Archaeological Assessment was submitted for the subject application dated September 2008 and was prepared by Archeoworks Inc. However, the Archaeological Assessment has identified two mid nineteenth century historic sites on the subject property. As noted above, staff request that the subject lands be placed in an “H” Holding Provision until such time as the Stage 3 and 4 archaeological investigations have been completed to the satisfaction of the City of Hamilton and the Ministry of Culture, as detailed in the amending by-law (Appendix “C” and Recommendation (b)).

Given the proximity of Building B to the intersection of Governor’s Road and Ogilvie Street, staff may request a noise report. This will be reviewed and requested in greater detail at the site plan stage.

**Town of Dundas Official Plan**

The subject lands are designated “Residential Neighbourhoods” and “Conservation/Natural Hazard Lands” on “Schedule A - Land Use Plan” of the Dundas Official Plan. The proposal seeks to permit two 10 storey apartment buildings (one mixed use) within the “Residential Neighbourhoods” designation outside of the “Residential Intensification” area; and to permit the maximum size of a commercial use to exceed 230sq.m. The proposal does not, therefore, conform to the “Residential Neighbourhoods” designation and an Official Plan Amendment is required.

With regard to the potential of the proposal to accord with the intent of the Dundas Official Plan, it is noted that the subject lands represent a unique site both in area and location to warrant consideration of densities and height beyond that contemplated within the existing policies of the “Residential Neighbourhoods” designation. Consequently, the proposal has been assessed in conjunction with the commercial and intensification policies of this designation, as follows:

“**Policy 3.1.3.5**

*In considering an application for an amendment to the zoning by-law to permit intensification in a Residential Intensification Area, Council shall be satisfied that the following principles be attained:*

a) *Development shall not exceed 75 units per net hectare;*

b) *Building height shall not exceed 3 storey’s; or a maximum of 10 metres whichever is lesser;*

c) *The development will reflect the existing character of the surrounding residential neighbourhood;*
d) The development will not overload existing storm and sanitary sewers;

e) Schools, parks and neighbourhood commercial facilities will be adequate for the increased residential density resulting from the development;

f) Ingress and egress to the property will not create congestion on surrounding local streets;

g) The site will have a size and shape to accommodate the proposed development, plus on site parking, landscaping and amenity area;

h) Local streets can accommodate the additional traffic generated by the proposal; and,

i) The development will be consistent with the Intensification Guidelines contained in the Intensification Guidelines contained in Sub-section 2.5.5 of this Plan.”

“Policy 2.5.5.1 Infill, intensification and re-urbanization in Residential Neighbourhoods, Residential/Employment Mixed Use; Downtown Mixed Use; and Residential/Commercial Mixed Use Areas shall:

a) Be of compatible size, height, proportions and conceptual design to surrounding buildings to create a harmonious streetscape. Building height should not exceed or be significantly less than adjoining properties, except where permitted by this Plan;

f) Be designed and built to minimize impacts such as overshadowing and overviewing on adjoining residential development;”

“Policy 2.5.5.2 In addition to the above guidelines, the following shall apply specifically to residential infill and intensification projects in residential neighbourhoods:

c) In the development of new residential areas and as far as possible in the infilling or redevelopment of established areas, high standards of residential amenity will be promoted through the use of the following design principles:

ii) varieties of residential types will not be mixed indiscriminately, but will be arranged in a gradation so that higher density developments will complement
those of a lower density, with sufficient spacing between tall apartments and lower row and single detached dwellings to maintain privacy of residents and minimize the impact on adjacent density uses;

d) In evaluating the merits of any proposal for multiple family residential development, Council will be satisfied that the following considerations are met:

(i) the height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding area; and,

(ii) appropriate open space, including landscaping and buffering, is provided to maximize the privacy of residents and minimize the impact on adjacent lower density uses;”

As discussed in detail in the Analysis/Rationale Section of this report, much of the assessment of this proposal has been focused on the impact of the proposed height of the buildings upon the character and amenity of the area. Design solutions and shadow studies have demonstrated that the potential of the proposed building to unacceptably affect existing residential amenity have been successfully mitigated. Further, landscaping, site context, existing topography and elevational design have all served to illustrate how, despite the height and scale of the buildings, they can be considered to appropriately achieve harmonious design and compatibility with the existing character of the area. Staff, therefore, consider the proposal to meet the intent of the above policies.

“Policy 3.1.5.2 Proposed NEIGHBOURHOOD COMMERCIAL uses may be permitted by amendment to the implementing Zoning By-law, subject to the following provisions:

a) Neighbourhood Commercial uses shall be located along arterial or collector roads in Residential Neighbourhoods;

b) Public utilities and engineering services will be of sufficient capacity to support the proposal; and,

c) The maximum size of any one store will not exceed 230 square metres and the maximum size of any single complex of stores will not exceed approximately 0.2 hectare in keeping with the intention that neighbourhood shopping centres are to serve residential areas only with convenience goods and personal services.”
Staff consider that the provision of commercial uses within the subject lands would provide important retail amenity to existing and future residents of the site, in line with the above polices. It is noted that the floor areas would potentially exceed 230sq.m., however, an exception to this threshold can be supported on the basis that existing residential amenity would be protected, and that these uses would be sited on lands in excess of 9 ha. that provide suitable access and parking provisions. In addition, staff note that the location of these uses would be adjacent a major arterial route, further extending the opportunity and accessibility of the commercial amenity. This is on the basis that the proposed commercial uses not be constructed until future road improvements have been secured. This will be achieved through the recommended ‘H’ holding provision, as detailed in Appendix “C” and Recommendation (b).

With particular regard to the proposals proximity to ESA#41 the following policies have been considered:

“Policy 2.1.2.6 To assess development proposals, particularly when located in or adjacent to Environmentally Significant Areas, on the basis of their impacts, as well as their net positive and negative contributions to environmental quality.

Policy 2.1.7.2 Proposal for land use changes in or adjacent to Environmentally Significant Areas, shall be referred through Regional staff, to the Regionally Environmentally Significant Areas Impact Evaluation Group (ESAIIG) for evaluation…”

It is considered that following the acceptance of the EIS, and accompanying supporting technical information by the HCA and ESAIEG, that the proposal would be in conformity with those policies which seek to protect the natural heritage and ecological function of the area.

“Policy 2.5.2.2 To ensure that new development or redevelopment strengthens and enhances the character of existing neighbourhoods.

Policy 2.5.2.5 To preserve and enhance views, vistas, and physical access to natural features and landmarks.

Policy 2.5.3.5 New development shall be designed and planned to minimize changes to existing topography, to preserve existing trees and natural features, wherever possible, and to be compatible with, and maintain views to the Niagara Escarpment, the Dundas Valley and other environmentally sensitive or scenic areas.”

It is staff’s opinion that sufficient design details and assessment have been carried out prior to Site Plan Approval to ensure the impact of the built form of the proposed use can be sufficiently mitigated in order to satisfy the above policies. The proposal will, however, be subject to additional review at the Site Plan Stage to ensure these design
strategies are incorporated. Given the information submitted to date, it is considered that the proposal meets the intent of the Official Plan.

**Urban Hamilton Official Plan**

The new Urban Official Plan for the City of Hamilton was adopted by Council on July 9, 2009. The Plan has been forwarded to the Province of Ontario for final approval, and is not yet in effect.

The subject lands are designated “Institutional” and “Open Space” in the new Urban Hamilton Official Plan, with the built portions of the proposal sited within the “Institutional” portion of the designation. The following policies shall be considered.

“Policy 6.2.4 Residential uses ancillary to an institutional use such as student residences, convents and continuing care projects may be permitted provided the following conditions are met:

a) The site and/or building shall be designed to minimize negative impacts on institutional uses.

b) Residential uses shall be developed in accordance with Section E.3.4 - Low Density Residential or Section E.3.5 Medium Density Residential. The appropriate density shall be determined on a site by site basis provided it meets the applicable policies of Sections E.3.3 - Low Density Residential and E.3.5 - Medium Density residential, inclusive.

c) Adequate on-site parking shall be provided.”

As detailed in the Analysis/Rationale Section and the above Policy review for the Town of Dundas Official Plan, staff are satisfied that the location of the high density residential buildings form an integral part of the lifestyle community envisaged for the area and would be compatible with existing institutional uses on site as well adjoining residential uses. However, it is noted that neither the existing Dundas Official Plan designations; nor the new Urban Official Plan designations for these lands, contemplate high density residential/mixed use. Consequently, based on the justification and analysis contained within this report, amendments to the existing and proposed designations for this area are required and can be supported.

Any necessary amendments will be incorporated in to the new Urban Official Plan once the Official Plan Amendment in Recommendation (a) of this report is final and binding.
RELEVANT CONSULTATION:

Agencies/Departments Having No Comment or Objections

- Capital Planning and Implementation Division;
- Bell Canada.

Hamilton Conservation Authority

Staff has met with the Conservation Authority and agreed on the proposed measures including a 7.5m buffer and Construction Management Plan. All further approvals of these measures shall take place through condition recommended at the Site Plan Stage.

Environmentally Significant Areas Impact Evaluation Group (ESAIEG) - the development was reviewed by the ESAIEG Group on March 12, 2009. ESAIEG had some concerns regarding the construction phase and quality of the botanical inventory. However, ESAIEG approved the proposal provided that prior to development a botanical survey be completed which focuses on the proposed driveway area. In addition a number of issues and requirements were requested. These issues are to be addressed at Site Plan Stage. The minutes of the ESAIEG meeting are attached as Appendix “F”.

Public Works Department (Traffic Engineering and Operations Section) - Staff provided comments regarding the following:

Given the minor traffic volumes generated by Phase 1 (Building A), which are within daily traffic volume fluctuations, Traffic Engineering can support Phase 1 development. However, it is recommended that approvals for Phase 2 (Building B) be deferred until physical capacity in terms of geometric improvements has been added to the Governors Road corridor and/or its intersections with Main Street and Ogilvie Street. Further, it is recommended the results of this traffic study be forwarded to Environmental Planning to be included in the Dundas Transportation Master Plan review.

Staff have, therefore, recommended a Holding provision in order to secure that all traffic concerns regarding the development of Phase 2 be satisfactorily addressed. This is detailed in Appendix “C” and Recommendation (b).

Public Works Department (Strategic Planning) - has reviewed the application and confirm that the City’s Transportation Master Plan indicates that Governor’s Road is forecast for reconstruction and improvements for 2012-2021. The City is also in the final steps of the Dundas Transportation Master Plan and this proposed development should be reflected in the process with regard to any overall traffic impacts.
Public Works Department (Forestry and Horticulture Section) - Request a Tree Management Plan be prepared by a Landscape Architect. The Tree Management Plan will be required as a condition of Site Plan Approval.

Horizon Utilities Corporation has reviewed this proposal and has the following comments:

- Do not excavate within two metres of hydro poles and anchors;
- Excavation within one metre of an underground hydro plant is not permitted unless approval is granted by a Horizon Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner’s expense;
- Horizon Utilities must be contacted if the removal, isolation or relocation of existing plant is required, and all cost associated with this work will be at the owner’s expense; and,
- CALL BEFORE YOU DIG, arrange for underground hydro cable locates before beginning construction by contacting Ontario One Call @ 1-800-400-2255.

PUBLIC CONSULTATION

In accordance with the new provisions of the Planning Act and the Council Approved Public Participation Policy, a Preliminary Circulation was sent to 784 property owners within 120 metres of the subject lands, and a public notice sign was placed on the property. 118 responses were received to the preliminary notice of circulation letter (attached as Appendix “E”). The majority of public concern regarded loss of on-site amenity and greenspace for existing residents; increased traffic compromising public safety and amenity; over intensification and detrimental impact upon character; overshadowing; insufficient parking; and, reduction in property values. These concerns, in addition to other issues, have been discussed in the above report. Notice of the Public Meeting will be given in accordance with the regulations of the Planning Act and by posting a Public Notice sign on the property.

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No
The public are involved in the definition and development of local solutions with all concerns raised assessed in detail through technical assessment.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Human health and safety are protected through the provision of suitable buffers and the protection of important environmental features.
Economic Well-Being is enhanced. ☑ Yes ☐ No
Infrastructure and compact development minimize land consumption and servicing costs as the existing site is efficiently utilized.

Does the option you are recommending create value across all three bottom lines? ☑ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☐ Yes ☑ No

:EJ
Attachs. (8)
Location Map

Subject Property
56 Governor's Road, Dundas

Block 1 - Change in Zoning from the Public and Private Service (PPS/S-90) Zone to the High Density Multiple Dwelling (H-RM4) Holding Zone, Modified

Block 2 - Change in Zoning from the Public and Private Service (PPS/S-90) and (PPS-FF) Zones, High Density Multiple Dwelling (RM4/S-02) Zone and Open Space - Conservation (GS) Zone to the High Density Multiple Dwelling (H-RM4) Holding Zone, Modified

Block 3 - Change in Zoning from the Public and Private Service (PPS/S-90) and (PPS-FF) Zones and Single - Detached Residential (R1-FF) Zone to the Conservation/Hazard Land (P6) Zone

Site of the Application
Schedule “1”

Amendment No. ___
to the
Official Plan for the former Town of Dundas

The following text, together with Schedule “A”, “Land Use - Town of Dundas Official Plan”, and Schedule “B-1”, “Exceptions” of the Official Plan of the former Town of Dundas, attached hereto, constitute Official Plan Amendment No. _____.

Purpose:

The purpose of this Amendment is to modify the existing “Residential Neighbourhoods” designation for the subject lands on Schedule “A”, Land Use - Town of Dundas Official Plan, and “Exception ______” on Schedule “B-1” “Exceptions” in order to permit the development of one 10 storey (32m) mixed use building and one 10 storey (32m) residential building.

Location:

The lands affected by this Amendment are known municipally as 56 Governor’s Road.

Basis:

The intent of the amendment is to permit two 10 storey (32m) buildings - one mixed use, one residential, within the lands known municipally as 56 Governor’s Road. The basis for the amendment is as follows:

- The proposed development is consistent with the Provincial Policy Statement.
- The proposed development offers an opportunity for infill development within the built-up urban area consistent with the intent of the Places to Grow Plan.
- The proposed development conforms with the Region of Hamilton-Wentworth Official Plan.
- The proposed development is compatible with the existing and planned development in the immediate area, and is in keeping with the character of the surrounding neighbourhood.
- It is an appropriate development that will protect existing environmental features, and reinforce Dundas’ economic vitality by strengthening existing uses and facilitating creation of new employment and economic development opportunities.
Actual Changes:

1. Schedule “A”, Land Use - Town of Dundas Official Plan, be revised by identifying the subject lands as OPA No. _____, as shown on the attached Schedule “A” to this Amendment.

2. That the following Policy be added:

   Policy      Exceptions
   Notwithstanding the Policies of 3.1.3, the following site-specific policies shall pertain to the redevelopment of the lands consisting of an area of approximately 9.54 hectares situated on the southwest corner of Governor’s Road and Ogilvie Street and identified on Schedule “B-1” as Exception ______, for one 10 storey (32m) mixed use building and one 10 storey (32m) residential building.

   (a) the only permitted uses will be as follows;

   i) Those uses existing on the subject lands at the date of passing of OPA
   ii) one 10 storey (32m) mixed use building (consisting of maximum 3500m² of Office/retail space)
   iii) one 10 storey (32m) residential building
   iv) Accessory buildings and structures

3. Schedule “B-1”, “Exemptions” - Town of Dundas Official Plan, be revised by designating the subject lands “Exception ______”, and identifying the subject lands as OPA No. _____, as shown on the attached Schedule “B” to this Amendment.

Implementation:

An implementing Zoning By-law Amendment will give effect to the intended use on the subject lands. A site plan will be prepared to develop the storage facility.

This is Schedule "1" to By-law No._____, passed on the ____ day of_____, 2009.

The
City of Hamilton

__________________________  ____________________________
Fred Eisenberger            Kevin C. Christenson
Mayor                      Clerk
CITY OF HAMILTON

BY-LAW NO. XXX

To Amend Zoning By-law No. 3581-86 (Dundas),
Respecting Lands Located at 56 Governor’s Road

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as the “The Corporation of the Town of Dundas” and is the successor to the former Regional Municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

AND WHEREAS the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former Regional Municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 3581-86 (Dundas) was enacted on the 22nd day of May, 1986, and approved by the Ontario Municipal Board on the 10th day of May, 1988;

AND WHEREAS the Council of the City of Hamilton, in adopting Item XXX of Report XXX of the Economic Development and Planning Committee at its meeting held on the XXX day of XXX, 2009, recommended that Zoning By-law No. 3581-86 (Dundas), be amended as hereinafter provided;

AND WHEREAS this by-law will be in conformity with the Official Plan of the City Hamilton (the Official Plan of the Town of Dundas), upon approval of Official Plan Amendment No. XXX proposed by the City of Hamilton but not yet approved in accordance with the provisions of the Planning Act.
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Schedule “G” of Zoning By-law No. 3581-86 (Dundas) is hereby amended,
   (a) by changing the zoning from the from the Public and Private Service (PPS/S-90) to the High Density Multiple Dwelling (H-RM4/S-117) Holding Zone, Modified, the lands comprised of Block 1; and,
   (b) by changing the zoning from the from the Public and Private Service (PPS/S-90) and (PPS-FP) Zones, High Density Multiple Dwelling (RM4/S-62) Zone and Open Space – Conservation (OS) Zone to the High Density Multiple Dwelling (H-RM4/S-118) Holding Zone, Modified, the lands comprised of Block 2; and,

the extent and boundaries of which are shown on a plan hereto annexed as Schedule ‘A’.

