SUBJECT: Applications for Approval of a Draft Plan of Subdivision "Greenhill Glen", Zoning By-law Amendment, and Draft Plan of Condominium for Lands Located at 12 Ambrose Avenue, Hamilton (PED09310) (Ward 5)

RECOMMENDATION:

(a) That approval be given to Draft Plan of Subdivision Application 25T-200811, by Losani Homes Ltd., Owner, to establish a draft plan of subdivision known as “Greenhill Glen”, on lands located at 12 Ambrose Avenue (Hamilton), as shown on Appendix “A” to Report PED09310, subject to the following conditions:

(i) That this approval apply to “Greenhill Glen”, 25T-200811, prepared by A.T. McClaren Ltd., and certified by S.D. McClaren, O.L.S., dated January 16, 2008, showing one lot for one single detached dwelling (Lot 5), four lots for 8 semi-detached dwellings (Lots 1 to 4), and one block for 14 maisonettes and 23 townhouse dwellings, a private condominium road, associated parking and ravine lands (Block 6), attached as Appendix “B” to Report PED09310, subject to the Owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix “F” to Report PED09310;

(ii) Acknowledgement that there will be no City share for any municipal works associated with this development; and,

(iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the Planning Act, prior to the issuance of each building permit for the lots (Lots 1 - 5) within the plan. The calculation of the Cash-in-Lieu payment shall be based on the value of the lands on the day prior
to the day of issuance of each building permit. Payment of Cash-in-Lieu of Parkland for Block 6 will be calculated in accordance with the City’s Parkland Dedication By-law, currently at a rate of 1 hectare for each 300 dwelling units proposed, and shall be based on the value of the lands on the day prior to the issuance of the first building permit;

all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.

(b) That approval be given to amended Zoning Application ZAC-08-088, by Losani Homes Ltd., Owner, for a change in zoning from the “C” (Urban Protected Residential, etc) District to the “D/S-1620” (Urban Protected Residential - One and Two Family Dwellings) District, Modified, with a Special Exception (Block 3), the “RT-20/S-1620” (Townhouse-Maisonette) District, Modified, with a Special Exception (Block 2), the “RT-30/S-1620” (Street-Townhouse) District, Modified, with a Special Exception (Block 1), and the Conservation/Hazard Lands “P5” Zone (Block 4), for lands located at 12 Ambrose Avenue, Hamilton, as shown on Appendix “A” to Report PED09310, on the following basis:

(i) That the draft By-law, attached as Appendix “D” to Report PED09310, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(ii) That the draft By-law, attached as Appendix “E” to Report PED09310, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(iii) That the amending By-law be added to Schedule “A”, Map No. 1352, of Zoning By-law No. 05-200; and,

(iv) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.

(c) That approval be given to Condominium Application 25CDM-200814, by Losani Home Limited, Owner, to establish a draft plan of condominium (Common Elements Condominium) to create a private road, visitor parking area and ravine lands, on lands located at 12 Ambrose Avenue (Hamilton), as shown on Appendix “A” to Report PED09310, subject to the following conditions:

(i) That this approval applies to the plan prepared by A.T. McClaren Ltd., and certified by S.D. McClaren, O.L.S., dated January 16, 2008, showing the private road, visitor parking area, and ravine lands, attached as Appendix “C” to Report PED09310.

(ii) That the Final Plan of Condominium complies with all of the applicable provisions of Zoning By-law No. 6593.
iii) That the Owner enters into a Development Agreement to ensure that the tenure of each of the proposed 14 freehold maisonette units and 23 freehold townhouse units has legal interest, in common, to the Common Elements Condominium, to the satisfaction of the City Solicitor.

(iv) That the Owner receives final approval of a Part Lot Control Application, and the implementing By-law, to the satisfaction of the Director of Planning.

(v) That the Owner includes the following warning clause in the Development Agreement, all Purchase and Sale Agreements, and any rental or lease agreements required for occupancy:

“Purchasers are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road”.

(vi) That the Owner provides the Director of Development Engineering with evidence that satisfactory arrangements, financial or otherwise, have been made with a telecommunication service provider, approved by the Canadian Radio and Telecommunication Commission (CRTC), that adequate telecommunication service will be provided to the condominium, including 9-1-1 emergency calling service that identifies, at a minimum, the caller’s name and location information.

(vii) That the Owner satisfies any conditions, financial or otherwise, of the City of Hamilton.

Tim McCabe
General Manager
Planning and Economic Development Department

**EXECUTIVE SUMMARY:**

The purpose of these applications is: to amend the Hamilton Zoning By-law; approval of a draft plan of subdivision known as “Greenhill Glen”; and, approval of a draft plan of condominium. The applications are to permit the development of the subject lands for one single detached dwelling and eight semi-detached dwelling units fronting onto Greenhill Avenue, and for 14 maisongettes (back-to-back townhouses) and 23 townhouse dwellings fronting onto a private condominium road.
The proposal has merit and can be supported since the applications are consistent with both the Provincial Policy Statement and The Growth Plan for the Greater Golden Horseshoe, and conform to the Hamilton-Wentworth Official Plan and the Hamilton Official Plan.

**BACKGROUND:**

**Background**

**Subdivision Application 25T-200703**

On May 14, 2007, an application for a Draft Plan of subdivision was submitted by Silvestri Investments proposing to create 26 lots for single detached dwellings (see Appendix "G", Page 1). The Hamilton Conservation Authority (HCA) had significant concerns regarding the proposed lots within the ravine. The development of these lots would have involved development on ravine slopes and the filling in of the ravine which is contrary to Authority Planning and Regulation Policies and Guidelines. Based on the comments received from the initial circulation, a revised plan was submitted (see Appendix "G", Page 2). HCA was not satisfied with the revised plan and their recommendation was for denial. As a result, the application was abandoned.

**Proposal**

Based on a review of the concept plan (Appendix "H"), the proposal for one single detached dwelling, eight semi-detached dwelling units, 14 maisonettes (back-to-back townhouses) and 23 townhouse dwellings will require modifications to the “D” (Urban Protected Residential - One and Two Family Dwellings) District, the “RT-20” (Townhouse-Maisonette) District, and the “RT-30” (Street-Townhouse) District.

The modifications are as follows:

- Reduce the minimum required parking space from 2.7 metres wide by 6.0 metres in length to 2.6 metres wide by 5.5 metres in length (lands contained within Block 6, on Appendix “B”);

- Permit the condominium road to be considered a street (lands contained within Block 6 on Appendix “B”);

- Modify the definition of building height so that for the purpose of the By-law, building height shall mean the vertical distance measured from the average finished grade level adjacent to the front elevation of a building to the highest point of the roof structure (applicable to the entire development); and,

- Require a minimum 7.5 metre setback from top of bank in which no buildings, structures or grading will be permitted.
“D” (Urban Protected Residential - One and Two Family Dwellings) District

- Reduce the minimum required rear yard from 7.5 metres to a minimum 7.0 metres; and,

- Reduce the minimum required lot area for a semi-detached building lot from 540 square metres to a minimum 450 square metres (i.e. from 270 square metres per unit to 225 square metres per unit).

“RT-20” (Townhouse-Maisonette) District

- Increase the maximum permitted height from 11.0 metres to a maximum of 12.5 metres for the southerly group of maisonette units;

- Reduce the minimum required front yard setback from 6.0 metres to a minimum of 5.5 metres to the face of the garage, and a minimum of 4.5 metres to the face of the dwelling;

- Reduce the setback for a yard that abuts a street not internal to the development from the required 6.0 metres to a minimum 3.0 metres;

- Reduce the minimum required lot depth from 30.0 metres for a block to a minimum 12.4 metres for a lot;

- Reduce the minimum required lot area from 165 square metres to a minimum of 79 square metres;

- Reduce the minimum required lot width from 36.0 metres to a minimum 6.4 metres; and,

- Eliminate the requirement for 40% landscaping on the same lot as the maisonette unit.