2. That Section 32 - “EXCEPTIONS” of Zoning By-law No. 3581-86 (Dundas), as amended, is hereby further amended by adding the following subsections:

   H-RM4/S-117 That Notwithstanding the provisions of Section 15: High Density Multiple Dwelling Zone (RM4) the following Special Provisions shall apply to Block 1 on lands known Municipally as No. 56 Governor’s Road, shown as “H-RM4/S-117” on Schedule “G”.

   (a) Notwithstanding Sub-Section 15.1, Permitted Uses, the following use shall also be permitted:

   **15.1 PERMITTED USES**

   15.1.3 A mixed use building consisting of retail and office uses on the first and second floor only.

   (b) Notwithstanding Section 15.2 Regulations for Apartment Buildings, the following special regulations shall apply for all uses:

   **15.2.2 YARD REQUIREMENTS**

   15.2.2.1 FRONT YARD
   Minimum 0.0 metres

   15.2.2.2 SIDE YARD (Ogilvie Street)
   Minimum 0.0 metres
APPENDIX “C” TO REPORT PED09252

SIDE YARD (Westerly)
Minimum 5.0 metres

15.2.3 HEIGHT
Maximum 32m or 10 Storeys
(whichever is the greater)

15.2.4 DENSITY
Maximum 88 Dwelling Units and 3500m² of retail and office uses.

15.2.7.1 LANDSCAPING REQUIREMENTS

15.2.7.1 LANDSCAPED AREA
Minimum 0.0 per cent

(c) Notwithstanding Section 6.21 the following shall be permitted:

6.21 VISIBILITY TRIANGLE

A structure or building will be permitted to encroach into the ‘Visibility Triangle’.

(d) Notwithstanding Section 6.11.3 the following shall apply:

6.11.3 LANDSCAPING IN RESIDENTIAL FRONT YARDS

No minimum front yard landscaping shall be required.

(e) Notwithstanding Section 7.5 Visitor Parking, 7.7 Mixed Use Development, 7.12 Off-Street Parking Space Requirements and 15.2.6 Off-Street Parking and Loading, the following shall apply:

7.12 OFF-STREET PARKING SPACE REQUIREMENTS

A mixed use building shall require 0.75 spaces per dwelling unit and 1.0 space per 55m² of office/retail floor area.

(f) Notwithstanding Section 7.13 Off Street Loading Space Requirements, the following shall apply:
7.13 **OFF-STREET LOADING SPACE REQUIREMENTS**

No loading spaces shall be required.

(g) Notwithstanding Section 7.3 Access, the following shall apply:

7.3.4 Where a non-residential use is adjacent a residential zone, every access driveway to or from the non-residential use shall be permitted to be located adjacent the common boundary with the residential zone.

(h) A Holding Symbol (H) pursuant to Section 36 of The Planning Act, R.S.O. 1990, c.P. 13 and Subsection 4.9 of By-Law No. 3581-86 is hereby applied to the RM4/S-117 Zone category as it applies to 56 Governor’s Road. Such Holding Symbol (H) shall continue to apply to the subject lands until removed by subsequent by-law amendment. Council shall remove the Holding Symbol (H) by by-law amendment upon all of the following requirements having been addressed to its satisfaction:

(i) That the Class C EA for the widening of Governors Road from Creighton to Osler, as identified in the Hamilton Transportation Master Plan, or other required works, as identified in the Dundas Transportation Master Plan, has been completed and implemented, to the satisfaction of the Manager of Traffic Engineering and Operations; or that alternatively, submission of a Traffic Impact Study demonstrating that sufficient road and intersection capacity is available to support additional development on the lands of the applicant.

(ii) A Stage 3 and Stage 4 archaeological assessment be undertaken on the sites identified as H1 and H2 in the Stage 1 and 2 Archaeological Assessment report, dated September 2008, to the satisfaction of the Ontario Ministry of Culture and the City of Hamilton.
H-RM4/S-118

That Notwithstanding the provisions of Section 15: High Density Multiple Dwelling Zone (RM4) the following Special Provisions shall apply to Block 2 on lands known Municipally as No. 56 Governor’s Road, shown as “H-RM4/S-118” on Schedule “G”.

(a) Notwithstanding Section 15.2 Regulations for Apartment Buildings, the following special regulations shall apply:

15.2.4 HEIGHT
Maximum 32m or 10 Storeys
(whichever is the greater)

(b) Notwithstanding Section 6.11.3 the following shall apply:

6.11.3 LANDSCAPING IN RESIDENTIAL FRONT YARDS

No minimum front yard landscaping shall be required.

(c) Notwithstanding Section 7.13 Off Street Loading Space Requirements, the following shall apply:

7.13 OFF-STREET LOADING SPACE REQUIREMENTS

A minimum of one loading space measuring 3.7m x 9.0m x 4.3m shall be required.

(d) Notwithstanding Section 7.14 Dimensions for the Design of Parking Areas, the following shall apply:

7.14 DIMENSIONS FOR THE DESIGN OF PARKING AREAS

<table>
<thead>
<tr>
<th>Angle of Parking</th>
<th>Width of Parking</th>
<th>Length of Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>90 degrees</td>
<td>2.6m</td>
<td>5.5m</td>
</tr>
</tbody>
</table>

(e) A 7.5m buffer shall be provided and maintained adjacent the Conservation / Hazard Land (P5) Zone. No buildings or structures shall be permitted to encroach within this buffer.
(f) A Holding Symbol (H) pursuant to Section 36 of The Planning Act, R.S.O. 1990, c.P. 13 and Subsection 4.9 of By-Law No. 3581-86 is hereby applied to the RM4/S-118 Zone category as it applies to 56 Governor's Road. Such Holding Symbol (H) shall continue to apply to the subject lands until removed by subsequent by-law amendment. Council shall remove the Holding Symbol (H) by by-law amendment upon all of the following requirements having been addressed to its satisfaction:

(i) A Stage 3 and Stage 4 archaeological assessment be undertaken on the sites identified as H1 and H2 in the Stage 1 and 2 Archaeological Assessment report dated September 2008, to the satisfaction of the Ontario Ministry of Culture and the City of Hamilton.

3. That By-law No. 3581-86 (Dundas) is amended by adding this by-law to Section 32 as Schedule S-117 and S-118. The existing Schedule S-62 and S-90 that apply to the subject lands shall continue to regulate all buildings existing on 56 Governors Road at the date of passing of this By-law.

4. That Schedule “G” of the Zoning Schedule Key Map is amended by marking the lands referred to in Section 1 of this by-law as S-62, S-90, S-117 and S-118 respectively.

5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED and ENACTED this ___ day of ____, 2009.

__________________________       __________________________
Fred Eisenberger                 Kevin C. Christenson
Mayor                            Clerk

ZAC-08-069
This is Schedule "A" to By-Law No. 09-
Passed the .......... day of ................., 2009

Schedule "A"
Map Forming Part of By-Law No. 09-____
to Amend By-law No.3581-86

Subject Property
56 Governor's Road, Dundas

Block 1 - Change in Zoning from the Public and Private Service (PPS/S-90) Zone to the High Density Multiple Dwelling (H-RM4) Holding Zone, Modified

Block 2 - Change in Zoning from the Public and Private Service (PPS/S-90)and (PPS-FP) Zones, High Density Multiple Dwelling (RM4/S-82) Zone and Open Space - Conservation (OS) Zone to the High Density Multiple Dwelling (H-RM4) Holding Zone, Modified

Block 3 - Refer to By-law No. 05-200
CITY OF HAMILTON

BY-LAW NO. [Blank]
To Amend Zoning By-law No. 05-200
Respecting Lands Located at 56 Governor's Road

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999, S.O. 1999, Chap. 14;

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law 05-200;

AND WHEREAS it is desirable to enact a new Zoning By-law to comprehensively deal with zoning throughout the City;

AND WHEREAS the first stage of the new Zoning By-law, being By-law 05-200, came into force on May 25, 2005;

AND WHEREAS the Council of the City of Hamilton, in adopting Item [Blank] of Report 09- [Blank] of the Economic Development and Planning Committee at its meeting held on the [Blank] day of [Blank], 2009, recommended that Zoning By-law No. 05-200 be amended as hereinafter provided;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map No. 903, 944 and 945 of Schedule “A” to Zoning By-law 05-200, is amended by incorporating additional zone boundaries for the applicable lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” as follows:

   Block 1 – Lands to be zoned Conservation/Hazard Land (P5) Zone.
2. The Clerk is authorized and directed to proceed with the giving of notice of the passage of this By-law, in accordance with the Planning Act.

3. This By-law No. ▁▁ shall come into force and be deemed to come into force in accordance with Subsection 34(21) of the Planning Act, either upon the date of passage of this By-law or as otherwise provided by the said Subsection.

PASSED and ENACTED this ▁▁ day of ▁▁, 2009.

______________________________  _________________________
Fred Eisenberger  Kevin C. Christenson
Mayor  Clerk

ZAC-08-069
This is Schedule "A" to By-Law No. 09-
Passed the .......... day of ................... 2009

Schedule "A"

Map Forming Part of By-Law No. 09-_____ to Amend By-law No. 05-200

<table>
<thead>
<tr>
<th>Subject Property</th>
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</thead>
<tbody>
<tr>
<td>Block 1 and 2 - Refer to By-law No. 3581-86</td>
</tr>
<tr>
<td>Block 3 - Change in Zoning from the Public and Private Service (PPS/S-90) and (PPS-FP) Zones and Single - Detached Residential (R1-FP) Zone to the Conservation/Hazard Land (P5) Zone</td>
</tr>
</tbody>
</table>

Scale: N.T.S. | File Name/Number: ZAC-08-008/OEA-08-015 |
Date: August 21, 2009 | Planner/Technician: EJNB |
Hamilton | Planning and Economic Development Department |
Appendix “E” to Report PED09252
Page 1 of 160

Date: DEC 23/08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: 

160 Ogilvie Street
Dundas, Ontario
L9H 7M7

Re: File Nos. OPA-08-15/ ZAC-08-069

I/we object to the proposed changes to the Official Plan, namely “Official
Plan Amendment Application OPA-08-015” and Zoning Amendment
Application ZAC-08-069”, for the following reasons:

1. Residential intensification in these two blocks would remove almost
all the remaining usable green space from the area of St. Joseph’s
Villa and St. Joseph’s Estates, directly affecting the quality of life of
more than 500 persons. There would be no accessible garden area in
which the residents of either St. Joseph’s Estates or St. Joseph’s Villa
would be able to refresh their minds and bodies.

2. The intensification of Dundas should take place in the area already
designated and zoned as a “Residential Intensification Area” in the
Dundas Official Plan.

3. The proposed two 10-storey buildings towering over Dundas are not
only out of scale with the other buildings on Villa property but would
severely detract from the attractiveness of the historic Valley Town.

4. The enormously intensified traffic on our access road would greatly
increase the hazard for the residents of St. Joseph’s Estates, all elderly,
many with walkers, some in wheelchairs, and many others unable to
drive any longer, who would find it even more difficult to access
downtown Dundas, or St. Joseph’s Villa for outreach programs or to
volunteer.
Date: DEC 27/08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Name Redacted]

Re: File Nos. OPA-08-15/ ZAC-08-069

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Date: 19 Dec. 08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Address redacted]

Re: File Nos. OPA-08-15/ ZAC-08-069

I/we object to the proposed changes to the Official Plan, namely “Official
Plan Amendment Application OPA-08-015” and Zoning Amendment
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many with walkers, some in wheelchairs, and many others unable to
drive any longer, who would find it even more difficult to access
downtown Dundas, or St. Joseph’s Villa for outreach programs or to
volunteer.
Date: DEC 23/08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager, City of Hamilton, Planning and Economic Development Department, Planning Division 77 James Street North, Suite 400, 4th Floor Hamilton, Ontario L8R 2K3

From: [Redacted]

Re: File Nos. OPA-08-15/ ZAC-08-069

I/we object to the proposed changes to the Official Plan, namely “Official Plan Amendment Application OPA-08-015” and Zoning Amendment Application ZAC-08-069”, for the following reasons:

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2. The intensification of Dundas should take place in the area already designated and zoned as a “Residential Intensification Area” in the Dundas Official Plan.

3. The proposed two 10-storey buildings towering over Dundas are not only out of scale with the other buildings on Villa property but would severely detract from the attractiveness of the historic Valley Town.

4. The enormously intensified traffic on our access road would greatly increase the hazard for the residents of St. Joseph’s Estates, all elderly, many with walkers, some in wheelchairs, and many others unable to drive any longer, who would find it even more difficult to access downtown Dundas, or St. Joseph’s Villa for outreach programs or to volunteer.
Date: DEC 23/08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Redacted]
160 Ogilvie St.
Dundas, Ont.

Re: File Nos. OPA-08-15/ ZAC-08-069

I/we object to the proposed changes to the Official Plan, namely “Official Plan Amendment Application OPA-08-015” and Zoning Amendment Application ZAC-08-069”, for the following reasons:

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Date: DEC 28/08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Redacted]
160 OGILVIE ST. AND
DUNDAS L9H 7M7

Re: File Nos. OPA-08-15/ ZAC-08-069

I/we object to the proposed changes to the Official Plan, namely “Official Plan Amendment Application OPA-08-015” and Zoning Amendment Application ZAC-08-069”, for the following reasons:

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Date: DEC 29/08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Redacted]

Re: File Nos. OPA-08-15/ ZAC-08-069

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Date: December 19, 2008

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Redacted]
160 Ogilvie St.
Dundas ON L9H 7M7

Re: File Nos. OPA-08-15/ ZAC-08-069

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Date: December 19, 2008

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Redacted]

Re: File Nos. OPA-08-15/ ZAC-08-069

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Appendix “E” to Report PED09252
Page 10 of 160

Date: 19 December 2008

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Redacted]

Re: File Nos. OPA-08-15/ ZAC-08-069

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[Handwritten Signature]
Date: 19th December 2008

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Redacted]

Re: File Nos. OPA-08-15/ ZAC-08-069

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Date: December 19, 2008

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: 160 Ouelve St.
Dundas, L9H 7M7

Re: File Nos. OPA-08-15/ZAC-08-069

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[Signature]
Date: 

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager, City of Hamilton, Planning and Economic Development Department, Planning Division 77 James Street North, Suite 400, 4th Floor Hamilton, Ontario L8R 2K3 

From: [Redacted] 

Re: File Nos. OPA-08-15/ ZAC-08-069 

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Date: Dec 19, 2008

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Signature]
160 Ouelvie St.
Dundas, ON, Canada L9H 7K7

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[Signature]
Date: DEC. 19, 08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager, 
City of Hamilton, 
Planning and Economic Development Department, Planning Division 
77 James Street North, Suite 400, 4th Floor 
Hamilton, Ontario 
L8R 2K3

From: [Redacted]

Re: File Nos. OPA-08-15/ZAC-08-069

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Date: DEC. 19, 08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Handwritten address]

Re: File Nos. OPA-08-15/ ZAC-08-069

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Date: DEC. 19, 08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Redacted]

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To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager, City of Hamilton, Planning and Economic Development Department, Planning Division. 77 James Street North, Suite 400, 4th Floor Hamilton, Ontario L8R 2K3

From: [Redacted]

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Date: Dec 19 2008

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Name Redacted]
160 Ogilvie Street
Dundas, Ontario

Re: File Nos. OPA-08-15/ ZAC-08-069

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To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,  
City of Hamilton,  
Planning and Economic Development Department, Planning Division  
77 James Street North, Suite 400, 4th Floor  
Hamilton, Ontario  
L8R 2K3

From: [Redacted]

Address: [Redacted]

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[Signature]
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City of Hamilton,  
Planning and Economic Development Department, Planning Division  
77 James Street North, Suite 400, 4th Floor  
Hamilton, Ontario  
L8R 2K3

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Date: December 19/08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
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1. Residential intensification in these two blocks would remove almost all the remaining usable green space from the area of St. Joseph’s Villa and St. Joseph’s Estates, directly affecting the quality of life of more than 500 persons. There would be no accessible garden area in which the residents of either St. Joseph’s Estates or St. Joseph’s Villa would be able to refresh their minds and bodies.

2. The intensification of Dundas should take place in the area already designated and zoned as a “Residential Intensification Area” in the Dundas Official Plan.