“RT-30” (Street-Townhouse) District

- Increase the maximum permitted height for the southerly group of townhouses from 11.0 metres to a maximum of 12.5 metres;

- Restrict the northerly townhouse units to a maximum of one storey;

- Reduce the minimum required front yard setback from 6.0 metres to 5.5 metres to the face of the garage, and a minimum of 4.5 metres to the face of the dwelling;

- Where a side yard abuts a wall that is not a party wall, along each side lot line a width of 1.2 metres shall be permitted for the southerly townhouse units only;
• Reduce the minimum distance between two exterior walls containing no windows from required 3.0 metres to a minimum 2.4 metres;

• Reduce the minimum required lot area from 180 square metres to a minimum 96 square metres;

• Reduce the minimum required rear yard from 7.5 metres to a minimum 6.0 metres;

• Require a minimum 3.0 metre setback where a yard abuts a street not internal to the development;

• Reduce the minimum required lot frontage from 6.0 metres to 4.5 metres; and,

• Balconies shall not be permitted for the northerly group of townhouse units. Decks not more than 1.5 metres above grade shall be permitted.

The above noted modifications are discussed in detail in the Analysis/Rationale section of this report.

**Details of Submitted Application**

Owner/Applicant: Losani Homes Limited

Agent: Armstrong Hunter & Associates

Property Description:

- **Lot Area**: 1.31 ha
- **Lot Frontage**: 121.9 metres (Greenhill Avenue)
- **Lot Flankage**: 111.6 metres (Ambrose Avenue)

Servicing: Full Municipal Services

**EXISTING LAND USE AND ZONING:**

<table>
<thead>
<tr>
<th>Subject Lands:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tr>
<td>Vacant</td>
<td>“C” (Urban Protected Residential, Etc.) District</td>
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<th>Surrounding Lands:</th>
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<tr>
<td>North</td>
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<td>Single Detached Dwellings</td>
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West

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<tr>
<th>Single, Semi-Detached and Duplex Dwellings</th>
<th>&quot;D&quot; (Urban Protected Residential - One and Two Family Dwellings, Etc.)</th>
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<tbody>
<tr>
<td>Eco House</td>
<td>&quot;C&quot; (Urban Protected Residential, Etc.) District</td>
</tr>
</tbody>
</table>

South

| Semi-Detached Dwellings                   | "DE" (Low Density Multiple dwellings) District                          |
| Single Detached Dwellings                 | "C" (Urban Protected Residential, Etc.) District                       |
| Park                                      | Neighbourhood Park (P1) Zone                                          |

East

| Single Detached Dwellings                 | "C" (Urban Protected Residential, Etc.) District                       |

**ANALYSIS/RATIONALE:**

1. The proposed applications, as revised, have merit and can be supported for the following reasons:

   - They are consistent with both the Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe.
   - They conform to the Hamilton-Wentworth Official Plan and Hamilton Official Plan.
   - The proposed development is compatible with the existing and proposed land uses in the surrounding area.

2. Based on the draft plan submitted, the internal roads, sewer, and water services will be privately owned. Internal private sewer and water servicing for Block 6 (see Appendix “B”) will be dealt with under the Permit Process at the Site Plan Control stage. Private sewer and water service stubs from the mainline sewers and watermains to the property lines for Lots 1 to 5, inclusive (see Appendix “B”), and Block 6, will be dealt with under the required Subdivision Agreement.

In addition to the information listed above, staff notes that there is no cost sharing anticipated for the development. As well, the applicant should be aware that the City reserves the right to hold security to cover any damage that may occur during construction to the existing curbs, sidewalks, and boulevards on both Greenhill Avenue and Ambrose Avenue. Development Engineering conditions of Draft Approval are attached as Appendix “F”.
The existing services adjacent to the subject lands are as follows:

- 400mm watermain on Greenhill Avenue.
- 150mm watermain on Ambrose Avenue.
- 250mm sanitary sewer on Greenhill Avenue.
- 250mm sanitary sewer on Ambrose Avenue.
- 750mm storm sewer on Greenhill Avenue.
- 375mm storm sewer on Ambrose Avenue.

3. The site contains a wooded area of approximately 0.6 ha in size. The majority of the ravine lands will be rezoned to Conservation/Hazard Lands “P5” Zone (see Appendix “A”, Block 4) ensuring they are protected. However, a Tree Preservation Plan (TPP) has been identified as a condition of draft approval (included in Appendix “F”, Condition No. 11). The TPP will be required to indicate tree species, diameter at breast height, tree condition, and which trees are to be retained and/or removed.

4. The applicant submitted a preliminary concept plan with the application (see Appendix “H”). The required modifications, based on a review of the concept plan, are considered supportable and are discussed below.

**Parking and Loading Requirements**

The applicant is proposing to reduce the minimum required parking space from 2.7 metres wide and 6.0 metres long to 2.6 metres wide to 5.5 metres long. The proposed parking space size is consistent with the requirements identified in Zoning By-law No. 05-200. The reduction in parking will apply to the parking spaces for the townhouse and maisonette units, as well as the visitor parking spaces.

**Condominium Road**

The applicant has requested that for the purpose of this By-law, a condominium road be considered a street. The modification is appropriate as it will allow for the creation of individual lots fronting on a street. The future lots will be created through a Part Lot Control application.

**Height**

A modification to the definition of building height is necessary as there is an 11.0 metre grade difference between the southerly limits and northerly limits of the property. The current Zoning By-law provision measures height from the grade at curb level or an average of the grades at the four corners of the building, whatever is higher. By measuring from a grade that is higher than where the unit is located, the building could essentially exceed the maximum permitted height. For example, if curb level is 116 metres and the unit is at 114 metres, an additional 2 metres could
be added to the building. The site-specific definition of height will ensure certainty and consistency of the overall height on the site. As a result, height will be defined as the vertical distance measured from the average finished grade level adjacent to the front elevation of a building to the highest point of the roof structure.

**Setback from Top-of-Bank**

Comments received from the Hamilton Conservation Authority (HCA) indicated that there were concerns about the construction of dwellings abutting the ravine. As a result, a geotechnical report was submitted, which requires a 7.5 metre setback from top-of-bank. The HCA’s concerns with regards to the erosion hazard associated with the watercourse ravine will be addressed in the amending By-law by requiring a 7.5 metre setback from top-of-bank in which no buildings, structures, or grading will be permitted. In addition, a warning clause will be included in the Subdivision Agreement to advise the purchasers of Lot 5 and the most easterly townhouse units within Block 6 of this requirement (Appendix “F”, Condition No. 12). Finally, the Subdivision Billboard Sign will also advise the purchasers of this requirement (Appendix “F”, Condition No. 13).

**“D” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District**

- Reduce the minimum required rear yard from 7.5 metres to a minimum 7.0 metres; and,
- Reduce the minimum required lot area for a two family dwelling from 540 square metres to a minimum 450 square metres (i.e. from 270 square metres per unit to 225 square metres per unit).

**Rear Yard**

Staff is of the opinion that reducing the minimum rear yard setback from 7.5 metres to 7.0 metres is minor, and that 7.0 metres will still allow for sufficient rear yard amenity space.

**Lot Area**

The applicant has applied to reduce the minimum required lot area for a two family dwelling from 540 square metres to 450 square metres. The requested modification is supportable, as an appropriate building envelope is still being provided based on the front yard setback of 6.0 metres and rear yard setback of 7.0 metres. The required side yard setbacks are being maintained.

**“RT-20” (Townhouse - Maisonette) District**

- Increase the maximum permitted height from 11.0 metres to a maximum of 12.5 metres for the southerly group of maisonette units;
• Reduce the minimum required front yard setback from 6.0 metres to a minimum of 5.5 metres to the face of the garage, and a minimum of 4.5 metres to the face of the dwelling;

• Reduce the setback for a yard that abuts a street not internal to the development from the required 6.0 metres to a minimum 3.0 metres;

• Reduce the minimum required lot depth from 30.0 metres to a minimum 12.4 metres;

• Reduce the minimum required lot area from 165 square metres to a minimum of 79 square metres;

• Reduce the minimum required width from 36.0 metres to a minimum 6.4 metres; and,

• Eliminate the requirement for 40% landscaping on the same lot as the maisonette unit.

Height

An increase in height is required for the northerly group of maisonette dwellings. Based on a review of the concept plan and cross section (see Appendix “J”), the southerly portion of maisonne tes will be two storeys and meet the Zoning By-law requirements. The grade decreases from Greenhill Avenue to Veevers Drive, resulting in a grade difference in the northerly and southerly group of maisonne tes. As a result, the northerly units will be 3 storeys in height and require a modification, whereas the southerly units will only be two storeys and meet the Zoning By-law requirements.

Front Yard

Reducing the minimum front yard setback from 6.0 metres to 5.5 metres to the face of an attached garage, and 4.5 metres to the face of the dwelling, is considered to be minor in nature. The front façade of the townhouse units will face the internal condominium road. It is consistent with the provisions contained within Zoning By-law No. 05-200. This provision is based on a new design standard which minimizes the impact of the garage. This reduced setback also provides for efficient use of the land, while maintaining the 5.5 metre setback to the face of the garage, allowing for an adequate parking space length. It is considered appropriate for the internal portion of the site as there is no impact on the existing streetscape along Ambrose Avenue. Therefore, staff is supportive of the reduction.
Yard adjacent to a street

The applicant has proposed to reduce the setback from the maisonettes to a street from 6.0 metres to 3.0 metres. Staff is of the opinion that 3.0 metres will still allow for adequate landscaping while making efficient use of the land. It should be noted that through the Site Plan control process, in addition to landscaping on the subject lands, street trees will be required to be planted within the road allowance along Ambrose Avenue.

Depth

The minimum depth requirement in the Zoning By-law applies to the depth for the entire maisonette building, which would include the depth for both the northerly and southerly units (see Appendix “H”). Reviewing the plan in this manner would result in a total depth of 28.8 metres, whereas the minimum requirement is 30.0 metres. This reduction would be considered to be minor. However, as the intention is for the maisonettes units to be freehold units on their own lot, a depth of 12.4 metres per unit would apply. This will be recognized in the amending By-law. As this is a technical variance, staff is of the opinion it is minor and supportable.

Lot Area

A reduction is required for the minimum required lot area from 165 square metres to 79 square metres. The minimum lot area requirement in the Zoning By-law applies to the entire development, which would include visitor parking and any amenity area. However, as these will be freehold units, an amendment will be required to recognize only the lot area containing the maisonette unit.

Width

The minimum width requirement in the Zoning By-law applies to the entire block containing all of the maisonette buildings, which is 36.0 metres. Although 36.0 metres is being provided for the entire block, the intention is for these units to be freehold. As a result, the width of each lot will be a minimum of 6.4 metres. This will be recognized in the amending By-law.

Landscaping

Current By-law provisions require 40% landscaping be provided and maintained on the same lot and same district in which the maisonette units are situated. This provision is intended for the development of multiple maisonette units on one lot, not freehold maisonette units on individual lots. As landscaping is being provided for the maisonettes within the Common Elements Condominium the amending By-law will delete the provision for landscaping to be provided on the same lot and same district as the maisonette.
“RT-30” (Street - Townhouse) District

- Increase the maximum permitted height for the southerly group of townhouses from 11.0 metres to a maximum of 12.5 metres;

- Restrict the northerly townhouse units to a maximum of one storey;

- Reduce the minimum required front yard setback from 6.0 metres to 5.5 metres to the face of the garage, and a minimum 4.5 metres to the face of the dwelling;

- Where a side yard abuts a wall that is not a party wall, along each side lot line a width of 1.2 metres shall be permitted for the southerly townhouse units only;

- Reduce the minimum distance between two exterior walls containing no windows from required 3.0 metres to a minimum 2.4 metres;

- Reduce the minimum required lot area from 180 square metres to a minimum 96 square metres;

- Reduce the minimum required rear yard from 7.5 metres to a minimum 6.0 metres;

- Require a minimum 5.0 metre setback where a yard abuts a street not internal to the development;

- Reduce the minimum required lot frontage from 6.0 metres to 4.5 metres; and,

- Balconies shall not be permitted for the northerly group of townhouse units. Decks shall be permitted not more than 1.5 metres above grade.

Height

Current Zoning By-law provisions allow for a 3 storey dwelling to a maximum of 11.0 metres. The applicant has proposed 3 storeys for the southerly group of townhouse units, but has requested an increase in height from 11.0 metres to 12.5 metres. Staff is of the opinion that an increase of 1.5 metres is considered minor, and will allow for flexibility in design. In addition, a 3.0 metre setback from the property line adjacent to Ambrose Avenue, which will allow for an appropriate amount of landscaping to be provided in order to create a buffer between the proposed townhouse units and the existing residential units along the west side of Ambrose Avenue.

The original proposal included 2 storey northerly townhouse units. As a result of the sloping lands, the 2 storey townhouse units would be 3 storeys in the rear backing onto the existing dwellings on Veevers Drive. Residents on Veevers Drive were concerned that this northerly group of townhouse units adjacent to their backyards would significantly reduce the privacy and enjoyment of their amenity space. The
Front Yard

Reducing the minimum front yard setback from 6.0 metres to 5.5 metres to the face of an attached garage, and 4.5 metres to the face of the dwelling, is also considered to be minor in nature. It is consistent with the provisions contained within Zoning By-law No. 05-200, which allows for a 4.5 metre setback to the face of the dwelling. This provision is based on a new design standard which minimizes the impact of the garage. This reduced setback provides for efficient use of the land, while the 5.5 metre setback to the face of the garage still allows for an adequate parking space length. It is considered appropriate for the internal portion of the site as there is no impact on the existing streetscape along Ambrose Avenue.

Side Yard Abutting a Wall

The Zoning By-law currently requires that a side yard abutting a wall that is not a party wall be a minimum of 1.2 metres for a dwelling not exceeding 1 storey in height, 2.0 metres for a dwelling not exceeding 2 storeys and 2.5 metres for a dwelling not exceeding 3 storeys. Based on the concept plan (see Appendix “H”), the southerly group of townhouse dwellings will require a reduction. The applicant is requesting a setback of 1.2 metres regardless of height. These townhouses will not exceed 3 storeys, and staff is of the opinion that the reduction from 2.5 metres to 1.2 metres is minor as it is internal to the site and an appropriate setback is still being provided. Staff notes that this reduction will only apply to the southerly group of townhouse units. The northerly units backing onto the existing dwellings on Veevers Drive will be required to meet current By-law provisions.

Distance Between Two Exterior Walls

The applicant is proposing a reduction in the distance between the two exterior walls of the blocks of townhouses. The applicant is proposing 2.4 metres regardless of height, whereas the By-law requires 2.5 metres for one storey, 3.5 metres for two storeys, and 5.0 metres for three storeys. As the northerly group of townhouse units is 1 storey in height, a reduction from 2.5 metres to 2.4 metres is considered minor in nature. The southerly townhouse units are 3 storeys. A reduction from 5.0 metres to 2.4 metres can also be supported as it allows for more efficient use of the land while still maintaining an appropriate setback ensuring maintenance can be accommodated.

Lot Area

The Zoning By-law requires a minimum lot area of 180 square metres, whereas 96 square metres is being proposed. Staff is of the opinion that 96 square metres will provide for an appropriate building envelope, while still allowing for appropriate front and rear yard setbacks. It should be noted that the proposed townhouse lot areas
vary from 96 square metres to 242 square metres, and approximately half of the
townhouse units will exceed the minimum lot area. Staff is of the opinion that the
reduction is appropriate.

Rear Yard

The applicant has applied to reduce the minimum required rear yard setback from
7.5 metres to 6.0 metres. Staff is supportive of the reduction as it still allows for a
sufficient rear yard amenity space. It should be noted that the concept plan
identifies a variation in rear yard setbacks from 6.0 metres to 7.27 metres.