3. The proposed two 10-storey buildings towering over Dundas are not only out of scale with the other buildings on Villa property but would severely detract from the attractiveness of the historic Valley Town.

4. The enormously intensified traffic on our access road would greatly increase the hazard for the residents of St. Joseph’s Estates, all elderly, many with walkers, some in wheelchairs, and many others unable to drive any longer, who would find it even more difficult to access downtown Dundas, or St. Joseph’s Villa for outreach programs or to volunteer.
Date: December 20, 2008

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Redacted]

160 Ogilvie ST
Dundas on L9H 7M7

Re: File Nos. OPA-08-15/ZAC-08-069

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Date: Dec 23/08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division 77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Redacted]

160 D'GILVIE ST. DUNDAS, ONT. L9H 7M7

Re: File Nos. OPA-08-15/ ZAC-08-069

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Date: Dec. 19, 2008

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Redacted]
160 Ogilvie St.,
Dundas, Ontario L9H 7M7

Re: File Nos. OPA-08-15/ ZAC-08-069

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[Redacted]
Date: December 19, 2008

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Redacted]

Re: File Nos. OPA-08-15/ ZAC-08-069

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[Signature]
Date: Dec. 19, 208

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [redacted]

Dundas-Ogilvie Str.
Dundas-Ontario-Canada L9H-7M7

Re: File Nos. OPA-08-15/ZAC-08-069

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Date: DECEMBER 19, 2008

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
   City of Hamilton,
   Planning and Economic Development Department, Planning Division
   77 James Street North, Suite 400, 4th Floor
   Hamilton, Ontario
   L8R 2K3

From: [Address Redacted]

Re: File Nos. OPA-08-15/ ZAC-08-069

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Date: December 19

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
    City of Hamilton,
    Planning and Economic Development Department, Planning Division
    77 James Street North, Suite 400, 4th Floor
    Hamilton, Ontario
    L8R 2K3

From: [Redacted]

Re: File Nos. OPA-08-15/ ZAC-08-069

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Date: December 29, 2008

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Redacted]

Re: File Nos. OPA-08-15/ ZAC-08-069

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traffic lane – thus not really aiding the congestion problem. Traffic heading south on Ogilvie, or turning left, are forced to line up and wait a considerable amount of time before having the opportunity to traverse this intersection.) The fact that vehicles heading west on Governor’s Rd, and turning right to head north on Ogilvie, have to make more than a 90 degree turn right onto the often crowded bridge, does not help this congestion situation.

It would also seem that there is essentially no remedy to this existing congestion problem – without widening the bridge. Prospects for this happening are essentially zero – given that 1000 Creekside Dr (now being constructed) has been allowed to be constructed “almost hanging over” Ogilvie. Further, there is also no land available on the other side of the bridge, given the proximity of Metro (the former A&P) and other buildings further along on Ogilvie.

Parking Issues
There is no parking on either side of Ogilvie (except quite removed, beyond Hatt St) - nor on Governor’s Rd – anywhere near this intersection and/or near the property that would host the two proposed 10 story buildings. The closest available street on which there “might be” parking is Creekside Dr. But any street parking on Creekside Dr has already been “supposedly assigned” to handle Guest Parking for the four condos located at 1000, 2000, 3000, and 4000 Creekside Dr – because the developer here was allowed to build these 4 condos with less than (only about 60%) the required amount of Guest Parking. Thus Guest Parking for these Creekside Dr condos requires ~ 28 parking spaces on Creekside Dr – and with all the development on Creekside Dr it is difficult to see how 28 spaces will even exist – and even more important whether they even exist at all (according to earlier pronouncements from Fire Dept they do NOT). We do not know how Guest and Commercial Parking will be handled related to the proposed new buildings – but unless this is fully resolved in advance, it remains a point of contention, and a point leading to opposition to the proposed new buildings. One can simply ask – how many times? - and to how many different developments? – can the parking spaces on Creekside Drive be given up or allowed to be used? – especially when these same parking spaces may not even exist? Until the answer to how parking might be handled for the proposed 2 new condo (plus Commercial) buildings – and until Creekside Dr parking – and Creekside guest parking issues – are fully resolved, these issues would all remain as a reason to oppose the proposed changes to Zoning and Official Plan, plus the proposed new buildings.

However, the congestion issue at the intersection of Ogilvie and Governor’s Rd remains the dominant issue, and dominant reason for registering opposition.

Yours truly

[Redacted]

Cc: Councillor Russ Powers
Comment to Hamilton_Varance_Corner of Ogilvie & Governor’s Rd
Dec 12, 2008

To: Mr Jason Thompson, Senior Project Manager, MCIP, RPP
City of Hamilton, Planning and Economic Development Department Planning Division
Hamilton City Centre, 77 James St North, Suite 400, 4th Floor
Hamilton ON L8R 2K3

Re: Files ZAC-08-069 and OPA-08—015

Dealing With: Notice of Complete Applications and Preliminary Circulation to Amend the Zoning By-law and Official Plan, 56 Governor’s Road (Dundas)

Dear Mr Thompson

We live very close to the subject property at the corner of Ogilvie and Governor’s Rd, and are taking this opportunity to both comment on and register our objections to the proposed “Amendment to the Zoning By-law and Official Plan”. We are also opposed to the proposed construction of two new 10 story condo buildings (one to be combined residential and commercial) that would follow a positive outcome to the subject request for an “Amendment to the Zoning By-law and Official Plan”. We are opposed to any of this becoming a reality – for the following reasons.

**Existing Traffic Congestion at the Intersection of Ogilvie and Governor’s Rd**

This intersection, which has traffic lights, is very close by and there is already a traffic bottleneck that exists where Ogilvie Rd intersects Governor’s Rd. To add a large amount of additional traffic, related to the proposed buildings, both during the construction phase, and even more so with subsequent occupancy of the buildings, with even more additional traffic from commerce, seems to defy planning logic. The main problem is associated with only two lanes on the stretch of Ogilvie that runs from Hatt St to Governor’s Rd – and the close proximity of the narrow bridge (designed for only two lanes) over Spencer Creek to the actual Governor’s Rd intersection. These two lanes cause many line ups for southbound motorists either trying to make a left turn (east) onto Governor’s Rd or trying to go straight through on Ogilvie. Northbound travel on Ogilvie suffers a similar fate – even though there is an extra left turning lane – as the lanes are so small and essentially “overlapping” that a long line up going left (west) onto Governor’s Rd actual blocks through traffic on Ogilvie Rd. (Note: The bridge itself is only wide enough for two lanes – but motorists crossing the bridge in a southbound direction do have an opportunity to make a right hand turn to head west on Governor’s Rd by using a very narrow right hand turning lane that has been carved out of the regular width single lane heading south – this leaves the single lane for both through traffic and left turns much narrower than a normal
Jan 5/2009

I can get into a many years - But

I don't know all -

To whom it may concern: all the rest of this building, especially in the area of the second floor and the area immediately above.

Also, it is going to be very high - little building - only one story high.

Please consider all of our needs for the night time. All the Banks have determined in making these decisions.

Sincerely,

CIVAN

2.

I am getting older and want to avoid anything that needs to be done at night.

I don't think about places of business in the night time. All the Banks have determined in making these decisions.

Sincerely,

CIVAN
Date: Feb 3, 2008

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Redacted]

Re: File Nos. OPA-08-15/ ZAC-08-069

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[Signature]

905) 627-3001
January 1 2009

Date:

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Redacted]
182 Governors Rd Dundas On

Re: File Nos. OPA-08-15/ ZAC-08-069

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in using the existing property for purposes of movement, exercise or travelling between the various buildings and to downtown Dundas.

(b) The destruction of the remaining usable green space for eternity would eliminate a substantial ecological wonder of grass, trees, and tranquility - all of which were promised when 150 and 160 were constructed in the later 1990s.

(c) The creation of a 10 storey monstrosity on perhaps the highest level of this area of Dundas would be esthetically destructive of the concept of this historical Valley Town, and be completely out of scale and out of character with the existing buildings on Villa property. It is important to plan for the future but in so doing we should not destroy the past.

(d) Any further development would create a significant traffic problem at the entrance to Ogilvie St. Already, egress is extremely difficult and sometimes challenging at busy times. Many additional cars would certainly exacerbate the dangers and hazards, leading to serious accidents and injuries. We note that this past summer there was a fatal vehicle and elderly pedestrian accident at the very nearby corner of Governor’s and Ogilvie.

Having specifically constructed 150 and 160 for the elderly, who sooner or later experience significant mobility problems, the Villa should be required to accommodate the needs of those they enticed into their buildings at 150 and 160 and not to place them at considerable risk.

There are already about 1400 condos and rental units, plus Wentworth Lodge and four smaller nursing homes, plus private houses and commercial properties, all within one kilometre of St. Joseph’s Villa, the largest nursing home in Ontario. Further intensification of Dundas should take place in the area already designated and zoned as a “Residential Intensification Area” in the Dundas Official Plan.

St. Joseph’s Estates Residents’ Action Committee

[Signatures]

December 18, 2008
To: Jason Thompson, MCIP, RPP  
City of Hamilton, Planning & Economic Development Dept.  
77 James St. North, Suite 400, Hamilton, ON L8R 2K3

From: St. Joseph’s Estates Residents’ Action Committee  
160 Ogilvie Street  
Dundas, ON L9H 7M7

Date: December 22, 2008

RE: FILES ZAC-08-069/OPA-08-015

We the undersigned, being an ad hoc committee of the residents of St. Joseph’s Estates, 150 and 160 Ogilvie St, Dundas, Ontario, thank you for the opportunity of making comments in respect of the two Applications referred to in your letter of Dec. 8, 2008.

As a starting point concerning our position we appreciate making these written comments for publication as part of your report for Council.

Attached please find the written report which was provided each member of the Board of St. Joseph’s Villa at the time that report was presented orally to the Board. The submissions were made by Justice Walter Stayshyn, Chairman of the Villa Foundation Board at the time 150 and 160 were being discussed for development, Dr. Wm. Goldberg, Chief of Medicine at St. Joseph’s Hospital for 20 years, and Prof. Donald McIntyre, the architect of 150 and 160 as well as of the recent extensive addition to the Villa. These are three individuals who for many years have been strong supporters of the Sisters and the Villa.

We still abide by those submissions as well as those referred to herein.

The great majority of the residents of 150 and 160 are very concerned with the new plans as filed herein.

When the proposal was first raised in the late spring of 2007 it was in reference to one building in the area designated for the site of Building A in your Final Site Plan. A second building was suggested by the residents as an alternative site, not in addition to the then proposal.

Further objections, significant worries and concerns with the proposals are:

(a) The major increase in traffic by way of additional residents, visitors, service vehicles and emergency vehicles will, without doubt, create a major obstacle and danger for the present and future residents of our two buildings. Many of these residents use canes, walkers and wheelchairs and would be subjected to significant and hazardous challenges
on the area will deny them the atmosphere of
peace. More high-rises in Dundoo will help
erode its "small town" ambience, which is
what attracts people to the area. I fear that
some drinking establishment will be permitted
to locate on the new premises attracting
"undesirables" along with rowdiness, vandalism
and who knows what else. No, I do not want to
see yet more concrete and asphalt. We sacrifice
green space to our own detriment. As for the
Roman Catholic Church, if they need to raise money,
I don't see why they have to sacrifice historical
land to do it.
Do St Joseph's Villa going to be held accountable
for the noise then new buildings will cause?
People already complain about the noise from
St. Joseph's air-conditioning.

Yours truly,
R. G. Powell
50 Governors Rd.
Dundee on L9H 5M3

Dear Mr Thompson,

It was with dismay that I learned of the intent to build upon the southwest corner of Governors Rd. and Ogilvie St. As a resident of the adjoining building, I have come to enjoy the touch of tranquility that that space provides. Indeed, it was a factor in deciding to move to # 50 in the first place.

The building proposed for that corner will increase human and vehicular traffic congestion and hence more noise. That property is recognized as a remnant of local history and should be preserved for posterity to enjoy. Even wild deer hazard to venture through 'Block 1' in order to cross Ogilvie. Reduced human activity...
The garden was planned to offer a soothing and serene natural environment for peace, reflection and contemplation, and in the hope that it might also be therapeutic. It is the essence of the spirit of the Sisters of St. Joseph of Hamilton.

In her response to Dr. Smith, Sister Margaret Kane stated, in referring to their beginnings, ministry and mission, “This garden embodies that mission. It was designed to be an oasis of beauty – a place where the soul and the spirit can be nourished as the body and mind heals from illness and stress. I’m sure our founding Sisters would be in awe, even in shock, at what has grown from those long ago beginnings. And we are grateful that you continue that caring mission.”

We ask that we together fulfill that caring mission and retain and develop the “orchard” for that peaceful, reflective and soul-nourishing purpose.

October 1, 2007

All of which is respectfully submitted.
• whether the economics of the proposed building will be blended with the present Estates buildings.

The Villa planning committee was to work with your professionals during July and August, and it was stated at the June public information session that representatives from the Estates and Walnut Grove would be part of the process. We have heard nothing to date, and our representatives have not been invited to any meetings.

It is not too late to develop a comprehensive plan for the entire property. We wish to contribute to this work.

In conclusion, may I state on behalf of the Estates residents that we do not wish to be confrontational. Our vision, as with your mission, is to see the Villa campus developed to its most appropriate use.

In 2006, a Spiritual Garden was established at the redeveloped St. Joseph’s Hospital. As President Dr. Kevin Smith appropriately stated, “In a demanding world filled with stress it is hard to find a quiet moment to renew our energy and strength.”
We ask the Villa Board to have great ambitions for the image and growth of our community so that all who live, work in and visit the St. Joseph’s campus will experience an excellent environment.

A comprehensive plan will inspire future development and promote superior campus growth, and it is not too late to conceive a comprehensive vision for our community’s future.

Coherence is the objective of urban spaces and a three dimensional plan for the entire St. Joseph properties would be a creative step in visioning the future. Incremental, piecemeal planning will disappoint the current residents and it will not lead to a comprehensive community or lasting values.

To make wise decisions, one must imagine intensely and comprehensively. We must put ourselves in the place of another and of many others. This is the road towards caring.

We, the residents of the Estates, are anxious because we do not know:

- whether a study has been made to determine the current housing needs of our aging St. Joseph’s community;
- whether there is a functional program for the proposed building;
- whether there will be any units for low income seniors;
- whether the proposed building will be designed to LEED standards (Leadership in Energy and Environmental Design);
The St. Joseph’s Mission Statement is committed to “Living Our Values Everyday”:

- Providing holistic care
- Enhancing quality of life
- Using resources responsibly
- Developing and maintaining an excellent knowledge base
- Responding to the challenge to the current and future needs of our community.

With a ‘challenge’ you look at an issue and say to yourself:

- Do we need to do this at all?
- What are the reasons for doing things this way?
- Are there alternative ways of doing it?

Every new act of construction, buildings, accessible parkland, public pathways, car and truck routes, service nodes, has an obligation to create and contribute to comprehensive growth for the St. Joseph’s community.

An example of a lost opportunity is on our doorstep! Hatt and Ogilvie –

- There is no view of the creek.
- The buildings are a hodgepodge of forms and styles.
- The architecture is Disneyesque.

The lack of vision results in no coherence.
Many of the residents are devastated to discover the Sisters would permit this destruction of treasured green space, especially knowing that the Order has always recognized the contemplative, restful and psychological value of such green space.

Existing Estate residents and residents of Walnut Grove, rather than objecting to and significantly delaying any development with the resulting adverse criticism and publicity of the Villa, and of the Sisters by inference, would assist in expediting development on the corner property — a very worthwhile and necessary nonprofit charitable cause.

We now ask our colleague and Estates resident [REDACTED] to address you on an alternative process the meet the challenge of development.
Surely the above recognizes and in fact demands the development of the orchard as a liveable green space for all residents of the Villa and the Estates.

And surely that is in keeping with other words spoken by your past Chairwoman Michelle Cooper who quoted the late Rev. Martin Luther King Jr. when he said “the ultimate measure of a man is not where he stands in moments of comfort and convenience but where he stands at times of challenge and controversy.”

We must not forget that Rev. King also stated “Our lives begin to end the day we become silent about things that matter”, and we suggest the reality of necessary green space and quiet matters greatly.

We are aware of the dire financial circumstances of the Villa and the recommendation of a further Life Equity building. We do not disagree with that decision but respectfully say that it is being considered in the wrong location. We suggest that if a building is to proceed it should be on an alternative site, and one is presently available on Villa property at the corner of Governor’s Road and Ogilvie Street. It would be the least disruptive location for all residents involved. A By-law zoning change to permit only a residential building on that location could easily be obtained. It would not be more expensive to build on that location.