Yard Adjacent to a Street

Although the “RT-30” (Street - Townhouse) District requires a 1.2 metre side yard
setback for a one storey dwelling, a 2.0 metre side yard setback for 2 storey dwelling
and a 2.5 metre side yard setback for a 3 storey dwelling, staff is of the opinion that
a 3.0 metres setback to the street should be provided. A 3.0 metre setback is
consistent with the proposed setback for the maisonettes and will allow for adequate
landscaping to be provided.

Lot Frontage

The applicant has requested a reduction in the minimum lot frontage from 6.0
metres to 4.5 metres for the southerly group of townhouse dwellings. The reduction
is considered minor, as an appropriate size dwelling can still be provided. It is noted
that the 4.5 metres lots are internal to the site and will not have an impact on the
existing neighbourhood. Staff also notes that based on the concept plan (Appendix
“H”), the lot frontages for the southerly group of townhouses range from 4.5 metres
to 7.9 metres.

Balconies

Due to the slope of the land, the majority of the northerly group of townhouse units
will be sitting at a higher elevation than the existing dwellings on Veevers Drive
(approximately 0.16 metres to 2.19 metres higher) (see Appendix “J”). Staff is of the
opinion that balconies should not be permitted. Only decks, constructed at not more
than 1.5 metres above grade, shall be permitted to ensure a level of privacy is
maintained for the residents on Veevers Drive. It should be noted that an open
stairway from the second storey providing access to the deck is permitted in the
Zoning By-law. The open stairway is permitted to encroach not more than 1.0
metres into the required rear yard.

Conservation/Hazard Land “P5” Zone

The lands within the ravine will be rezoned to the Conservation/Hazard Land “P5”
Zone in Zoning By-law No. 05-200, which restricts the use of the subject lands to
Conservation and Passive Recreation Uses and Flood and Erosion Control
Facilities. The lands will be included as part of the common element condominium, and maintained by the future Condominium Corporation.

5. Staff received eight letters of objection (see Appendix “I”) as well as several phone calls in response to the preliminary circulation of the application. The concerns included type of dwelling unit, height, density erosion, grading, flooding, traffic, the responsibility for the retaining wall, parking, visibility, preservation of the ravine, tenure, and depreciation of property values.

Unit Type

Residents expressed opposition over the proposal for townhouses as opposed to single family dwellings. Residential uses are permitted within the “Major Institutional” designation provided they are compatible with the surrounding area. The test for compatibility, as opined by the Ontario Municipal Board and incorporated into the Council adopted New Urban Hamilton Official Plan, is:

“Being compatible with is not the same as being the same as. Being compatible with is not even the same thing as being similar to. Being similar to means having a resemblance to another thing; they are like one another, but not identical. Being compatible means being mutually tolerant and capable of co-existing together in harmony in the same area”.

The current proposal meets the test of compatibility, and the proposed site-specific zoning provisions have been developed to ensure the proposal represents an appropriate form of development and is compatible with the existing neighbourhood.

Height

The original proposal included 2 storey northerly townhouse units. As a result of the sloping lands, the 2 storey northerly townhouse units would be 3 storeys in the rear backing onto the existing dwellings on Veevers Drive. As a result, residents expressed concerns over the proposed height of the dwellings. In particular, the residents on Veevers Drive were concerned that the northerly group of townhouse units adjacent to their backyards would significantly reduce the privacy and enjoyment of their amenity space. The proposal has been amended, and northerly bungalow townhouses are now being proposed which will be a maximum of 2 storeys in the rear. Balconies are not being permitted for these northerly townhouse units to ensure a level of privacy is maintained for the existing dwellings on Veevers Drive. Decks will be permitted not more than 1.5 metres above grade.

Density

Residents were concerned that the proposal was too dense. The original proposal was for 49 dwelling units. As the proposed bungalow townhouses will require more land than the original 2 storey units, 3 dwelling units have been removed.
Erosion, Grading and Flooding

Based on concerns over the erosion, grading, and flooding of the property, staff requested a preliminary grading plan, which was reviewed by both Development Engineering and the Hamilton Conservation Authority. Although neither section has approved the plan, both are satisfied that these concerns can now be addressed through the inclusion of draft plan conditions (see Appendix “F”, Condition Nos. 8-10).

Traffic and Visibility

In response to the concerns raised by the adjacent landowners that additional units will significantly increase traffic, Traffic Engineering and Operations ran traffic generation numbers for the townhouse and maisonette units. (They did not run numbers for the semi-detached dwellings and single detached dwelling fronting onto Greenhill Avenue, as Greenhill Avenue is a collector, and it was determined that there will not be any impact) The findings (discussed further in the Relevant Consultation section of this report) determined that the local road network and the existing stop control at the various intersections in the neighbourhood will be able to handle the volumes generated by the proposed residential development.

The issue of visibility will be addressed at the Site Plan Control stage to ensure vehicles and pedestrians can safely exit and enter the development. There will be a requirement for 5.0m x 5.0m vision triangles adjacent to the accesses to Ambrose Avenue, in which any landscaping at maturity or entrance feature must not exceed a height of 0.7m above the centreline elevation of the roadway. These triangles should be shown on the site plan, and any planting proposed within the triangles must be low level vegetation only. Sidewalks should be constructed through the access points on Greenhill Avenue and Ambrose Avenue. The inclusion of a private sidewalk connection should be provided from Ambrose Avenue into the development.

Retaining Wall

Residents on Veevers Drive were concerned about the maintenance of the retaining wall adjacent to their rear yards. As the retaining wall is not part of the common element condominium, each townhouse owner backing onto the wall will have sole responsibility for the portion of wall contained within the limits of their lot. The following warning clause will be included in the Subdivision Agreement (Appendix “F”, Condition 12):

“Purchasers are advised that the maintenance of the retaining wall to be located along the northerly property line will be the sole responsibility of those owners who have any portion of the retaining wall contained within the limits of their property.”
Parking

Residents indicated that there is a parking problem in the area, and were concerned about the amount of parking that is being provided. Each maisonette and townhouse unit will contain one parking space in the garage and one space in the driveway. Based on 37 townhouse and maisonette units, 12 visitor parking spaces are required. The concept plan indicates that there are 14 parking spaces proposed. Therefore, the proposed visitor parking exceeds the requirements of the Zoning By-law. It is noted that there are currently no parking signs adjacent to the subject lands as the lands previously contained a school. Once re-development occurs, it is possible for the signs to be removed in order to provide on-street parking on Ambrose Avenue. However, in order for this to occur, the neighbourhood would have to petition to rescind the By-law.

Preservation of the Ravine

Residents expressed concerns over development of the ravine lands. The amending By-law will zone the ravine lands Conservation/Hazard Land “P5” Zone, which will prohibit development from taking place. In addition, a 7.5 metre setback will be required from the “P5” Zone, which will also prohibit development. Furthermore, as part of the Tree Preservation Plan and Site Plan Approval process, staff will be requiring additional plantings, where appropriate, adjacent to the ravine.

Tenure

Although the Zoning By-law does not zone for property users, submission of a condominium application and future part lot control application indicates that the intent of the proposal is for the units to be individually owned.

Property Values

Staff has no evidence to suggest there will be a decrease in property values. In addition to concerns over the decrease in property values, the letter also expressed concerns that a townhouse complex would encourage loitering of youths. In response to this concern, staff notes that the Zoning By-law cannot zone for property users.

6. Based on comments received through the preliminary circulation and concerns of the Ward Councillor, a neighbourhood meeting was held by the developer on March 25, 2009. The meeting was a chance for area residents to view the concept plans and proposed elevations, and to provide feedback directly to the developer. City staff was in attendance at the meeting. Concerns raised at the meeting were similar to the concerns noted above. In response to these concerns, the development concept has been modified to reduce density, restricting height, eliminating balconies for the northerly townhouses, reviewing traffic generation numbers, and ensuring that the proposed development is compatible with the existing neighbourhood.
7. The proposed draft plan of condominium (Common Elements Condominium) will be comprised of a condominium road that would provide vehicular accesses from Ambrose Avenue to the proposed 37 townhouse and maisonette units (see Appendix “C”). It would also contain the visitor parking area and ravine lands.

The condominium road will be created through the draft plan of condominium; however, the 37 individual lots within the large block fronting onto the private road will have to be created through a future exemption from Part Lot Control. Final approval and registration of the Common Elements Condominium cannot occur until such time as a Part Lot Control application is submitted and approved, and the By-law removing the lands from part lot control has been passed (see Recommendation (c)(iv)). As Part Lot Control exemptions can only be considered on lands within a registered plan, the plan of subdivision will also be required to be registered first. Therefore, in terms of sequence of approvals, the subdivision must first be registered (at least on this portion of the site), the Part Lot Control By-law must be passed by Council and registered, and then the Condominium may be registered.

The applicant must also enter into a Development Agreement with the City of Hamilton as a condition of draft plan approval. This Agreement is required to ensure that the tenure of all the subject residential parcels become “tied” to the proposed draft plan of condominium (Common Elements Condominium). This will have the effect of ensuring that individual townhouse lots are not sold until the condominium road has been registered as a common element under the Condominium Act (see Recommendation (c)(iii)).

The proposed condominium road will be privately owned and maintained. As a condition of approval, the applicant must include warning clause in the Development Agreement and the Purchase and Sale Agreements to advise perspective purchasers of the following (see Recommendation (c)(v)):

“Purchasers are advised that the City of Hamilton will not be providing any maintenance or snow removal service for the private condominium road.”

8. The proposed subdivision will consist of one block and five lots. The block will contain the proposed townhouse and maisonette units, as well as the condominium road, visitor parking area, and ravine lands (see Appendix “B”, Block 6). The five lots will contain four semi-detached dwellings (for a total of 8 units) and one single detached dwelling (see Appendix “B”, Lots 1-5).

Staff has had consideration for the criteria contained in Subsection 51(24) of the Planning Act to assess the appropriateness of the proposed subdivision. Staff advises that:

(a) It is consistent with the Provincial Policy Statement.

(b) It is not premature and is in the public interest.
(c) It conforms with the policies of the Official Plan.

(d) The lands can appropriately be used for the use for which it is to be subdivided.

(e) The proposed private condominium road will provide adequate access and connection to the established road system.

(f) The dimensions and shape of the proposed lots are appropriate.

(g) Restrictions and regulations for the development of the subdivision may be included in the implementing Zoning By-law Amendment, conditions of draft plan approval, and Subdivision Agreement.

(h) Staff and the Conservation Authority are satisfied concerns with regards to the erosion hazard associated with the watercourse ravine have been addressed. Flood control will be addressed through stormwater management plans that will be required as a standard condition of draft plan approval.

(i) Adequate municipal services are available, the particulars of which will be determined as part of the standard conditions of draft plan approval and Subdivision Agreement.

(j) School Boards did not have any concerns with the proposed development.

(k) No land will be dedicated to the City of Hamilton for public purposes, but the Owner will be required to pay Cash-in-Lieu of Parkland, at a rate of 1 hectare for each 300 dwelling units, for the proposed townhouse and maisonette units, and at a rate of 5% of the land value on the day prior to the day of issuance of each building permit for the single detached and semi-detached dwellings (Recommendation (a)(iii)).

(l) Efforts will be made, where possible, during development and thereafter to efficiently use and conserve energy.

(m) The massing, character, and external design of the proposed buildings was considered as part of the review, and will be reviewed in more detail through the Site Plan control process.

As a condition of draft approval, the following warning clause must be included in the Subdivision Agreement:

“Purchasers are advised that the maintenance of the retaining wall to be located along the northerly property line will be the sole responsibility of those owners who have any portion of the retaining wall contained within the limits of their property.”
ALTERNATIVES FOR CONSIDERATION:

In the event Council does not support the application, the lands would be subject to the existing “C” (Urban Protected Residential) District provisions.

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 applications for a Zoning By-law Amendment, Draft Plan of Subdivision and Draft Plan of Condominium (Common Elements).

POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

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

However, 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. Staff notes that an archaeological clearance letter of a Stage 1-2 archaeological assessment, conducted for the subject lands, was submitted with the subject applications. The clearance letter is from the Ministry of Culture and is dated March 27, 2008. The letter concludes that the subject lands should be considered free from further archaeological concern.

Growth Plan for the Greater Golden Horseshoe (Places to Grow)

The subject lands are located within the City of Hamilton’s built boundary and are consistent with general intensification policies of Places to Grow. Specifically, staff notes Policy 2.2.3.1, which states that by the year 2015 and for each year thereafter, a minimum of 40% of all residential development occurring annually within each upper and single-tier municipality will be within the built-up area.
Niagara Escarpment Plan Area

The subject lands are designated as “Escarpment Urban Area” in the Niagara Escarpment Plan. Comments from the Niagara Escarpment Commission indicate the proposal is in compliance with the “Urban Area” policies of the Plan, and they have no objections.

Hamilton-Wentworth Official Plan

The subject property is designated as “Urban Area” in the Hamilton-Wentworth Regional Official Plan. 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.

Policy B-9.2 states that the City shall consider the protection and preservation of regionally significant historical and cultural resources, including recognized 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, an archaeological clearance letter of a Stage 1-2 archaeological assessment conducted for the subject lands was submitted with the subject applications. The clearance letter is from the Ministry of Culture, and is dated March 27, 2008. The letter concludes that the subject lands should be considered free from further archaeological concern.

Hamilton Official Plan

The subject lands are designated “Major Institutional” on Schedule ‘A’ - Land Use Concept to the Official Plan and within “Special Policy Area 3” on Schedule ‘B’ - Special Policy Areas. The following policies, among others, are applicable to the subject lands:

Subsection A.2.6 - Major Institutional Uses

“A.2.6.5 Notwithstanding the policies set out above, in areas designated MAJOR INSTITUTIONAL, Residential uses may be permitted provided they are compatible with the surrounding area and are in keeping with the Residential policies set out in Subsections A.2.1 and C.7 of this Plan. (O.P.A. No. 5)

Subsection A.2.1 - Residential Uses

2.1.1 The primary uses permitted in the areas designated on Schedule ‘A’ as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
SUBJECT: Applications for Approval of a Draft Plan of Subdivision "Greenhill Glen", Zoning By-law Amendment, and Draft Plan of Condominium for Lands Located at 12 Ambrose Avenue, Hamilton (PED09310) (Ward 5) - Page 22 of 27

2.1.8 It is the intent of Council that a variety of housing styles, types, and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing, where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

2.1.10 Subject to the Ontario Building Code, as amended from time-to-time, development and redevelopment designs, which reflect improved energy efficiency and take into account innovations in building technology, will be encouraged.

2.1.11 Subject to the policies of Subsection B.1, preference will be given to the complete development of RESIDENTIAL neighbourhoods.

2.1.13 Plans for redevelopment will, to the satisfaction of Council, ensure that the RESIDENTIAL character of the area will be maintained or enhanced, and that the redevelopment will not burden existing facilities and services.

2.1.14 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 areas; and,

(ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses.

Subsection A.2.9.1 - Niagara Escarpment

2.9.1.8 Council will not support non-essential developments which will detract from the unique visual and scenic qualities of the brow face or base of the Niagara Escarpment or lands in the immediate vicinity. (O.P.A. No. 123)

Subsection C.7 - Residential Environment and Housing Policy

7.2 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 to maintain privacy, amenity, and value.

7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:
iii) Support RESIDENTIAL development such as infilling, redevelopment, and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy, and overview. (O.P.A. No. 128)"

The proposal has been amended to ensure that the height, bulk, and arrangement of buildings will achieve harmonious design and integrate with the surrounding area. The modifications provide for appropriate landscaping and buffering to ensure that impact on adjacent lower-density uses is minimized, and their privacy is maintained.