Prospective residents would also have access, in time, to the further improved green space in the orchard. Prospective new residents could be informed of the significant health benefits which arise with access to the green space.
Due to the fact that the present two buildings of St. Joseph's Estates are located on a hill, residents with ambulatory limitations due to the most frequent causes – musculoskeletal, neurological and cardiorespiratory disorders – have at the present time only the orchard area as open green space. If this space is obliterated by a new building, a parking area and a road, they will forever be confined to one hundred yards or so of asphalt path, while needing to cross two roads and two parking areas even to get there, only to be confronted not with green but with the view of more cement and buildings.

The pending decision of the Board regarding the development in the only available green space will be an irreversible one. The St. Joseph's Villa Mission Statement vows to enhance the quality of life, and to meet the emotional and physical needs, as well as the social, intellectual and spiritual needs of the residents. Depriving the present and future residents of the Estates and the Villa of their common green space, which is so very important to them mentally and physically, goes completely against the Mission Statement. Remember, [redacted] are not the only ones affected: perhaps some of you in the future will be residents here and long for a spot to sit outdoors and listen to the birds.
exercise that had the greatest effect on them. Further, 94% stated that green
activities had benefited their mental health, lifting depression. Mind’s Chief
Executive Paul Farmer said “Mind sees ecotherapy as an important part of the
future for mental health ...

Hundreds of people have benefited from the green projects run by our local
Mind associations; but if prescribing ecotherapy was part of the mainstream
practice it could potentially help the millions of people across the country who are
affected by mental distress.”

Mind’s recommendations include:

- Ecotherapy should be recognized as a clinically valid treatment for mental
distress.

- G.P.s should consider prescribing green exercise as a treatment option for
every patient experiencing mental distress.

- People on care plans should be supported in accessing green space.

- Allocation of health and social care budgets should be informed by cost-
benefit analysis of ecotherapies.

- All health and social care institutions should be required to offer access to
green space.

- Architects and town and country planners should design with mental well-
being in mind.
A recent study, which has not been challenged and has been cited in other materials when considering senior citizens’ longevity and the importance of walkable green spaces, concluded that living in areas with walkable green spaces positively influenced the longevity of urban senior citizens independent of their age, sex, marital status, baseline functional status and socioeconomic status. Greenery-filled public areas that are nearby and easy to walk in should be further emphasized in urban planning for the development and redevelopment of densely populated areas in a megacity. Close collaboration should be undertaken among the health, construction, civil engineering, planning and other concerned sectors in the context of the healthy urban policy, so as to promote the health of senior citizens.

Medical News Today very recently reported that the leading mental health charity Mind released a ground-breaking new report which sets a new green agenda for mental health. It calls for ecotherapy to be recognized as a clinically valid front line treatment for mental health problems, and recommends that ecotherapy be considered as a treatment option. It compared a walk in a country park with a walk in an indoor shopping centre and found startling results favouring the former.

A second study considered the views of people who regularly partake in green activities and found 90% indicated it was the combination of nature and
Please note that the residents of St. Joseph's Estates love and enjoy the
trees, the gardens and the green space which give so much pleasure to us and to
many of the residents of St. Joseph's Villa. Since our 'Juliet' balconies are too
small to sit out on – and in fact ten units do not even have one – and since only our
ground floor residents are fortunate enough to have a patio with their unit, we
depend upon the orchard area to give us a touch of the serenity and peace that
Nature can provide. Rather than filling this green space with another residential
building, we suggest that the orchard be made a place for all the residents of the
Villa and of the Estates.

We propose that a professional landscape designer be asked to draw up plans
for a series of walkways and sitting areas which could be put in place in the
orchard. This would greatly enhance the accessibility of the orchard for those
among us, both in the Estates and in the Villa, who use canes, walkers and
wheelchairs and for whom a smooth surface upon which to walk is imperative. At
present, the asphalt path only extends as far as the gardens which limits so many of
us to this small area.

I would now ask my fellow resident [REDACTED] to address you on
some very important medical concerns.
Although it would appear from our opposition to your proposed plans that the Estates residents do not support the Villa, such is not the case. A number of the residents, and their families before them, have been and still are dedicated and passionate supporters of the Sisters and their missions, and take exception to the present proposals for what we perceive to be important concerns:

1. The preservation of green space, and the importance of developing that green space for the improved physical and mental health of all Villa and Estates residents.

2. Safety would be severely impacted by a proposal to construct a road to the orchard, further infringing upon our precious green space. The increased traffic would exacerbate the already hazardous condition with pedestrians (with and without canes, walkers, wheelchairs, pushed wheelchairs), cars, service vehicles, deliveries and Villa staff.

We ask you to remember that when the original purchasers, many of whom are still residents, were entering into their agreements they were assured the Estates would be in a parklike setting and further development would, if at all, consist of town houses or bungalows.

We cannot perceive that the Sisters or the Board would be a party to such negligent misrepresentation which would appear to now significantly impact elderly residents. Nothing would be gained by creating ill feelings among residents.
SISTERS OF ST. JOSEPH, HAMILTON

CONGREGATIONAL MISSION STATEMENT

The Sisters of St. Joseph

were founded in seventeenth century France by Father Medaille, S.J. and six women in response to the challenge of the Gospel and the needs of their times. They desired to live out the mission of Jesus as "THE CONGREGATION OF THE GREAT LOVE OF GOD."

The Sisters of St. Joseph of Hamilton continue to live and work to help all people realize how much God loves them. Thus, we promote the dignity of all persons, especially the poor and marginalized, and work to alleviate the causes of poverty and oppression. In all we do, we strive TO HEAL BROKEN RELATIONSHIPS, RECONCILING AND UNITING PEOPLE with one another and with God.

In collaboration with others,

we endeavour to broaden our vision of the social reality of our world, in order to identify and respond to human needs. In accordance with the spirit of our Congregation and our resources, we engage in the ministries of healing, education and pastoral services.

Rooted in a common cause,

sustained and nurtured by the EUCHARIST and a FAITH-SHARING COMMUNITY, we are eager to serve wherever needed and to accept the risks involved. Continuing Christ's mission in the world demands that we live in THE SPIRIT OF THE GOSPEL, with generous and courageous love, with a SPIRIT OF GENTLENESS AND PEACE, SIMPLICITY AND JOY.

December 1985.
As the material in our presentation is of great importance to us and in part lengthy we are providing each member of the Board with a copy of our notes for your consideration and in order that you might more readily understand our position.

We also intend to make these notes available to other members of the St. Joseph’s Health System and the Sisters.

In April of 2007 Sisters Anne Anderson and Margaret Kane stated their Boards “have an unwavering commitment to our mission, vision and values.”

On July 23, 2007 Paul O’Krafka wrote to the Estates residents that “our dedication to our values enables us to strive for continued excellence in the care of seniors in our community now and in the future.”

What is the Mission you and all members of the Board must abide by in fulfilling the vision and values?

It is clearly defined in the St. Joseph’s Villa Mission statement pursuant to which this Organization is bound.

It is important to our present discussions that all Board members carefully read and abide by that Mission Statement which reads...
A PARKLIKE SETTING
A TREASURED SPACE – A VALUED PLACE

Does the Board of St. Joseph's Villa really want to put another building here?
Mr. Jason Thompson,
Senior Project Manager,
Planning Economic Development Dept.,
Planning Division,
Hamilton City Centre,
77, James St. North,
Hamilton, ON, L8R 2K3

REF: ZAC-08-069/DPA-08-015

Dear Mr. Thompson,

By this letter we are registering our opposition to the plan as proposed by St. Joseph's Villa.

The proposed development will destroy the two condominium buildings (150-160 Ogilvie St., St. Joseph's Estates) which are six stories each, with a total of 108 units.

To consider building a ten-storey building only 10 metres from the existing building, 160 Ogilvie St., will create many problems:

1. Increased traffic flow: resident, commercial (garbage, etc.) Fire, Police and Emergency services.
2. Noise and pollution.
3. The additional traffic flow will have an impact on people (both residents & visitors) walking, who use canes, wheelchairs and wheelchairs.
4. A ten-storey building will create shadows both for the six-storey building, the private entry lanes (Walnut Grove) and possibly the rear wing of St. Joseph's Villa, thereby reducing light and sunshine in the area.

Should this building be constructed, as proposed, in the orchard area, are the present green space, trees, wildlife, bird life and fluids in this nature and street area since the site now and for future generations!

Yours truly,

160, Ogilvie St.,
Dundas, ON.
L9H 7M7
Corporate Info » About Us » Board Members & Key Staff

Board Members

2007 Members of the Hamilton Conservation Authority

The Township of Puslinch and municipalities within The City of Hamilton appoint representatives to the Hamilton Conservation Authority Board of Directors to oversee the budget and activities of the Conservation Authority. These appointed members, many of whom are elected municipal representatives, speak on behalf of residents at the HCA.

City of Hamilton
and the Township of Puslinch

Brad Clark
Chad Collins
Lloyd Ferguson
Chris Flith-England
James Howlett
Tom Jackson
Sango-Maughn
Duke O'Sullivan
Robert Pasuta
Susan Toth
Don McKay

Honorary Members

Mark Shurvin
Rosa Powers
Thos. A. Beckett
Al Stacey
Wm. Powel*
Walker Drummond*
Archie H. McCoy*
Scott Fidler*
Thos. M. Thomson*
Les Cauley*

(*deceased)

Key Contacts

General Inquiries
nature@conservationhamilton.ca

Steve Mizgala, Chief Administrative Officer
smizgala@conservationhamilton.ca

Tony Horvat, Director of Land Management
thorvat@conservationhamilton.ca

Kathy Menyes, Director of Watershed Planning & Engineering
kmennes@conservationhamilton.ca

Joan Bell, Manager of Grants and Special Projects
jbell@conservationhamilton.ca

Brian Rodgers, Secretary Treasurer/Finance Manager
brodgers@conservationhamilton.ca

Sheila O'Neil, Watershed Stewardship Coordinator
soneil@conservationhamilton.ca

Doug Mallory, I.T. Coordinator
dmallory@conservationhamilton.ca

Ganet Cowell, Manager of Marketing and Communications
gcowell@conservationhamilton.ca

Evelyn Bennett, Manager of Business Development
ebennett@conservationhamilton.ca

Conservation Foundation
nature@conservationhamilton.ca

[Contact Information and Other Details]
Manchia is a senior planner and partner in Planning and Engineering Initiatives and appears frequently before council on behalf of various local developers. He is also an elected trustee of the Catholic School Board, and a council-appointed member of the Hamilton Conservation Authority board.

Apparently as a result of his complaint, a staff report in April 2006 proposed redesignating all of the new ESAs except Community Beach Ponds. The brief report noted: “Recently, a process error was detected in the public notice provisions, therefore, the amendments are being re-adopted. There are no substantive changes in the amendments, with the exception of the removal of the westerly Community Beach Ponds proposed ESA.”

The report didn’t explain why this area was being excluded, but merely noted that “it will be considered in a separate amendment at a later date”. Manchia spoke at the April meeting on behalf of Vandersmili.

Neighbouring residents have been informed that a purchase offer has been placed on the four-acre Catholic School Board property that makes up the northern half of the site, and a sign on the property indicates that much of the land will be cleared to accommodate a townhouse development.

The lands were originally set aside as a school site, but the Catholic Board declared them to be surplus to its needs. It formally notified city council of this decision in April 2004. The city has first rights to purchase surplus school lands, but a staff report in July 2004 recommended against acquisition, giving their ESA designation as the reason for not purchasing them for parkland.

“Although there is a shortage of parkland space in the Lakeshore community, these lands are environmentally significant and are not suitable for active recreational use,” noted the report. “Therefore the city is not interested in the purchase of the subject property. The Conservation Authority may be interested in acquiring these lands.”

Later in the same staff report it says that the “Conservation Authority has responded to the school board that they have no interest in the acquisition of this property.”

It is unclear if the decisions to pass up the opportunity to purchase available lands would have been different if it had been known that the ESA designation would subsequently be removed.

In the same April 2005 planning meeting that approved the re-designations (including the dropping of the Community Beach Ponds ESA), councillors also adopted a staff recommendation not to purchase the four-acre public board property on the south side of the Community Beach Ponds area.

The staff report recommending that decision made no mention of either the ESA status of the lands, or of the shortage of parkland in the neighbourhood. The report was approved without discussion by the committee.

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At this point, Ms. Revesz agreed to provide a list of her questions to Clerk's staff, to be forwarded to Planning staff for response.

- Has Mr. Manchia declared a conflict of interest as a school board trustee, as a planner, and as a member of the Conservation Authority?
- There are rare species in the forest – she brought forward evidence of the existence of salamanders last February – why wasn't Dougan and Associates informed?
- Dougan's report is a migratory bird report only, not a full environmental study
- No mention of the breeding swans, no mention of the SARA – the species that live in the pond that would be protected under the Species at Risk Act
- Dougan stated that the new boundaries were given to them and they based their research on those boundaries but also indicated they would have liked to do more research on this property
- The Hamilton Conservation Authority admitted to her that some pertinent information was not included in the Dougan Report
- Meeting with City staff saying that these lands were never designated ESA – staff said ESA not legal due to circulation error, and couldn't show legal advice because of solicitor-client privilege
- Requested decision under FOI – legal staff stated their advice was not sought
- Members of Hamilton Conservation Authority are surprised the lands are not designated
- The Hamilton Conservation Authority didn't purchase lands when declared surplus by the School Board because they thought they were already protected
- Residents couldn't get a meeting with ESAIEG, but ESAIEG had a tour with Mr. Manchia and the developers
The Chair addressed the members of the Public and stated that in accordance with the provisions of the Planning Act, the following points should be noted:

(a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before the Official Plan Amendment is approved and/or Zoning By-law is passed, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

(b) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the Zoning By-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Chair Mitchell invited the speakers who had already asked to be placed on the speakers’ list to come forward and address Committee. He noted that any other members of the public could address Committee following that.

1. Sherry Revesz, Community Beach Turtle Ponds Association

Ms. Revesz addressed Committee and expressed her opinion and concerns regarding the proposed Development. These included, but were not limited to;

* attended the Open House and was told whether you like it or not the development will happen
* inconsistencies from City staff and the developer
* the ESA designation was removed by the City
* the school boards should be responsible for the environment
* if the Boards are strapped for cash they still don't have the right to use our monies against us
* Mr. Manchia said he had found a loop hole, and addressed Committee on behalf of his client, and said that the ESA designation should be rescinded due to a circulation error
* Does his declaration of interest exclude him from this issue?
staff recommendations. Staff explained that should any major changes be needed, another public meeting would be required.

Committee then discussed the importance of the wetland and how it was reviewed. Staff advised that the Hamilton Conservation Authority had commented on behalf of the Ministry of Natural Resources, and did not indicate that this was a Provincially significant wetland.

Staff provided details of the existing zoning, and advised that if the application is denied, a school, library or police station could be built, and while through Site Plan approval, an EIS would provide mitigative measures to the environment, there would be no public input required.

Staff added that the original boundaries of the ESA were recommended by the Hamilton Naturalist Club. This inventory is done every ten years, however, changes occur in natural areas within short time frames, and that such areas may be affected by particularly dry or wet weather, as well as by human interference. As part of the development proposal, a stormwater management plan would be required.

Staff also explained the use of different sized buffers from different environmental features, explaining that buffers differ according to the habitat and the proposed development, with larger buffers being used in escarpment areas, the Dundas Valley or Beverley swamp, and smaller buffers for small woodland areas.

Committee requested copies of the E.I.S.

John Ariens, Vice President of Planning and Engineering Initiatives addressed Committee, on behalf of the Church Street Developments, in favour of the proposal.

He explained that he represents Church Street Developments who wish to purchase the land from the Separate School Board. Mr. Ariens said that his client agrees to donate the environmentally significant portion of the land to the Conservation Authority or the City, and explained that his client has agreed to trade off, to remove some trees but plant more trees elsewhere on the site.

In response to questions from Committee, Mr. Ariens confirmed that Sergio Manchia, from PEIL, is a Separate School Board Trustee, as well as a member of the Hamilton Conservation Authority Board, and that Mr. Manchia has declared a conflict of interest in these areas. Mr. Ariens supported the staff recommendation.

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traffic viewpoint.

Ms. West continued that the proposed development represents appropriate residential development, under the Provincial policies, as well as those in the Official Plan. She noted that the ESA would be properly protected, through the conditions of the development.

Ken Ursic, an Ecologist with Dougan and Associates, Ecological Consulting Services who prepared the Community Beach Ponds Environmental Impact Study addressed Committee.

His comments included, but were not limited to, the following:

- the intent is to protect Buttonbush swamp, and the EIS proposes mitigative measures to reduce the development’s impact.

- area currently is a Migratory birds’ stop-over, there has been extensive study of birds, concluding that the area is on par with Fifty Point Conservation Area. The mature forested area of the site is important.

- The area where the nest of the black-crowned night heron was found will be retained.

- Numerous recommendations have been presented in the EIS to offset impact of development.

Committee then discussed the EIS and the procedure followed for the evaluation of the ESA. It was noted that the Hamilton Conservation Authority and ESAIEG support the proposal.