The infill development makes efficient use of existing building stock, while enhancing the scale and character of the existing residential area by having regard to natural vegetation, lot frontages, and areas, building height, coverage, mass, setbacks, privacy, and overview.

Based on the foregoing, the proposed amendments will maintain the general intent of the Official Plan, and will permit a form of development that it is compatible with the existing development in the immediate area. As a result, the applications conform to the “Major Institutional” designation on Schedule ‘A’ - Land Use Concept to the Official Plan and the “Special Policy Area 3” designation on Schedule ‘B’ - Special Policy Areas.

**Neighbourhood Plan**

The subject lands are designated Civic and Institutional on the Vincent Neighbourhood Plan. The proposal conforms with the Civic and Institutional designation.

**Urban Hamilton Official Plan**

The New Urban Hamilton Official Plan was adopted by Council on July 9, 2009. The subject lands are designated “Neighbourhoods” on Schedule ‘E-1’ Urban Land Use Designations. Lands designated “Neighbourhoods” permit residential dwellings, including second dwelling units and housing with supports, open space and parks, local community facilities/services, and local commercial uses. The proposal would fall within the Low Density Designation, which stipulates a maximum net residential density of 60 units per hectare.

**RELEVANT CONSULTATION:**

The following Departments and Agencies had no comments or objections:

- Budgets Section, Budgets and Finance Division.
- Taxation Division, Corporate Services Department.
- Infrastructure and Source Water Planning Section, Water and Wastewater Division.
The following Departments and Agencies submitted comments:

**The Traffic Engineering and Operations Section, Public Works Department** commented that as a condition of draft plan approval they recommend the access to the semi-detached units located on Lot 1 be located outside of the daylight triangle dedication (if required). The requirement for a Driveway Location Plan is included in the Standard Subdivision Agreement under Section 4.7.

Based on concerns raised by the residents, Traffic Engineering and Operations ran traffic generation numbers for the townhouse and maisonette units. They did not run numbers for the semi-detaching dwellings and single detached dwelling fronting onto Greenhill Avenue, as Greenhill Avenue is a collector road, and they determined there will not be any impact.

Based on the Institute of Transportation Engineers trip rate guidelines, the proposed 37 dwelling units should generate 26 vehicle trips in the AM peak hour and 29 vehicle trips in the PM peak hour. These numbers are total trips, so some drivers are entering and some are exiting. Usually in the AM peak, 75% of the trips are outbound and 25% are inbound. In the PM peak, 40% are outbound and 60% are inbound. The above was based on the assumption that 60% of the total trips (26 in the AM, 29 in the PM) would travel on Ambrose Avenue to and from Greenhill Avenue, and 40% would travel to and from Quigley Road via Veevers Drive.

The outcome of the review determined that the local road network and the existing stop controls at the various intersections in the neighbourhood will be able to handle the volumes generated by the proposed residential development.

Also in the comments were general comments and future site plan conditions, including the following:

It should be noted that utility relocations will be the responsibility of the applicant. An existing fire hydrant on Greenhill Avenue may need to be moved.

Comments from Forestry should be considered regarding the existing street trees on the Greenhill Avenue boulevard and potential impacts with residential access construction.

Sidewalks should be constructed through the access points on Greenhill Avenue and Ambrose Avenue. The inclusion of a private sidewalk connection should be provided from Ambrose Avenue into the development.
For the information of the owner/applicant, any new or change in access to Ambrose Avenue requires the applicant/owner to apply for and receive an Access Permit from the Traffic Engineering Section. The permit fee is $62.26. All works within the Ambrose Avenue road allowance must be completed by a contractor bonded by the City of Hamilton. Any utility or tree relocation will be the responsibility of the applicant.

Existing, redundant accesses should be removed and the curb line/boulevard/sidewalk and concrete sidewalk restored, to the satisfaction of the Director of Operations and Maintenance.

There will be a requirement for 5.0m x 5.0m vision triangles adjacent to the accesses to Ambrose Avenue, in which any landscaping at maturity or entrance feature must not exceed a height of 0.7m above the centreline elevation of the roadway. These triangles should be shown on the site plan, and any planting proposed within the triangles must be low level vegetation only.

**Hamilton Conservation Authority** commented that the eastern portion of the subject property contains a wooded ravine that is regulated by the Hamilton Conservation Authority pursuant to HCA Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation 97/04. A permit is required from the Authority for any development within the regulated area. The northern portion of the property is also subject to minor flooding from Lower Davis Creek during a Regulatory Storm event.

In response to HCA comments provided on February 23, 2009, the applicant submitted an amended geotechnical report, prepared by Trow and Associates, dated April 29, 2009, as well as a preliminary grading plan, prepared by S. Llewellyn and Associates Ltd., dated December 2008. Provided the eventual construction of the houses on the lots abutting the ravine follow the recommendations of the geotechnical report, HCA concerns with regards to the erosion hazard associated with the watercourse ravine has been addressed. A 7.5 metre setback from top of bank will be required in the amending By-law. No buildings, structures and grading shall be permitted within the setback.

Further, the subject property is approximately 1.3 hectares in area, and the construction of the proposed subdivision will result in a significant increase in impermeable area. As the property is located in the Lower Davis Creek subwatershed, which drains to the Redhill Creek and Hamilton Harbour, the development will require water management controls for both quantity and quality control to Level 1 quality. In the absence of the stormwater management plan, our office cannot provide formal comments on the preliminary grading plan at this time as stormwater management requirements may impact grading on the site. The applicant should complete a detailed lot grading and drainage plan for the subdivision, including appropriate sediment and erosion control measures, as well as volume calculations detailing the amount of flood storage volume to be potentially lost within the Regulatory floodplain elevation.

The above noted concerns have been addressed in Appendix “F”, as Condition Nos. 8-10 as well as the amending By-law.
The Forestry and Horticulture Section, Public Works Department commented that there are potential Urban Forestry conflicts as there are nine Municipal trees {Assets No. 163667 and Nos. 164695 to 164701} located on the Road Allowance of Greenhill Avenue.

These 150mm to 400mm d.b.h trees {Linden, 2 Native Red Maple, 2 Green Ash, Sugar Maple, 2 Locust and Walnut} were found to be in the range of Fair to Excellent condition.

A remnant woodlot area in a Ravine is proposed to be outside the limits of development and is not subject to the provisions of the Woodland Conservation By-law. The removal of edge trees to facilitate construction exposes interior trees which are generally growing with a large upper crown and minimal lateral limbs. These new edge trees are susceptible to blow over, and to mitigate the hazard associated with the structural failure of these trees, they should be inspected by a Certified Arborist to determine those trees with the greatest potential to fail.

To address this concern, the submission of a Tree Management Plan must be prepared by a Landscape Architect, and is included as a condition of Draft Plan approval (see Appendix “F”, Condition 11).

Bell Canada has requested the standard conditions of approval, which are included in the Standard Form Subdivision Agreement (Section 1.21(c)).

Canada Post has indicated they will be extending door-to-door mail delivery to the proposed development.

Horizon Utilities commented that they require a minimum of 6 months notification in order to prepare, design, and procure the materials required to service the site. They have requested that the Owner contact them at the site plan stage, and indicated that it takes approximately 6 months to purchase a transformer.

The Open Space and Park Planning Section, Public Works Department, has advised that parkland dedication, with payment in the form of Cash-in-Lieu, is required for the proposed development as no parkland is shown to be dedicated on the draft plan of subdivision. This requirement is included in the Standard Form Subdivision Agreement (Section 1.6) and as Recommendation (a)(iii).