Councillor McHattie requested information on the original size of the ESA, the size of the ESA recommended by the Dougan report, and the size of the ESA in the current plan. Ms. West agreed to send the information to the Councillor.

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Staff confirmed that the required Storm Water Management plan had not yet been submitted.
Cathy Plosz addressed the proposed changes to the staff recommendations, which had been distributed this evening. She explained that a blue spotted salamander had just been spotted on site, and DNA testing is necessary to determine whether this is a Jefferson salamander, an endangered species, or a regular blue spotted, which is uncommon. While waiting for the DNA testing to be completed, staff has proposed the amended recommendation.

Ms Plosz then presented an overview of the process to date, including examples of the mitigation measures included in the proposal. With the aid of a powerpoint presentation, Ms Plosz pointed out the ESA boundary defined by Dougan and Associates, the area of proposed development of the Church Street site, the environmentally sensitive area, and various photographs of the area.

Continuing with the powerpoint presentation, Kristen West showed the properties owned by both school boards and provided an overview of the proposed zoning. She noted that the proposal conforms with surrounding development and with the Stoney Creek Official Plan, and while the proposal meets the minimum lot area, some modifications are required.

Chair Mitchell explained that Committee would hear first from the people who have asked to be placed on the Speakers' List. Following that, Committee would hear from other speakers from the audience.

Ms. West provided a background of the three land ownerships in the area, namely, the City of Hamilton, the Public School Board and Church Street

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Economic Development & Planning Committee

Developments. Church Street Developments is proposing to buy the land currently owned by the Hamilton Catholic School Board. She also explained that the consultant engaged to carry out the work on the ESA, Dougan and Associates, is an ecological consultant on the City's roster.

Ed Switenky, Public Works, provided an overview of the traffic analysis, noting that 42 units will generate 19 trips in the morning and 25 trips in the afternoon, and that a School on the property would generate more traffic. He noted that the existing area has been developed without sidewalks, which is common in this type of area.
(a) Changes to the Agenda

The Clerk advised of the following changes:

- Revisions have been made to the Recommendation prepared by staff in Item 6.1 and copies have been distributed tonight.

- Two additional written submissions were received today and copies have been distributed to Committee. They are from:

  (i) Paul Glendenning, Hamilton, respecting Turtle Pond Development at Church and Teal Streets

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Economic Development & Planning Committee

(ii) Karl Gonnessen, Metropolitan Consulting, 2290 Queensway Drive, Burlington, respecting Official Plan Amendments for Community Beach ponds

Committee approved the Agenda, as amended.

(b) Declarations of Interest

None

(c) Official Plan and Zoning By-law Amendments for Community Beach Ponds – Lands Located in the Area Between Teal Avenue and Green Road and Between Church Street and Frances Street, Former City of Stoney Creek (PED07129) (Ward 10) (Item 6.1)

A Public Meeting was held.

Joanne Hickey-Evans, Cathy Plosz and Kristen West outlined the report to
Economic Development and Planning Committee

REPORT 07-008

April 24, 2007

6:30 p.m.

Council Chambers
Stoney Creek Municipal Service Centre
777 Highway No. 8
Stoney Creek

Present:

Chair D. Mitchell
1st Vice-Chair T. Whitehead
2nd Vice-Chair M. Pearson
Councillors: B. Bratina, B. Clark, S. Duvall, L. Ferguson,
B. McHattie, R. Pasuta

Staff Present:

L. Coveyduck, General Manager - Planning and Development
T. McCabe, P. Mallard, P. Defulio, J. Hickey-Evans,
C. Plosz, K. West, T. Horzelenberg - Planning and Development
E. Switenky - Public Works
A. Rawlings, I Bedioui - City Clerk's Office
Mr Jason Thompson  
City of Hamilton Planning&Economic Development Dept.  
77 James St. North, Suite 400  
Hamilton Ontario  
L8R 2K3

re File No. ZAC Files-08-069/0PA-08-015

Dear Mr. Thompson

It has come to our attention that M. Sergio Manchia, planner for St. Joseph's Villa proposed buildings has a conflict of interest.

As you can see he was involved in such a conflict regarding the "Turtle Pond" project.

He is a board member of the Hamilton Conservation Authority and we feel that he is not the person to be the planner for this project since the Hamilton Conservation Authority is involved.

In fact since you have received so many letters objecting to the Villa's request for rezoning, perhaps this is one more reason to look carefully at their proposal.

We have enclosed 1. Portions of the minutes of the April 2007 with the pages marked concerning Mr. Manchia.  
2. A page under "Street developments".  
3. A list of Board members of the Hamilton Conservation Authority.

[Signature]

[Name]
December 31, 2008

Re: Notice of Complete Applications and Preliminary Circulation to Amend the Zoning By-law and Official Plan, 56 Governor’s Road (Dundas);
Files: ZAC-08-069/OPA-08-015

Dear Mr. Thompson,

With regard to the above Notice, we would like to express our strong objection to the proposed changes.

One reason we object to the proposed development is that it would practically eliminate the green space now available to the residents of the two existing buildings (Nos. 150 & 160) and would involve the cutting down of most, if not all, of the mature trees on this precious space.

Most of all, however, we are very much afraid that the construction of two additional buildings (10-storey buildings!) would result in an intolerable intensification of traffic, which would seriously impact the safety of all residents - all of them elderly - who will find it increasingly difficult to reach the scheduled bus stop at the foot of our access street, to shop at the nearby metro food store, to reach the Dundas Valley School of Art, the municipal library, or the general Dundas downtown area. The traffic at the nearby intersection of Governor’s Road and Ogilvie Street is already heavy much of the time - an elderly pedestrian was killed while attempting to cross Governor’s Road on a green light earlier this year - and it is becoming a challenge to turn left or right when driving onto Ogilvie Street from the existing buildings.

We request that we be notified of the result of any decisions taken by the City of Hamilton regarding the above.

Sincerely,

[Signature]
reduced the value of our property. Erecting two new towering multi-residential
condominium buildings as proposed will further detract from the quality of life enjoyed
by the residents of Walnut Grove and by the residents of the existing St. Joseph’s Estates.

We urge you not to allow this travesty to proceed.

Sincerely yours,

[Signature]
23 December 2008

Mr. Jason Thompson, MCIP, RRP, Senior Project Manager
City of Hamilton
Planning Division
Planning and Economic Development Department
77 James Street North 4th Floor, Suite 400
Hamilton, Ontario
L8R 2K3

Dear Sir:

RE: File #s OPA-08-15/ ZAC-08-069

We are writing to express our strongest possible objection to the proposed changes to the City of Hamilton Official Plan, in particular “Official Plan Amendment Application OPA-08-015” and “Zoning Amendment Application ZAC-08-069”.

Zoning laws, a system of land use regulation, are commonly understood to be designed to promote a spectrum of commercial and residential property use within a community in such a way as to ensure that any proposed development is in concert with an overall development plan. They are also intended to be used in such a way as to prevent new development from harming existing residents or businesses and to preserve the character of a community. For the following reasons, the proposed changes run counter to the spirit of such regulation.

Prior to amalgamation with the City of Hamilton, the Town of Dundas had an Official Plan which carefully designated and zoned residential intensification areas which allowed for reasonable growth while preserving the classic character of a township beloved by its residents. Erecting two new 10-storey condominium buildings on the property governed by St. Joseph’s Villa and presently providing green space to both the residents of the Villa itself, as well as the residents of St. Joseph’s Estates condominiums clearly transgresses the intent of that plan.

The proposed buildings clearly will detract from the aesthetic of the Town, and reduce the quality of life of the present residents who cherish the remaining green space.

As Walnut Grove residents we suffered through the noise, filth, and structurally damaging (to our home) vibration caused by the construction of the expansion of St. Joseph’s Villa, understanding the need for long term care facilities in our community. That construction, along with the attendant loss of park like land adjacent to our homes,
invalided and widowed, those recovering from cholera and those who were orphaned. The Sisters of St. Joseph were invited to undertake the staffing, and the old building and its surrounding site took on a new direction once more.

Surely the present desire to preserve our heritage, plus the fact of the significant leadership of the Dundas owners of the land in question, and the low occupancy turnover, makes it essential for these studies to be conducted.

Member of St. James, Church, Dundas
Historical Notes on The Story of Ogilvie’s Terrace

Who has done the ‘Background Study’ on the history of the location proposed for development? (Oct. 29 letter to Philip and Ruth Jefferson from Paul O’Kafka and Peter Sullivan.) Such a study would show evidence of the stories of the earliest residents at the building site, dating back to 1792. Should not such an early Dundas habitation be an aspect for the builders and local archeologists for exploration and even excavation?

Let us identify some of the history:

1) The Hill was an extremely advantageous site for factory owners to keep an eye on their businesses. This was recognized first by Richard Hatt, Sr. who owned large tracts of land in the town soon after his arrival with his family in 1792. Without listing all his activities, they included mills, a cooperage, a brewery, a store, and a smithy.

2) Richard Sr. built his house – the largest in Town - on the future site of St. Joseph’s Villa. The driveway up to the house came off the present Ogilvie St., and his House was known as Ogilvie Terrace. As the years went by, outbuildings were added around the house and barn.

3) As the second generation of Hatts died off or moved away, the property was purchased by James Coleman, a wealthy merchant in Dundas. He rebuilt and expanded the Hatt home and property so it became the finest location in Dundas – nicknamed Coleman’s Castle by townsfolk. In front of his ‘castle’ he located a deer park.

4) Although on the wrong side of Governor’s Rd., an arrangement was made for the Ancaster Township line to jog enough to include Coleman’s property in the Town of Dundas instead of the Township of Ancaster. During his tenure, Coleman served as a Justice of the Peace, Councilman and Mayor of Dundas.

5) In 1873 the Wesleyan Methodist Home for Boys purchased the site, extended it and opened a school for boys. It included pupils from the Town and also the wider region. For four years the staff tried to cope with the riotous and disrespectful youngsters, divided as they were between ‘townies’ and ‘outsiders’. Feeling it was educationally impossible, the school was disbanded and the home put up for sale.

6) It was here, in 1879, that Father McNulty stepped into the picture, and bought the property. He contributed all his personal savings of $8,000 and the remaining $2,000 was raised with a giant picnic. His vision was to enlarge the Home again and have it used for those in need - the poor,
overcrowding leads to litter, graffiti, and vandalism. My opinion is that the Villa/Estates land already carries a sense of overcrowding. Try looking to both sides now as you come up the driveway and see the picture of overbuilding. Further constructions and higher apartments will intensify that.

2.) In addition let me point out the need for wheelchair access and sidewalks wide enough for two chairs to pass for residents of the Estates as well as the Villa. This is currently lacking, except where the residents themselves paid for a walkway, trees and bushes in the ‘Grotto’ area. Many residents of the Estates use the outside stairs to go back and forth for groceries. Villa staff walk up and down the driveway from the bus stop enroute to work, thus the driveway is frequently used and caution is needed by all who use it. This driveway will become more dangerous during any building undertaken. It will also become a hazard following any building due to the increased amount of traffic and the number of cars which will use the driveway. Those who currently walk will need eyes in the back of their head and agility to move with any fast moving vehicles.

In my opinion, the above elements should be part of the environmental impact.

Further concerns are spelled out here and in the attached appendix related to the background, ownerships, etc. of this historic location.

Many residents of the Estates are opposed to the proposals for expansion. More and higher buildings with service areas, driveways, trucks and snowplows and parking spaces will all be counter to the wishes of those residents, and contradict the original plan of the builders, as noted in the hallway of 601. In addition, it would not be long before the traffic density at Ogilvie and Governor’s Rd. would become impossible if this development were approved.

Yours sincerely,

[Signature]

Attachment: Councillor Russ Powers, Ward 13
P. Mallard, Director, Planning Division
R. Robichaud, Manager, Development Planning
Mr. Jason Thompson, MCIP, RPP,
Senior Project Manager
City of Hamilton Planning and Economic Dev.,
Hamilton City Centre, 77 James Street North, Suite 400, 4th Floor
Hamilton, ON, L8R 2K3.

Dear Mr. Thompson:
Re: Notice of Complete Applications and Preliminary Circulation to Amend the Zoning By-law and Official Plan, 56 Governor's Road (Dundas).

In addition to the negative response I have sent in with others from the Estates re the above, this is a response to what I read in the Environmental Report on this proposal. Also included are historical notes and pictures of the property (originally known as Ogilvie Terrace.)

First, let me say that I am not a city planner or engineer. Consequently I found it difficult to understand the information contained in the Environmental Report. However, on rereading it I would now like to suggest several additions to the 'Impact Study.' I wish to identify these for those responsible for this proposal. They are related to the 'social impact' on people - residents of The Estates, neighbours, residents and staff of the Villa, residents of the wider community.

1.) On page 20 and 21 in particular I would suggest the insertion of a section on 'social impact'. This particularly affects the residents who moved to The Estates seeing it as a very desirable location with deer and many other species of wildlife. We are concerned about the visible loss to our homes of the natural features - our gardens, the ravine and the beautiful expanse of open field (and our investment in our own property, which will be lessened by the new overcrowding).

I am aware that pleasant features in a residential setting do enrich the enjoyment of residents - their loss will reduce pride and care throughout the property. This should be recognized by this study of the environment. (How do landlords keep the goodwill of the occupants?) The sense of
GOVERNORS GREEN TENANTS' ASSOCIATION

Yours sincerely,

[Signature]
Sam Shapiro
President

Cc: Mr. Donald McIntyre (Working Group)
    Councillor Russ Powers
Date: February 12, 2009

To: Mr. Jason Thompson
Planning and Economic Development Department
City of Hamilton

From: Governors Green Tenants' Association
727 - 101 Governors Road
Dundas, Ontario L9H 6L7

Re: Amending zoning bylaw and official plan for property at 56 Governor's Road

The Governors Green Tenants' Association (GGTA) represents over 400 tenants living in 200 apartments and 26 town homes at Governors Green, 101 – 181 Governor's Road in Dundas. Our tenants have received the "Notice of Complete Applications and Preliminary Circulation to Amend the Zoning By-law and Official Plan, 56 Governors Road (Dundas)", and we would like to provide input from our perspective as residents living in the neighbourhood of the proposed property development.

Our Association previously submitted our input and concerns in May 2008 to Councillor Russ Powers regarding the traffic audit being done by the City for Governor's Road, and I am attaching a copy of our comments, since we feel they apply in relation to this proposal as well. Our Association would encourage openness and thorough communications to the neighbourhood on the progress of the proposal. For this reason, we also support the position of the "working group" of residents of 150 and 160 Ogilvie Street and Walnut Grove in their request for consideration and input.

A fatality at the corner of Ogilvie Street and Governors Road in late summer, 2008 was a realistic reminder that this intersection is already a hazard for traffic and pedestrians alike. Any plans to develop buildings on this corner can only worsen the situation, and any plans to develop this site must also be inclusive in the traffic audit.

Thank you for your consideration of our interests. We would appreciate being informed of upcoming public meetings and media releases in this regard.
Special Concern to Endangered provincially and are rare for Hamilton. A bird species of note, the Carolina wren, is nesting just metres from the proposed development site. This bird is rare in Hamilton (1-20 breeding pairs). It overwinters in the same territory so protection of its required habitat is that much more important.

Butternut, an endangered tree protected under the Endangered Species Act, 2007, has been identified adjacent to the proposed construction site. This species is on the brink of extinction and its critical habitat needs to be protected, which would be difficult around a construction site. We understand there may be some debate over whether it’s a hybrid but deserves no less consideration.

The HNC is a volunteer-based, charitable organization with almost 700 members that has been protecting nature and promoting public awareness and appreciation of the natural environment since 1919. In 1961, the Hamilton Naturalists’ Club became the first non-government organization in Ontario to purchase land for the protection of natural habitat. In addition to our work in conserving natural areas the HNC has played a lead role in the preparation of natural areas inventories for the City of Hamilton and Halton Region.

I look forward to hearing your response.

Sincerely,

Jen Baker
Head-of-the-Lake Land Trust Coordinator

cc. Councillor Russ Powers, Ward 13
    Councillor Brian McHattie, Ward 1
    Steve Miazga, General Manager, Hamilton Conservation Authority
    Chris Firth-Eagland, Hamilton Conservation Authority Chair
May 19, 2009

Edward John
City of Hamilton
Planning and Economic Development Department, Planning Division
Development Planning – West Section
Hamilton City Centre
77 James St. N. Suite 400
Hamilton, ON L8R 2K3

Dear Mr. John,

Re: Application to amend the Official Plan and Zoning Bylaw, 56 Governors Road, Dundas (St. Joseph’s Villa - Condos). File No. ZAC-08-069/OPA-08-015

The Hamilton Naturalists’ Club (HNC) has recently become aware of the proposed development on the above mentioned property and have several concerns about the significant environmental impacts. On behalf of the HNC, I am writing to urge you to not permit the rezoning of the property, and ask that you keep the Institutional designation.