The Strategic Planning Section, Public Works Department, has commented that the proponent should be aware of any recommendations from the Davis Creek Subwatershed Study. In addition, recommendations of the City of Hamilton Stormwater Master Plan for source and conveyance control should be incorporated into the servicing plans due to an increase of impervious area. Development Engineering will review storm water management details as part of the draft plan approval.
PUBLIC CONSULTATION

In accordance with the new provisions of the Planning Act and Council’s Public Participation Policy, 259 Notices of Complete Application and Preliminary Circulation were mailed to all property owners within 120 metres of the subject property on January 28, 2009. A Public Notice sign was also posted on the property on September 25, 2009, and Notice of the Public Meeting was given in accordance with the requirements of the Planning Act.

Eight letters (attached as Appendix “I”) were received in response to the pre-circulation letter. Concerns were raised include density, height, erosion, grading, flooding, traffic, the responsibility of the retaining wall, parking, visibility, preservation of the ravine, tenure, and depreciation of property values. An analysis of the concerns is discussed in the Analysis/Rationale section of this report.

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.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
The principles of intensification and best use of available land are applied.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Investment in Hamilton is enhanced and supported.

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

:DAF
Attachs. (10)
Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-08-088

Date:
Sept. 15, 2009

Appendix "A"
Scale: N.T.S.
Planner/Technician: DF / IF

Subject Property
12 Ambrose Avenue

Block 1 - Change in Zoning from the "C" (Urban Protected Residential) District to the "DS-1830" (Urban Protected Residential - One and Two Family Dwellings) District, Modified.

Block 2 - Change in Zoning from the "C" (Urban Protected Residential) District to the "RT-20/GS-1020" (Townhouse - Maisonette) District, Modified.

Block 3 - Change in Zoning from the "C" (Urban Protected Residential) District to the "RT-30/S-1620" (Street-Townhouse) District, Modified.

Block 4 - Change in Zoning from the "C" (Urban Protected Residential) District to the Conservation/Hazard Lands "P3" Zone (By-law No. 05-200)

Ward 5 Key Map
N.T.S.
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 municipality known as the “The Corporation of the City of Hamilton” 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 the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order, dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Item of Report of the Economic Development and Planning Committee at its meeting held on the day of 2009, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Sheet No. E-98 of the District maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended by changing the following:

   (a) That Block 1 be rezoned from the “C” (Urban Protected Residential, etc.) District to the “D/S-1620” (Urban Protected Residential - One and Two Family Dwellings) District, Modified;

   (b) That Block 2 be rezoned from the “C” (Urban Protected Residential, etc.) District to the “RT-20/S-1620” (Townhouse-Maisonette) District, Modified;

   (c) That Block 3 be rezoned from the “C” (Urban Protected Residential, etc.) District to the “RT-30/S-1620” (Street-Townhouse) District, Modified;

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

For the purpose of this By-law, building height shall mean the vertical distance measured from the average finished grade level adjacent to the front elevation of a building to the highest point of the roof structure.

For the purposes of this By-law, a common element condominium road shall be deemed to be a street.

That notwithstanding any other provision in this By-law, the visitor parking for the townhouse and maisonette units shall be provided within the common element condominium road.

2. That the “D” (Urban Protected Residential - One and Two Family Dwellings) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to the lands identified as Block “1”, be modified to the extent only of the following special requirements:

   (a) That notwithstanding Subsection (3) (iii) of Zoning By-law 6593, a rear yard depth of at least 7.0 metres shall be provided;

   (b) That notwithstanding Subsection (4) (ii) of Zoning By-law 6593, for a two family dwelling, a width of at least 18.0 metres and an area of at least 450 square metres shall be required; and,

   (c) That notwithstanding any other provisions of Zoning By-law 6593, a 7.5 metre setback shall be required from any land zoned Conservation/Hazard Land “P5” Zone (By-law 05-200). No buildings, structures, or grading are permitted within the setback.
3. That the “RT-20” (Townhouse-Maisonette) District regulations, as contained in Section 10 E of Zoning By-law No. 6593, applicable to the lands identified as Block “2”, be modified to the extent only of the following special requirements:

(a) That notwithstanding Subsection (3) Zoning By-law 6593, the maximum permitted height for the seven (7) northerly maisonette units shall be 12.5 metres;

(b) That notwithstanding Subsection (4)(a) of Zoning By-law 6593, the front yard setback shall be a minimum of 5.5 metres to the face of the garage and a minimum of 4.5 metres to the face of the dwelling. Where a yard abuts a street not internal to the development, the requirement shall be 3.0 metres;

(c) That notwithstanding Subsection (6) of Zoning By-law 6593, the minimum required depth shall be 12.4 metres;

(d) That notwithstanding Subsection (7)(b)(i) of Zoning By-law 6593, the minimum required lot area shall be 79 square metres;

(e) That notwithstanding Subsection (7)(b)(ii) of Zoning By-law 6593, the minimum required lot width shall be 6.4 metres;

(f) That Subsection (10) of Zoning By-law 6592 shall not apply;

(g) That notwithstanding Section 18A(7) of Zoning By-law 6593, the minimum required parking space size shall be 2.6 metres in width and 5.5 metres in length; and,

(h) That notwithstanding any other provisions of Zoning By-law 6593, a 7.5 metre setback shall be required from any land zoned Conservation/Hazard Land “P5” Zone (By-law 05-200). No buildings, structures, or grading are permitted within the setback.

4. That the “RT-30” (Street-Townhouse) District regulations, as contained in Section 10 F of Zoning By-law No. 6593, applicable to the lands identified as Block “3”, be modified to the extent only of the following special requirements:

(a) That notwithstanding Subsection (3) of Zoning By-law 6593, the maximum permitted height for the southerly townhouse units shall be 12.5 metres and not more than 1 storey for the northerly townhouse units;
(b) That notwithstanding Subsection (4)(a) of Zoning By-law 6593, the front yard setback shall be a minimum of 5.5 metres to the face of the garage and a minimum of 4.5 metres to the face of the dwelling. Where a yard abuts a street not internal to the development, the requirement shall be 3.0 metres;

(c) That notwithstanding Subsection (4)(b) of Zoning By-law 6593, a rear yard depth of at least 6.0 metres shall be provided;

(d) That notwithstanding Subsection (4)(c)(i) of Zoning By-law 6593, where a side yard abuts a wall that is not a party wall, a minimum width of 1.2 metres shall be provided along each side lot line for the southerly townhouse units only;

(e) That notwithstanding Subsection (5) of Zoning By-law 6593, the minimum distance between two exterior walls shall be 2.4 metres;

(f) That notwithstanding Subsection (6)(i) of Zoning By-law 6593, the minimum required lot area shall be 96 square metres;

(g) That notwithstanding Subsection (6)(ii) of Zoning By-law 6593, the minimum lot width for the southerly townhouses shall be 4.5 metres;

(h) That notwithstanding Section 18A(7) of Zoning By-law 6593, the minimum required parking space size shall be 2.6 metres in width and 5.5 metres in length;

(i) That notwithstanding any other provisions of Zoning By-law 6593, a 7.5 metre setback shall be required from any land zoned Conservation/Hazard Land “P5” Zone (By-law 05-200). No buildings, structures, or grading are permitted within the setback; and,

(j) That notwithstanding any other provisions in Zoning By-law 6593, balconies shall not be permitted for the northerly group of townhouse units. Decks shall be permitted no more than 1.5 metres above grade. For the purposes of the deck, grade shall be defined as the average grade elevation at the 4 corners of the deck.

5. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1620.

6. That Sheet No. E-98 of the District Maps is amended by marking the lands referred in Section 1 of this By-law as S-1620.
7. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the “D” (Urban Protected Residential - One and Two Family Dwellings) District provisions, the “RT-20” (Street-Townhouse) District provisions, and the “RT-30” (Street-Townhouse) District provisions, subject to the special requirements referred to in Sections 1, 2, 3 and 4 of this By-law.

8. 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 [blank] day of [blank], 2009

______________________________   ________________________________
Fred Eisenberger                Kevin C. Christenson
Mayor                           Clerk

ZAC-08-088
Appendix "D" to Report PED09310
(Page 6 of 6)

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

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Clerk

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Mayor

Schedule "A"

Map Forming Part of
By-Law No. 09-____
to Amend By-law No.6593

Subject Property
12 Ambrose Avenue

Block 1 - Change in Zoning from the "C" (Urban Protected Residential) District to the "DIS-1620" (Urban Protected Residential - One and Two Family Dwellings) District, Modified.