Our primary concern is with the proposed 10 storey condo tower at the south of the subject lands. The proposed location of this large building encroaches onto the Spring Valley area, which is part of the Dundas Valley Environmentally Significant Area (ESA) which is a vital natural core area in the region. The HNC has been a lead partner in the Natural Areas Inventories that gather information about the ecological significance of ESAs and we are concerned about the detrimental impacts of development on and adjacent to these protected areas. The City has adopted the ESA’s as part of its protected areas system and needs to ensure that the ecological integrity of these sites is maintained by not permitting encroachment from development. This includes maintaining established buffers and setbacks that have been set based on conservation science. Reducing these, such as allowing a reduction of the setback from the dripline for the proposed project, increases the environmental impacts from the development while decreasing the City’s ability to maintain its commitment to protect the ESAs.

The area is part of a significant upland woodland that provides a natural corridor through the Dundas Valley ESA to Cootes Paradise. It is critical that these corridors be maintained to allow wildlife to navigate through dense urban areas. The site is important wildlife habitat and provides vital over-wintering habitat. The Ontario Breeding Bird Atlas (OBBA) and Hamilton Natural Areas Study, 2003 list over 25 significant bird species that have been designated from

Hamilton Naturalists’ Club is a non-profit organization dedicated to the study, appreciation and conservation of our wild plants and animals.
Date: DECEMBER 29/08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Redacted]

Re: File Nos. OPA-08-15/ ZAC-08-069

I/we object to the proposed changes to the Official Plan, namely “Official Plan Amendment Application OPA-08-015” and Zoning Amendment Application ZAC-08-069”, for the following reasons:

1. Residential intensification in these two blocks would remove almost all the remaining usable green space from the area of St. Joseph’s Villa and St. Joseph’s Estates, directly affecting the quality of life of more than 500 persons. There would be no accessible garden area in which the residents of either St. Joseph’s Estates or St. Joseph’s Villa would be able to refresh their minds and bodies.

2. The intensification of Dundas should take place in the area already designated and zoned as a “Residential Intensification Area” in the Dundas Official Plan.

3. The proposed two 10-storey buildings towering over Dundas are not only out of scale with the other buildings on Villa property but would severely detract from the attractiveness of the historic Valley Town.

4. The enormously intensified traffic on our access road would greatly increase the hazard for the residents of St. Joseph’s Estates, all elderly, many with walkers, some in wheelchairs, and many others unable to drive any longer, who would find it even more difficult to access downtown Dundas, or St. Joseph’s Villa for outreach programs or to volunteer.
Date: DEC 29/08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Address redacted]

Re: File Nos. OPA-08-15/ ZAC-08-069

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Date: DEC 29/08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [redacted]

Dundas L9H 7B9

Re: File Nos. OPA-08-15/ ZAC-08-069

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Date: DEC 21, 2008

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Redacted]

Re: File Nos. OPA-08-15/ ZAC-08-069

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Date: DEC 21 2008

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Address redacted]

Re: File Nos. OPA-08-15/ ZAC-08-069

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Date: Dec 21/08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Redacted]

Re: File Nos. OPA-08-15/ ZAC-08-069

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Date: DEC 19/08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Redacted]

160 Gilvie St,
Dundas, Ontario

Re: File Nos. OPA-08-15/ ZAC-08-069

I/we object to the proposed changes to the Official Plan, namely “Official Plan Amendment Application OPA-08-015” and Zoning Amendment Application ZAC-08-069”, for the following reasons:

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Date:  

To:  Mr. Jason Thompson MCIP, RPP, Senior Project Manager,  
   City of Hamilton,  
   Planning and Economic Development Department, Planning Division  
   77 James Street North, Suite 400, 4th Floor  
   Hamilton, Ontario  
   L8R 2K3  

From:  
   160 Ogiulue St  
   Dundas, Ontario L9H 7M7  

Re:  File Nos. OPA-08-15/ ZAC-08-069  

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December 19/2008
Date: DEC. 19, 2008

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Handwritten address]

Re: File Nos. OPA-08-15/ ZAC-08-069

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[Handwritten notes]
Date: December 19th 2008

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: 
160 Argyle, St
Dundas Chs C1A 4M7

Re: File Nos. OPA-08-15/ ZAC-08-069

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Date: 

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager, 
City of Hamilton, 
Planning and Economic Development Department, Planning Division 
77 James Street North, Suite 400, 4th Floor 
Hamilton, Ontario 
L8R 2K3 

From: 

Re: File Nos. OPA-08-15/ ZAC-08-069

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Date: DEC 19/08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
   City of Hamilton,
   Planning and Economic Development Department, Planning Division
   77 James Street North, Suite 400, 4th Floor
   Hamilton, Ontario
   L8R 2K3

From: [Redacted]

Re: File Nos. OPA-08-15/ ZAC-08-069

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M. Haas
Date: Dec 22, 2008

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Redacted]

Address: 2 Walnut Grove,
Dundas ON, L9H 3M4

Re: File Nos. OPA-08-15/ZAC-08-069

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Date: 12-22-08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
    City of Hamilton,
    Planning and Economic Development Department, Planning Division
    77 James Street North, Suite 400, 4th Floor
    Hamilton, Ontario
    L8R 2K3

From: [Redacted]

Address: 19 Pinlico Dr.

Re: File Nos. OPA-08-15/ ZAC-08-069

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Date: 22 Dec 08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Redacted]
Address: [Redacted]

Re: File Nos. OPA-08-15/ ZAC-08-069

I/we object to the proposed changes to the Official Plan, namely “Official Plan Amendment Application OPA-08-015” and Zoning Amendment Application ZAC-08-069”, for the following reasons:

1. Residential intensification in these two blocks would remove almost all the remaining usable green space from the area of St. Joseph’s Villa and St. Joseph’s Estates, directly affecting the quality of life of more than 500 persons. There would be no accessible garden area in which the residents of either St. Joseph’s Estates or St. Joseph’s Villa would be able to refresh their minds and bodies.

2. The intensification of Dundas should take place in the area already designated and zoned as a “Residential Intensification Area” in the Dundas Official Plan.

3. The proposed two 10-storey buildings towering over Dundas are not only out of scale with the other buildings on Villa property but would severely detract from the attractiveness of the historic Valley Town.

4. The enormously intensified traffic on our access road would greatly increase the hazard for the residents of St. Joseph’s Estates, all elderly, many with walkers, some in wheelchairs, and many others unable to drive any longer, who would find it even more difficult to access downtown Dundas, or St. Joseph’s Villa for outreach programs or to volunteer.

[Signature]
Date: 22 Nov 09

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Handwritten Signature]

Address: [Handwritten Address]

Re: File Nos. OPA-08-15/ ZAC-08-069

I/we object to the proposed changes to the Official Plan, namely “Official Plan Amendment Application OPA-08-015” and Zoning Amendment Application ZAC-08-069”, for the following reasons:

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Date: 22 Dec 08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Address redacted]

Re: File Nos. OPA-08-15/ ZAC-08-069

I/we object to the proposed changes to the Official Plan, namely “Official Plan Amendment Application OPA-08-015” and Zoning Amendment Application ZAC-08-069”, for the following reasons:

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Date: 22 Dec 04

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Redacted]

Address: 14 Walnut Grove
Dundas, ON L9H 3M4

Re: File Nos. OPA-08-15/ ZAC-08-069

I/we object to the proposed changes to the Official Plan, namely “Official Plan Amendment Application OPA-08-015” and Zoning Amendment Application ZAC-08-069”, for the following reasons:

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Date: 23rd December 2008

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Redacted]
Address: [Redacted]

Re: File Nos. OPA-08-15/ ZAC-08-069

I/we object to the proposed changes to the Official Plan, namely “Official Plan Amendment Application OPA-08-015” and Zoning Amendment Application ZAC-08-069”, for the following reasons:

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Date: Dec 22, 2008

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Redacted]

Address: [Redacted]

Dundas

Re: File Nos. OPA-08-15/ ZAC-08-069

I/we object to the proposed changes to the Official Plan, namely “Official Plan Amendment Application OPA-08-015” and Zoning Amendment Application ZAC-08-069”, for the following reasons:

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Date: See 23/08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager, City of Hamilton, Planning and Economic Development Department, Planning Division 77 James Street North, Suite 400, 4th Floor Hamilton, Ontario L8R 2K3

From: [Address redacted]

Re: File Nos. OPA-08-15/ ZAC-08-069

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Date: Dec. 04/08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Redacted]

150 Ogilvie St.
Dundas, ON L9H 7B9

Re: File Nos. OPA-08-15/ ZAC-08-069

I/we object to the proposed changes to the Official Plan, namely “Official Plan Amendment Application OPA-08-015” and Zoning Amendment Application ZAC-08-069”, for the following reasons:

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Date: Dec 24/08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: 150 Ogilvie
Dundas On

Re: File Nos. OPA-08-15/ ZAC-08-069

I/we object to the proposed changes to the Official Plan, namely “Official Plan Amendment Application OPA-08-015” and Zoning Amendment Application ZAC-08-069”, for the following reasons:

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Date: *Feb. 22 08*

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Handwritten name]

Re: File Nos. OPA-08-15/ ZAC-08-069

I/we object to the proposed changes to the Official Plan, namely “Official Plan Amendment Application OPA-08-015” and Zoning Amendment Application ZAC-08-069”, for the following reasons:

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Date: Dec 24/08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Redacted]

Re: File Nos. OPA-08-15/ ZAC-08-069

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Appendix “E” to Report PED09252
Page 106 of 160

Date:

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Signature]

Re: File Nos. OPA-08-15/ZAC-08-069

I/we object to the proposed changes to the Official Plan, namely “Official Plan Amendment Application OPA-08-015” and Zoning Amendment Application ZAC-08-069”, for the following reasons:

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Date: Dec 23, 2008

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Redacted]

Re: File Nos. OPA-08-15/ ZAC-08-069

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Date: DEC 30/08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Handwritten address]

Re: FileNos. OPA-08-15/ ZAC-08-069

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Date: 23 Nov 2008

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Signature]

Re: File Nos. OPA-08-15/ ZAC-08-069

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Date: DEC 29/08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: 150 OGILVIE ST. DUNDAS

Re: File Nos. OPA-08-15/ ZAC-08-069

I/we object to the proposed changes to the Official Plan, namely “Official Plan Amendment Application OPA-08-015” and Zoning Amendment Application ZAC-08-069”, for the following reasons:

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Date: DEC 27/08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager, City of Hamilton, Planning and Economic Development Department, Planning Division 77 James Street North, Suite 400, 4th Floor Hamilton, Ontario L8R 2K3

From: [Redacted]

Re: File Nos. OPA-08-15/ ZAC-08-069

I/we object to the proposed changes to the Official Plan, namely “Official Plan Amendment Application OPA-08-015” and Zoning Amendment Application ZAC-08-069”, for the following reasons:

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Date: **Dec. 10, 2008**

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Address Redacted]

Re: File Nos. OPA-08-15/ ZAC-08-069

I/we object to the proposed changes to the Official Plan, namely “Official Plan Amendment Application OPA-08-015” and Zoning Amendment Application ZAC-08-069”, for the following reasons:

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Date: **Dec 19, 2008**

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Redacted]

**Dundas**

Re: **File Nos. OPA-08-15/ ZAC-08-069**

I/we object to the proposed changes to the Official Plan, namely “Official Plan Amendment Application OPA-08-015” and Zoning Amendment Application ZAC-08-069”, for the following reasons:

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Date: Dec 19/08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,  
City of Hamilton,  
Planning and Economic Development Department, Planning Division  
77 James Street North, Suite 400, 4th Floor  
Hamilton, Ontario  
L8R 2K3

From: [Redacted]

Re: File Nos. OPA-08-15/ ZAC-08-069

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Date: DEC 19/08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From:

Dundas St. L9H 7M4

Re: File Nos. OPA-08-15/ ZAC-08-069

I/we object to the proposed changes to the Official Plan, namely “Official Plan Amendment Application OPA-08-015” and Zoning Amendment Application ZAC-08-069”, for the following reasons:

1. Residential intensification in these two blocks would remove almost all the remaining usable green space from the area of St. Joseph’s Villa and St. Joseph’s Estates, directly affecting the quality of life of more than 500 persons. There would be no accessible garden area in which the residents of either St. Joseph’s Estates or St. Joseph’s Villa would be able to refresh their minds and bodies.

2. The intensification of Dundas should take place in the area already designated and zoned as a “Residential Intensification Area” in the Dundas Official Plan.

3. The proposed two 10-storey buildings towering over Dundas are not only out of scale with the other buildings on Villa property but would severely detract from the attractiveness of the historic Valley Town.

4. The enormously intensified traffic on our access road would greatly increase the hazard for the residents of St. Joseph’s Estates, all elderly, many with walkers, some in wheelchairs, and many others unable to drive any longer, who would find it even more difficult to access downtown Dundas, or St. Joseph’s Villa for outreach programs or to volunteer.

[Signature]
Date: Dec 19, 05

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager, 
City of Hamilton, 
Planning and Economic Development Department, Planning Division 
77 James Street North, Suite 400, 4th Floor 
Hamilton, Ontario 
L8R 2K3

From: [Redacted]

Re: File Nos. OPA-08-15/ ZAC-08-069

I/we object to the proposed changes to the Official Plan, namely “Official Plan Amendment Application OPA-08-015” and Zoning Amendment Application ZAC-08-069”, for the following reasons:

1. Residential intensification in these two blocks would remove almost all the remaining usable green space from the area of St. Joseph’s Villa and St. Joseph’s Estates, directly affecting the quality of life of more than 500 persons. There would be no accessible garden area in which the residents of either St. Joseph’s Estates or St. Joseph’s Villa would be able to refresh their minds and bodies.

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Date: 20/12/2008

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager.
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Redacted]

Re: File Nos. OPA-08-15/ ZAC-08-069

I/we object to the proposed changes to the Official Plan, namely “Official Plan Amendment Application OPA-08-015” and Zoning Amendment Application ZAC-08-069”, for the following reasons:

1. Residential intensification in these two blocks would remove almost all the remaining usable green space from the area of St. Joseph’s Villa and St. Joseph’s Estates, directly affecting the quality of life of more than 500 persons. There would be no accessible garden area in which the residents of either St. Joseph’s Estates or St. Joseph’s Villa would be able to refresh their minds and bodies.

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Date: **Dec 19/08**

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,  
City of Hamilton,  
Planning and Economic Development Department, Planning Division  
77 James Street North, Suite 400, 4th Floor  
Hamilton, Ontario  
L8R 2K3

From: [Redacted]

Re: File Nos. OPA-08-15/ ZAC-08-069

I/we object to the proposed changes to the Official Plan, namely “Official Plan Amendment Application OPA-08-015” and Zoning Amendment Application ZAC-08-069”, for the following reasons:

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Date: DEC 20/08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Redacted]

Re: File Nos. OPA-08-15/ ZAC-08-069

I/we object to the proposed changes to the Official Plan, namely “Official Plan Amendment Application OPA-08-015” and Zoning Amendment Application ZAC-08-069”, for the following reasons:

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Date: DEC 27/08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Redacted]

Re: File Nos. OPA-08-15/ ZAC-08-069

I/we object to the proposed changes to the Official Plan, namely “Official Plan Amendment Application OPA-08-015” and Zoning Amendment Application ZAC-08-069”, for the following reasons:

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Date: **Dec 28/08**

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager, City of Hamilton, Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor Hamilton, Ontario L8R 2K3

From: [Redacted]
150 Ogilvie st.
Dundas, Ont. L9H 7B9

Re: File Nos. OPA-08-15/ ZAC-08-069

I/we object to the proposed changes to the Official Plan, namely “Official Plan Amendment Application OPA-08-015” and Zoning Amendment Application ZAC-08-069”, for the following reasons:

1. Residential intensification in these two blocks would remove almost all the remaining **usable** green space from the area of St. Joseph’s Villa and St. Joseph’s Estates, directly affecting the quality of life of more than 500 persons. There would be no accessible garden area in which the residents of either St. Joseph’s Estates or St. Joseph’s Villa would be able to refresh their minds and bodies.

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Date: 22/12/08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Redacted]

Re: File Nos. OPA-08-15/ ZAC-08-069

I/we object to the proposed changes to the Official Plan, namely “Official Plan Amendment Application OPA-08-015” and Zoning Amendment Application ZAC-08-069", for the following reasons:

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Date: DEC 22/08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
   City of Hamilton,
   Planning and Economic Development Department, Planning Division
   77 James Street North, Suite 400, 4th Floor
   Hamilton, Ontario
   L8R 2K3

From: [Redacted]

Re: File Nos. OPA-08-15/ ZAC-08-069

I/we object to the proposed changes to the Official Plan, namely “Official Plan Amendment Application OPA-08-015” and Zoning Amendment Application ZAC-08-069”, for the following reasons:

1. Residential intensification in these two blocks would remove almost all the remaining usable green space from the area of St. Joseph’s Villa and St. Joseph’s Estates, directly affecting the quality of life of more than 500 persons. There would be no accessible garden area in which the residents of either St. Joseph’s Estates or St. Joseph’s Villa would be able to refresh their minds and bodies.

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Date: DEC 23/08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
   City of Hamilton,
   Planning and Economic Development Department, Planning Division
   77 James Street North, Suite 400, 4th Floor
   Hamilton, Ontario
   L8R 2K3

From: [Redacted]

Re: File Nos. OPA-08-15/ ZAC-08-069

I/we object to the proposed changes to the Official Plan, namely “Official Plan Amendment Application OPA-08-015” and Zoning Amendment Application ZAC-08-069”, for the following reasons:

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Date: DEC 28/08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,  
City of Hamilton,  
Planning and Economic Development Department, Planning Division  
77 James Street North, Suite 400, 4th Floor  
Hamilton, Ontario  
L8R 2K3

From: [Address]

150 ONTARIO ST, 
DUNDAS, L9H 7B9

Re: File Nos. OPA-08-159/ ZAC-08-069

I/we object to the proposed changes to the Official Plan, namely “Official Plan Amendment Application OPA-08-015” and Zoning Amendment Application ZAC-08-069”, for the following reasons:

1. Residential intensification in these two blocks would remove almost all the remaining usable green space from the area of St. Joseph’s Villa and St. Joseph’s Estates, directly affecting the quality of life of more than 500 persons. There would be no accessible garden area in which the residents of either St. Joseph’s Estates or St. Joseph’s Villa would be able to refresh their minds and bodies.

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Date: DEC 28/08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Handwritten Address]

Re: File Nos. OPA-08-15/ ZAC-08-069

I/we object to the proposed changes to the Official Plan, namely “Official Plan Amendment Application OPA-08-015” and Zoning Amendment Application ZAC-08-069”, for the following reasons:

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Date: DEC 28/08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From:

-150 Ogilvie st
Dundas, Ont. L9H 7B9

Re: File Nos. OPA-08-15/ ZAC-08-069

I/we object to the proposed changes to the Official Plan, namely “Official Plan Amendment Application OPA-08-015” and Zoning Amendment Application ZAC-08-069”, for the following reasons:

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Date: DEC 28/08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: 150 OGILVIE ST.
DUNDAS, ONT. L9H 7B9

Re: File Nos. OPA-08-15/ZAC-08-069

I/we object to the proposed changes to the Official Plan, namely “Official Plan Amendment Application OPA-08-015” and Zoning Amendment Application ZAC-08-069”, for the following reasons:

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Date: DEC 28/08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Redacted]

Re: File Nos. OPA-08-15/ ZAC-08-069

I/we object to the proposed changes to the Official Plan, namely “Official Plan Amendment Application OPA-08-015” and Zoning Amendment Application ZAC-08-069”, for the following reasons:

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Date: DEC 23/08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From:

Re: File Nos. OPA-08-15/ ZAC-08-069

I/we object to the proposed changes to the Official Plan, namely “Official Plan Amendment Application OPA-08-015” and Zoning Amendment Application ZAC-08-069”, for the following reasons:

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Date: DEC 24/08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From:

Re: File Nos. OPA-08-15/ ZAC-08-069

I/we object to the proposed changes to the Official Plan, namely “Official Plan Amendment Application OPA-08-015” and Zoning Amendment Application ZAC-08-069”, for the following reasons:

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December 24, 2008
Date: DEC 29/08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: 150 Ogilvie St.

Re: File Nos. OPA-08-15/ ZAC-08-069

I/we object to the proposed changes to the Official Plan, namely “Official Plan Amendment Application OPA-08-015” and Zoning Amendment Application ZAC-08-069”, for the following reasons:

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Date: DEC 23/08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager, 
City of Hamilton, 
Planning and Economic Development Department, Planning Division 
77 James Street North, Suite 400, 4th Floor 
Hamilton, Ontario 
L8R 2K3

From: [Redacted]

DUNDAS 150 GILνΜ

Re: File Nos. OPA-08-15/ ZAC-08-069

I/we object to the proposed changes to the Official Plan, namely “Official Plan Amendment Application OPA-08-015” and Zoning Amendment Application ZAC-08-069”, for the following reasons:

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Date: DEC 23/08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From:

Re: File Nos. OPA-08-15/ ZAC-08-069

I/we object to the proposed changes to the Official Plan, namely “Official Plan Amendment Application OPA-08-015” and Zoning Amendment Application ZAC-08-069”, for the following reasons:

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Date: DEC 23/08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager, 
City of Hamilton, 
Planning and Economic Development Department, Planning Division 
77 James Street North, Suite 400, 4th Floor 
Hamilton, Ontario 
L8N 2K3

From: [Redacted]

Re: File Nos. OPA-08-15/ ZAC-08-069

I/we object to the proposed changes to the Official Plan, namely “Official Plan Amendment Application OPA-08-015” and Zoning Amendment Application ZAC-08-069”, for the following reasons:

1. Residential intensification in these two blocks would remove almost all the remaining usable green space from the area of St. Joseph’s Villa and St. Joseph’s Estates, directly affecting the quality of life of more than 500 persons. There would be no accessible garden area in which the residents of either St. Joseph’s Estates or St. Joseph’s Villa would be able to refresh their minds and bodies.

2. The intensification of Dundas should take place in the area already designated and zoned as a “Residential Intensification Area” in the Dundas Official Plan.

3. The proposed two 10-storey buildings towering over Dundas are not only out of scale with the other buildings on Villa property but would severely detract from the attractiveness of the historic Valley Town.

4. The enormously intensified traffic on our access road would greatly increase the hazard for the residents of St. Joseph’s Estates, all elderly, many with walkers, some in wheelchairs, and many others unable to drive any longer, who would find it even more difficult to access downtown Dundas, or St. Joseph’s Villa for outreach programs or to volunteer.
Date: DEC 23/08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager, 
City of Hamilton, 
Planning and Economic Development Department, Planning Division 
77 James Street North, Suite 400, 4th Floor 
Hamilton, Ontario 
L8R 2K3

From: 

Re: File Nos. OPA-08-15/ ZAC-08-069

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To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Redacted]

Re: File Nos. OPA-08-15/ ZAC-08-069

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To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,  
City of Hamilton,  
Planning and Economic Development Department, Planning Division  
77 James Street North, Suite 400, 4th Floor  
Hamilton, Ontario  
L8R 2K3

From: [Redacted]

Re: File Nos. OPA-08-15/ ZAC-08-069

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Date: 23 Oct 2008

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: 150 O'GILVIE ST

DUNDAS ON L9H 7B9

Re: File Nos. OPA-08-15/ZAC-08-069

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Date:

To:    Mr. Jason Thompson MCIP, RPP, Senior Project Manager,  
        City of Hamilton,  
        Planning and Economic Development Department, Planning Division  
        77 James Street North, Suite 400, 4th Floor  
        Hamilton, Ontario  
        L8R 2K3

From:  

Address: Dundas on L9H 6J5  
         (905) 627 5403

Re: File Nos. OPA-08-15/ ZAC-08-069

I/we object to the proposed changes to the Official Plan, namely “Official Plan Amendment Application OPA-08-015” and Zoning Amendment Application ZAC-08-069”, for the following reasons:

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Mr. Jason Thompson  
Senior Project Manager, Planning Division  
City of Hamilton  
77 James St. North  
12th Floor, Suite 400  
Hamilton, ON  
L8R 4K3

Mr. Thompson  

Re: File No. ZAC-08-069/OPA-08-015

When I first came to the condo nearly three years ago I was overwhelmed with the beauty. Looking out of the living room window we could see the Goulbourn Road and the Dundas Escarpment; from the sunroom we could see the Goulbourn Cut and the Escarpment Escarpment. The scenery and openness were far more than I expected.

Our move took place in April. The garden and orchard became my favourite place. My husband Bill had just been out of hospital for three months and it became my spot to escape all the problems of his care and to recharge my batteries.
When I was with Bill, I would take my book and enjoy the gardens and nature, all became right with my world again.

In the summer when the heat of the day was over, we would walk up to the garden plate and enjoy the pleasant evenings. Last summer I was able to push Bill in his wheelchair up the path to the gardens. This would be a tragic loss for many people.

I cannot imagine the traffic that everyone would have to contend with going back and forth to the Villa to the outreach programs or to volunteer. I don't drive and when I walk to the Metis store with my bundle - buggy, I come up the sidewalk and then have to cross over at the roadway to the Villa, because it is too dangerous going around the final curve on the left hand side of the road. What will happen with all the extra traffic?

I implore you and all the committee to rethink your plans. The present plans would drastically change this area forever.

Sincerely,

[Handwritten signature]

cc: Mayor Fred Eisenberger
    Councillor Ross Powers
18 Walnut Grove
Dundas, Ontario
L9H 3M4

December 31, 2008

Mr. Jason Thompson, Senior Project Manager
City of Hamilton
Planning and Economic Development Department
Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

Dear Mr. Thompson:

Re: File Nos. OPA-08-15/ZAC-08-069

We are opposed to the proposed changes to the Official Plan, namely "Official Plan Amendment Application OPA-08-015 and Zoning Amendment Application ZAC-08-069".

As the nearest neighbour on Walnut Grove, we wish to put on permanent record our emphatic objections to the proposed construction of a ten-storey highrise apartment building within a distance of 50 metres from the southeast corner of our home—not even our property line!

Further, we request notification of any changes to the application.

Yours truly,

[Signature]

[Redacted]
December 11, 2008

Co-ordinator
Economic development &
Planning Committee,
City of Hamilton
77 James Street North
Hamilton On
L8R 2K3

To Whom It May Concern

I would like to be placed on the list referred to in your circulation from the planning department. I believe this entitles me to receive information concerning the acceptance and/or rejection of the application for property at 56 Governor's Road Dundas.

Correspondence can be sent to me at

7 Governor's Road
Dundas, ON
L9H 7N8

Sincerely,

[Signature]
St. Joseph's Estates
150 Ogilvie St.
Dundas, Ontario
L9H 7B9

Jason Thompson, MCIP, RPP
Senior Project Manager
City of Hamilton, Planning and Economic Development Department
Hamilton City Centre
77 James St. N. Suite 400, 4th floor
Hamilton, Ontario
L8R 2K3

Dear Mr. Thompson:

I am a resident of 150 Ogilvie, one of the buildings known as St. Joseph's Estates, and I am opposed to the rezoning requests made by St. Joseph's Villa for the following reasons:

1. The land on the proposed Building A site is a beautiful green space with many mature trees. It provides a quiet oasis of peace and tranquility for the residents of the Estates and the Villa. One of the aims of the Sisters of St. Joseph as expressed in their mission statement is to provide a holistic approach to meeting the physical, social, emotional, intellectual and spiritual needs of our residents. This invaluable green area gives much needed usable space for walking, socializing and contemplation, something all of us need. With the addition of walkways and sitting places this area would become accessible to those of us who use walkers, canes and wheelchairs. It is a unique area, too precious to be covered with concrete and buildings.

2. The proposed development is out of scale with the buildings already on the Villa property. 150 and 160 Ogilvie are six storeys in height and have a density of either 52 or 53 units. The Villa itself is no more than 6 storeys high. The two proposed enormous buildings would have 10 storeys each and over 200 residential units, plus 2 floors of office and commercial space. The size of the parcels of land does not warrant such a large scale development, with attendant problems of traffic, pollution and loss of serenity of life for seniors in the final stages of their life. The development is out of character and out of scale with surrounding buildings and with the appearance of Dundas as a whole. It would dominate the area, rather than blending in, and detract from the charm of our valley town.

3. The proposed development would mean tremendously increased traffic on our narrow two-lane access road. It is already used by residents of the Estates and by St. Joseph's Villa for deliveries. It is also used by residents of St. Joseph's Villa, some in motorized wheelchairs, to access the downtown. Add to this the traffic to the proposed 120 unit building on the Building A site and the commercial and residents' traffic to the building at the corner of Governor's Road and Ogilvie and everyday life would become extremely hazardous for pedestrians and car drivers alike.
4. No development should be considered until the traffic problems at Ogilvie and Governor's Rd. are addressed. This intersection is inadequate now to handle the traffic. Indeed one death occurred there this past summer. What will happen when all these new units are added? The left turn from our access road on to Ogilvie is another serious problem as there are two bus stops to contend with as well as the constant stream of traffic along Ogilvie.

The residents of the Estates, are the people most affected by this proposed development. Our quality of life will be seriously impacted. I am in sympathy with the aims of the Sisters of St. Joseph as expressed in their mission statement and I understand the Villa's financial predicament. However I feel this gigantic development will neither solve the Villa's problems nor fulfill the mission of the Sisters of St. Joseph.

Yours sincerely,
To

Mr. Jason Thompson
Senior Project Manager, City of Hamilton
Planning and Economic Development Department,
Planning Division
Hamilton City Centre, 77 James St. North
Suite 460, 4th Flr
Hamilton, Ontario, L8R 2K3

Regarding application by St. Joseph's Villa to amend Zoning By-law for 56 Governors Rd., Dundas, Ontario

I, [name], and my wife, [name], residing at 150 Ogilvie St., Dundas, Ontario, L9H 7B9, object to St. Joseph's Villa request to build a 10-storey, 120 unit apartment building on the south side of their property. In this area already exist two 6-storey buildings with total of 107 units. To add another 120 units in such small area, using a 10-storey building would be completely inconceivable. Traffic congestion, that already is dangerous, would be incompatible with existing street situation, plus another 10-storey building at corner of Governor's Rd and Ogilvie St. Few weeks ago one person was killed at this intersection.

We ask City of Hamilton not to approve St. Joseph's Villa application to build 10-storey 120 unit building on the south side of their property.

Thank you for considering our objections.

[Signature]

150 OGILVIE ST
DUNDAS ONTARIO
L9H 7B9
December 21st, 2008

Mr. Jason Thompson, MCIP RPP
Senior Project Manager
City of Hamilton, Planning & Economic Development Division
77 James St. N.
4th Floor Suite 400
Hamilton, Ontario
L8R 2K3

St. Joseph Villa Pending Construction Proposal

Dear Mr. Thompson,

You are probably tired of getting letters about the proposed construction by St. Joseph’s Villa in Dundas. However, I hope you would consider the existing residents of St. Joseph’s Estates, Walnut Grove and those in the Villa.

We have expressed our views that we were told originally that only bungalow type homes possibly could be built in the future. This was not the case when additions to the Villa were recently completed. I am sure that they were sorely needed and are put to full use.

To now hear that construction of two more buildings are in the planning stage is not received very well by the Estate residents. I would hope that the city of Hamilton is not looking at this construction as a means of more tax dollars coming in but look at the whole picture i.e.: loss of what little open land we have to walk and see wildlife. Also you should look closely at the traffic congestion both at the Estates and at the corner of Governor’s Rd. and Ogilvie St.

As to the comment about there being 200 on the waiting list, I think everyone who is on the list should be contacted to see if they still are interested. I am sure some people put their name on a lot of lists hoping eventually to hear from one of them.

I wonder if the Sisters of St. Joseph’s know what is going on and are up to-date about the plans to erect more buildings.

We have gone through the construction of the extensions of the Villa and it was noisy, dirty, traffic congested and do not look forward to another time like that.
Thank you for taking the time to read this letter and I know that you will consider all the facts and not just the almighty dollar.

Yours truly,

160 Ogilvie St.
Dundas, Ontario
L9H 7M7
January 8, 2009

160 Ogilvie Street
Dundas, Ontario
L9H 7M7

Dear Dorothy:

I would like to begin by thanking you for taking the time to express your thoughts about the proposed towers at St. Joseph’s Estates.

At this point in time, there has been no public meeting called on this issue, however I will forward a copy of your letter to Legislative Assistant Alexandra Rawlings as well as to Mr. Greg MacDonald of Development and Planning for their information. I appreciate your concerns and am glad that you shared them with me.

If there is anything I can do for you, now or in the future, please feel free to contact me at 905-546-4200.

Sincerely,

Fred Eisenberger
Mayor
Mayor Fred Eisenberger
City of Hamilton
77 James St. N
Hamilton, On.
L8R 2K3

Re: File # ZAC-08-062/OPA-08-015
Proposed two ten story towers addition
at St. Joseph’s Estate

When I first came to the condo nearly three years ago I was overwhelmed with the beauty. Looking out of the living room windows we could see the Governor’s Rd. and the Dundas Escarpment; from the sunroom we could see the Agincourt and the picturesque escarpment. The scenery and openness was far more than I expected.

Our move took place in April. The garden and orchard became my favorite place. My husband Bill had just been out of hospital for three months and it became my spot to escape all the problems of his care and to recharge my batteries. When home care was with Bill, I would take my book and enjoy the gardens and nature, all
Note - December 23rd 2008

To: Mr Jason Thompson, MEP, RP, Senior Project Manager

Planning and Economic Development
Department of Planning Division
14 James Street North Suite 400 4th Floor
Hamilton Ontario, L9R 2K3.

From: [Redacted]

160 Législatrice Street
Monday Oct, 11H/111

Re: File Nos. OPA-08-15/2AC 08-068

I wish to object to the proposed changes to the Official Plan namely, "Official Plan Amendment Application, OPA-08-15 and Zoning Amendment Application 2AC-08-068" for the following reasons:

1. Residential intensification in these two blocks would remove almost all the remaining usable green space from the area of the Joseph's Villa and St. Joseph's Estate, thereby affecting the quality of life of more than 500 people. This would be an inaccessible garden area in which the residents of either St. Joseph's Estate or St. Joseph's Villa would be able to defecate, urinate and copulate.

2. The intensification of Blindsound should take place in the area already designated and zoned as "Residential Intensification Area" in the Blindsound Official Plan.

(See Page 2)
Date: December 23rd, 2008
To: Mr. Jason Thompson, MEP RFP Senior Project Manager
Department: Planning Division
24 James Street, 9th Floor, 4th Floor
Hamilton, Ontario, L8L 2K3

From: The Original Sheet
February 17, 1911

"Following several continued"  
3. The proposed two 16-story buildings  
  localhost over hundred are not  
only out of scale with the other  
building on the property, but would  
severely detract from the attractiveness  
of the Oshawa Valley.

4. The enormously intensified traffic  
on any onlooks road would  
greatly increase the hazard for  
the residents of St. Joseph's Cottage  
and elderly, many with arthritis,  
many in wheelchairs and many  
who unable to drive any longer  
who would find it possible difficult  
to access downtown Hamilton.

5. Next page

(See Page 3)
Date: December 23rd 2008
To: Ms. Janet Thompson, MEPRP Senior Project Manager
Planning and Economic Development Department, Planning Division
777 Avenue Street North Suite 400 4th Floor, Hamilton Ontario L8R 2K3

Dear [Redacted]

460 Kingville Street
Rumford Park L9A 7M7

"Following Review Continued"

5. The existing traffic flow problems will only be increased at the intersection of Glen escot Road and Ogilvie Street. The vehicles traffic is already using our access road to avoid the stop lights at Glen escot Road and Ogilvie Street. The construction of two new buildings is not going to solve the problem. The "St. Joseph's Villa, "Beed" "CED" and "181" Group must have their eyes closed if they cannot foresee. The problem will be going to exist in the present and future periods of time.

[Redacted]
To: Mr. Jason Thompson, senior project manager, planning division

Re: Application to amend the zoning by-law for 56 Governor’s Road

As a resident of 150 Ogilvie Street (St. Joseph’s Estates), with some planning experience (see below), I am concerned by the details of this proposal.

1. Traffic. The corner of Governor’s Road and Ogilvie St. is already very busy. Further, the two existing buildings (150 and 160 Ogilvie), plus the eastern flank of St. Joseph’s Villa, are serviced by one winding road which enters Ogilvie some 30 meters south of the intersection at a bus stop and shelter. Even now it is often difficult to enter Ogilvie; with two ten-story buildings added, serious traffic problems can be expected.

2. The north building will block off much of the view from #150, and when it concerns selling, renting, or decorating, views do matter. A low structure might be condoned, since the site has obvious commercial possibilities, but TEN stories? Even the new Amica, which dominates Ogilvie and Hatt, has only six. I feel that anything over 6 is excessive.

3. The southern building is even more questionable. It would tower over Walnut-Tally Ho, which have several fine homes. The houses at the end of Walnut would be transformed from being in a secluded wooded area to becoming a side yard for several hundred persons looking down on them. Further, the area has been a favoured garden (flowers, fruit, vegetables) for adjacent senior residents. It seems cruel to eradicate that site and its beneficial usage. And again, TEN STORIES! If this proposal goes ahead, will the present owners be given the option of selling at 2007 prices?

I urge the board to turn down the proposal, or at least to amend it to humane proportions.

P.S. I have been a member of the Ham-Went. Planning Area Board, The Urban Renewal Committee, and CAPIC. I have also taken part, by invitation, in discussions concerning The Claremont Access, and the two Regional Government commissions.
To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

Re: File Nos. OPA-08-15/ ZAC-08-069

I/we object to the proposed changes to the Official Plan, namely “Official Plan Amendment Application OPA-08-015” and Zoning Amendment Application ZAC-08-069”, for the following reasons:

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2. The intensification of Dundas should take place in the area already designated and zoned as a “Residential Intensification Area” in the Dundas Official Plan.

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Date: _DEC. 19, 08_

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From:

[Redacted]

Re: File Nos. OPA-08-15/ ZAC-08-069

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[Signature]
Date: DEC. 19, 08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager,
City of Hamilton,
Planning and Economic Development Department, Planning Division
77 James Street North, Suite 400, 4th Floor
Hamilton, Ontario
L8R 2K3

From: [Redacted]

Re: File Nos. OPA-08-15/ ZAC-08-069

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Date: DEC. 19, 08

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager, City of Hamilton, Planning and Economic Development Department, Planning Division 77 James Street North, Suite 400, 4th Floor Hamilton, Ontario L8R 2K3

From: [Address Redacted]

Re: File Nos. OPA-08-15/ ZAC-08-069

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Date: Dec 19, 2008

To: Mr. Jason Thompson MCIP, RPP, Senior Project Manager, City of Hamilton, Planning and Economic Development Department, Planning Division 77 James Street North, Suite 400, 4th Floor Hamilton, Ontario L8R 2K3

From: 160 Ogilvie St. Dundas, ON, Canada L9H 7M7

Re: File Nos. OPA-08-15/ ZAC-08-069

I/we object to the proposed changes to the Official Plan, namely “Official Plan Amendment Application OPA-08-015” and Zoning Amendment Application ZAC-08-069”, for the following reasons:

1. Residential intensification in these two blocks would remove almost all the remaining usable green space from the area of St. Joseph’s Villa and St. Joseph’s Estates, directly affecting the quality of life of more than 500 persons. There would be no accessible garden area in which the residents of either St. Joseph’s Estates or St. Joseph’s Villa would be able to refresh their minds and bodies.

2. The intensification of Dundas should take place in the area already designated and zoned as a “Residential Intensification Area” in the Dundas Official Plan.

3. The proposed two 10-storey buildings towering over Dundas are not only out of scale with the other buildings on Villa property but would severely detract from the attractiveness of the historic Valley Town.

4. The enormously intensified traffic on our access road would greatly increase the hazard for the residents of St. Joseph’s Estates, all elderly, many with walkers, some in wheelchairs, and many others unable to drive any longer, who would find it even more difficult to access downtown Dundas, or St. Joseph’s Villa for outreach programs or to volunteer.

Eleanor E. [Redacted]
J. E. [Redacted]
Environmentally Significant Areas Impact Evaluation Group (ESAIEG)

MEETING NOTES

Meeting Date – Thursday March 12, 2009
Time – 4:00pm – site visit 993 Fourth Concession West, Flamborough and
5:00 pm – site visit 150 and 160 Ogilvie Street, Dundas.

Location – Room A, Hamilton City Centre, 77 James Street North, Hamilton

Members Present:
George Coker
Chris Zoladeski
Bob Curry
Ken Glasbergen

Regrets:
Barry Myler

Staff Present:
Cathy Plosz, Natural Heritage Planner

6:30 Presentation
993 Fourth Concession West, Flamborough (Severance)
(Elaine Gosnell, Jessica McEachren, Natural Resource Solutions and Valerie and
David Lawson, landowners).

E. Gosnell outlined the field work completed for the EIS, which focused on botany and
ELC (alvar and other community types recognized on the site and vicinity), butterflies
and odonates, and birds. During the site visit, ESAIEG noted that the area proposed
for the house is a farmed field; the main impacts on the ESA would be from the driveway,
which passes through an alvar community. The Greenbelt Plan policies require a 30-
metre setback from the staked edge of the ESA. The Lawsons are proposing to build a
house (maximum 1700 square feet), gravel driveway, and septic bed. They are not
planning a large lawn and will naturalize around the house and buffer. The rest of the
agricultural area will continue to be farmed. E. Gosnell noted that impacts to the ESA
are considered to be minor.

ESAIEG was concerned that the number of plant species recorded in the EIS was low,
considering the plant diversity typical of these sites. There were also plant species
evident during the ESAIEG site visit, which were not recorded in the EIS. E. Gosnell agreed to check their field data sheets to provide a more complete list of species. The thoroughness of the plant inventory was a concern because if any rare populations are within the driveway area and not elsewhere on site, there will be a loss of plant diversity in the Hayesland ESA, which is noted for the presence of numerous significant plant species.

Recommendations:

1. ESAIEG has concerns about the thoroughness and quality of the botanical inventory. However, ESAIEG approves this proposal if the following condition is satisfied. The group recommends that before driveway construction occurs, a botanist conduct a survey which focuses on the proposed driveway area. The survey should be carried out after late June, when later-flowering plants are evident. If any rare plants (see Nature Counts species list for guidance) are found, they should be transplanted elsewhere on the site before the driveway is constructed.

7:30 Presentation
150 and 160 Ogilvie Street, Dundas (OPA and Re-zoning)
(Matt Johnston, IBI and Brett Woodman, Natural Resource Solutions)

M. Johnston outlined the proposal. Two buildings are proposed, one close to Ogilvie Street and Governor’s Road and the other adjacent to the ESA; ESAIEG is only concerned with the latter building. The building is to be 10 storeys, and 120 units are needed to make the project viable. A 30-metre setback is required from the existing dwellings on the west part of the site, based on a sun-shadow study. A 7.5 metre buffer is provided from the ESA boundary (drip line). There will be some disturbance within the first meter of this buffer during construction. After construction, it will be re-planted.

After discussions with the Conservation Authority, possible impacts on the ESA were examined (noise, light, bird strikes) and mitigation measures proposed.

There were some questions about the 7.5 metre buffer recommended in the EIS. B. Woodman explained that there will not be any construction equipment in the buffer, but there will be some disturbance within a 1 m zone around the building). Construction of the structure will use internal building methods, therefore no encroachment into the ESA or its buffer will occur. The buffer will be densely planted with native shrubs to discourage human use and to provide wildlife habitat.

The applicant will be preparing construction management and vegetation planting plans to address agency and ESAIEG concerns. The stable top of bank will be mapped and a hydrogeology report will be prepared, to assess any impacts on groundwater.
Recommendations:

1. ESAIEG has concerns about the accuracy of the Ecological Land Classification (ELC) mapping. Although the group is not recommending any additional work on the EIS report, it did want this concern noted.

2. ESAIEG generally agrees with the proposed 7.5 metre buffer width. Although this buffer is not as wide as what is normally required adjacent to a wooded ESA, it was considered adequate because it was measured from the drip line of tree limbs which leaned well over the lawn area. Because the buffer was measured from this generous ESA boundary, ESAIEG is satisfied with 7.5 metres.

3. Although ESAIEG is satisfied with the 7.5 metre buffer, it wishes to ensure that construction will not impact the buffer or ESA. ESAIEG would like to review the Construction Plan which delineates the work zone and where tree preservation fencing will be placed.

4. ESAIEG had concerns about the landscaping treatment in the buffer, right up to the building, and would like to review the Landscaping Plan. Only native, non-invasive plants should be used.

5. ESAIEG recommends that the debris (plant pots, grass clippings, compost) which has been placed on the edge of the ESA boundary be removed. Dense plantings within the buffer must ensure that dumping does not continue in the future.

6. ESAIEG recommends that the applicant conduct a Hazard Tree Assessment/Tree Protection Plan, to determine whether any trees need to be pruned or removed. Any trees removed should be replaced within the buffer or edge of ESA. All pruning or tree removal should occur prior to construction and buffer plantings.

Other Business
Cathy noted that 10 applications have been received by the Clerks Department for new ESAIEG members and these will be reviewed in March by the Councillors.

Next meeting
Tentatively scheduled for April 9, 2009.

(Prepared March 13, 2009 by C. Plosz).
August 26, 2009

Mr. Stephen Robichaud, MCIP, RPP
City of Hamilton
Planning & Economic Development Department
77 James Street North, Suite 400
Hamilton, ON L8N 0A3

Dear Mr. Robichaud:

ST. JOSEPH’S VILLA
56 GOVERNOR’S ROAD, HAMILTON (FORMER TOWN OF DUNDAS)
OPA-08-015 AND ZAC-08-069
(REVISED)

Further to our meeting held on August 14th, 2009, with the Conservation Authority, Community Planning and Development Planning Staff, wherein it was agreed that a Construction Management Plan would be completed as a condition of site plan approval and required prior to the issuance of a Building Permit, the intent of this letter is to outline a Terms of Reference to identify the issues to be included in the Construction Management Plan.

In consultation with our architects, Vermillion Architects and Montgomery Sisam Architects – architects in association, and our environmental consultant, Natural Resource Solutions, IBI Group proposes the following Terms of Reference for the Construction Management Plan:

Intent

The intent of the City’s review of the Construction Management Plan is to ensure the adequate protection of the Dundas Valley ESA and the 7.5 metre buffer.

Impacts

The Construction Management Plan will identify potential and anticipated impacts associated with the proposed construction. At this time, examples of potential and anticipated impacts include:

- Sediment and erosion;
- Soil compaction and vegetation disturbance;
- Noise, light and dust; and,
- Loss-of-root and root-damage.

IBI Group is a group of firms providing professional services and is affiliated with IBI Group Architects
Planning & Engineering Initiatives Ltd. (P&E) is a member of the IBI Group of firms
Mitigation Measures

The Construction Management Plan will include the following. Examples include:

- Detailed Landscape, grading and storm water management drawings completed to the satisfaction of the City and the Conservation Authority;
- Preliminary site staging, construction access, soils stockpiling and hoarding plan. It is understood that the nature of this plan is only to establish general guidelines and to test viability. The General Contractor is ultimately responsible for implementation of the final site staging and site construction layouts as directed by the Architect, Conservation Authority, the Certified Arborist and as outlined in the Construction Management Plan and final site plan;
- At the bidding for tender stage, the owner will arrange for a pre-bidding site meeting with all pre-qualified general contractors to review the site. The review of the Construction Management Plan will be conducted at that meeting with representatives from the City, Conservation Authority and with the applicant's Certified Arborist for the purpose of ensuring potential contractors are aware and understand the environmental constraints of the project;
- Root inspections and root pruning by a Certified Arborist during excavation;
- A waste management control plan to ensure any construction waste is properly disposed of to ensure waste does not spill to the protection areas;
- Limiting use of the 7.5 metre buffer area only for scaffolding and prohibiting any other construction vehicles to prevent soil compaction;
- Construction timing, at the discretion of the City and Conservation Authority to avoid potential conflicts with nesting seasons;
- A construction schedule in order to prescribe construction work does not proceed into evening hours thereby avoiding the need for flood lighting and preventing light pollution;
- Tree Protection Zones will be clearly posted with signs visible to the contractor;
- Dust control, runoff, sediment and erosion control measures will be implemented and overseen by the applicant's Civil Engineer;
- Prior to commencement of construction, construction work areas, site access, soil and material storage and disposal, shall be identified and including the storage of construction equipment, for when not in use.

The following shall not be permitted within the buffer:

- No heavy construction vehicles with the exception of skidsteer;
- No soil compaction shall take place within 6.5m of the buffer set-back;
Mr. Stephen Robakout, MCIP, RPP – August 26, 2009

- No vegetation shall be removed or damaged;
- No material, equipment or soil storage with the exception of scaffolding.

Implementation

The implementation of the Construction Management Plan is the full responsibility of the General Contractor and it will be reviewed by the applicants Architect and Certified Arborist, and site inspections by the Conservation Authority as part of their standard obligations for general review as stipulated in the Client-Architect and Construction Agreements established at the site plan stage.

Contingency Plan

- The applicant will undertake an environmental monitor by retaining a Certified Arborist to ensure that all tree protection and preservation is adhered to.
- On site meeting(s) will be held regularly with the General Contractor, the Architect, Consulting Engineers, City of Hamilton, Ecologists, Landscape Architect, the Conservation Authority and a Certified Arborist in order to continue to establish and implement the Construction Management Plan.
- Following the initial meeting, mandatory on site construction meetings will be held on a regular basis to inspect the protection of the buffer area.
- Prevention of soil compaction within the buffer area and protection of vegetation within the ESA will be included in the site plan process and will be prepared by landscape architect in conjuction with the ecologist.
- A letter of credit in the sum of $10,000.00 shall be posted by the applicant at the site plan stage in order to secure the Construction Management Plan. The amount shall be released until such time as the completion of all construction works, and to the satisfaction of the Conservation Authority and Certified Arborist.
- The Certified Arborist shall conduct routine on-site inspections and provide regular updated reports with respect Construction Management Plan.

We trust you will find the enclosed in order; however, feel free to contact us with any comments or questions.

Regards,

IBI Group

Sergio Manchia, MCIP, RPP
Associate

cc: Mr. Fred Vermulen, Vermulen+Hind
    Mr. Santiago Kunde, MontgomeryGisam