Block 2 - Change in Zoning from the "C" (Urban Protected Residential) District to the "RT-20/S-1620" (Townhouse - Maisonette) District, Modified.

Block 3 - Change in Zoning from the "C" (Urban Protected Residential) District to the "RT-30/S-1620" (Street-Townhouse) District, Modified.

Block 4 - Refer to By-law No. 05-200
CITY OF HAMILTON

BY-LAW No. 0000

To Amend Zoning By-law No. 05-200

12 Ambrose Avenue (Hamilton)

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 No. 05-200;

AND WHEREAS Zoning By-law No. 05-200 was enacted on the 25th day of May, 2005;

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

AND WHEREAS this By-law will be in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former City of Stoney Creek) with the approval of Official Plan Amendment No. ___.

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

1. That Map No. 1352 of Schedule ‘A’ to Zoning By-law No. 05-200, is amended by incorporating additional Conservation/Hazard Land (P5) Zone boundaries for the applicable lands, the extent and boundaries of which are shown as Block 4 on a plan hereto annexed as Schedule ‘A’.
2. 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.

3. That 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-08-088
Schedule "A"

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

Subject Property

- Block 1, 2 and 3 - Refer to By-law No. 8592
- Block 4 - Change in Zoning from the "C" (Urban Protected Residential) District to the Conservation Hazard Lands "P" Zone
Engineering

1. That, prior to servicing, the Owner submit a detailed Stormwater Management Report, to the satisfaction of the Director of Development Engineering. The report must address requirements for stormwater quantity and quality control. In addition, the report must address the fact that in the absence of an overland flow route, the 100 year storm shall be controlled to the capacity of the pipe to which the system outlets. In the absence of actual capacity analysis, the allowable release rate of flows from the proposed development is to be determined by the original design criteria of the existing system.

2. That, prior to servicing, due to the number of private service installations required on Greenhill Avenue, the Owner is required to reconstruct the full width pavement, concrete curb, and sidewalk adjacent to the subject lands, at their expense, on Greenhill Avenue from Ambrose Avenue to the east limit of Lot 5, to the satisfaction of the Director of Development Engineering.

3. That, prior to servicing, the Owner indicate the driveway locations on the engineering drawings for Lots 1 to 5, inclusive.

4. That, prior to servicing, the Owner agree to provide, in writing, to the satisfaction of the Director of Development Engineering, a plan or procedure for dealing with issues concerning dust control and street cleaning (external roads included) throughout construction within the subdivision, including homes. This document will also include, first point of contact, a schedule for regular cleaning of streets that is specific to the methods to be used, the source of water, and the contractor or agent to be used to undertake the works, as well as the contractor/agent contact information so that the City can direct works be completed, as necessary.

5. That, prior to servicing, the Owner agree that if blasting or hoe-ramming is required they will provide the City of Hamilton with a satisfactory pre-construction survey, to the satisfaction of the Director of Development Engineering.

6. That, prior to servicing, the Owner prepare an on-street parking plan for Ambrose Avenue, from Greenhill Avenue to the north limit of the development, based on the premise of achieving on-street parking for 40% of the total number of single and semi-detached units, and that the Owner initiate a petition to have the City rescind the existing “No Parking” By-law on Ambrose Avenue, at the Owner’s expense, all to the satisfaction of the Director of Development Engineering.

7. That, prior to servicing, the Owner be required to relocate, as required, all affected utility poles, hydrants, pedestals, hydro vaults, etc., to the satisfaction of the Director of Development Engineering.
Hamiton Conservation Authority

8. That, prior to preliminary grading or servicing, the Owner prepare and implement an erosion and sediment control plan for the subject property, to the satisfaction of the Hamilton Region conservation Authority. The approved plan should include the following notes:

   a) All erosion and sediment control measures shall be installed prior to development and maintained throughout the construction process, until all disturbed areas have been re-vegetated;

   b) All erosion and sediment control measures shall be inspected after each rainfall, to the satisfaction of Authority staff;

   c) Any disturbed area not scheduled for further construction within forty-five (45) days will be provided with a suitable temporary mulch and seed cover within seven (7) days of the completion of that particular phase of construction; and,

   d) All disturbed areas shall be re-vegetated with permanent cover immediately following completion of construction.

9. That, prior to preliminary grading or servicing, the Owner prepare and implement a Stormwater Management Plan for the subject property, to the satisfaction of the Hamilton Region Conservation Authority. The approved plan shall address stormwater quantity and quality issues, and will ensure that current Provincial drainage and stormwater quality guidelines are implemented.

10. That, prior to preliminary grading or servicing, the Owner prepare and implement a lot grading plan, to the satisfaction of the Hamilton Conservation Authority.

Forestry and Community Planning & Design

11. That, prior to preliminary grading or servicing, the Owner submit a tree preservation study and plan, prepared by a certified arborist or landscape architect, for review and approval by the Director of Capital Planning and Implementation, Public Works Department, and provide written certification from the Owner’s landscape architect/arborist to the Director of Development and Real Estate that all measures for the protection of isolated trees, tree clusters and woodlands, in accordance with the Detailed Tree Preservation Plan approved by the City, have been implemented and inspected, prior to any clearing or grubbing of the lands within the draft plan.

Development Planning

12. That, prior to registration, the following warning clauses be included in the Subdivision Agreement, to the satisfaction of the Director of Planning:
“Purchasers are advised that the maintenance of the retaining wall to be located along the northerly property line will be the sole responsibility of those owners who have any portion of the retaining wall contained within the limits of their property.”

“Purchasers of Lot 5 and the most easterly townhouse units within Block 6 are advised that the easterly 7.5 metres of the lot adjacent to the top of the valley bank shall not be used for any buildings or structures and no changes to grading shall be permitted.”

13. That, **prior to servicing**, the subdivision Billboard Sign required by clause 4.5 a) i) of the Standard Form Subdivision Agreement, shall include reference to the side yard restrictions for Lot 5 and the most easterly units within Block 6, to the satisfaction of the Director of Planning.
Fama, Danielle

From: Terry Jones  
Sent: Monday, April 06, 2009 6:05 PM  
To: Fama, Danielle  
Subject: Old St Anthony School

The plans that were shown on the 25 March 2009 does not fit with the present layout of the Greenhill/Ambrose Area. Fitting 49 units in a space that size the majority will have virtually no backyard only a small common play area. This is going to stick out like a sore thumb mainly because of the closeness and style when comparing it to what is here now.

The traffic will definitely increase this will surely add to the parking when these homes become occupied. A few years ago the road was under repair. This created such congestion in the area that resident in the area felt it was very put out for the lack of parking. Some of the new families will have school age kids this I believe will add at lease one more school bus. This will be adding more congestion to the road at that time of day. These are some of the obvious problems. That is all for now when I think of anymore I will pass them on to you.

Bye for now

Terry
Dawne Bouhuis  
44 Veevers Drive  
Hamilton ON L8K 5P7  

March 13, 2009  

Director, Planning Division  
Planning and Economic Development Department  
77 James Street North, Suite 400  
Hamilton, ON  L8R 2K3  

Regarding: Zoning By-law Amendments - File No. ZAC-08-088, 25T-200811 and 25CDM-200814  

I am writing to you in regards to 12 Ambrose Avenue (formerly St. Anthony’s School) and the planned development proposals by the current owner, Losani Homes. I have looked at the proposals and I am against them.  

The land in question has a ravine, which not only runs through the area they have proposed as Block 4, but also continues running through the northwest portion of the section they propose as Block 1. The ravine, in particular, the northwest portion, is a natural hazard that is steep with lots of vegetation and mature trees. It has been essential in controlling the erosion and flooding of this local area. It is one of the few small pockets of greenspace remaining within our city’s walls and I would hope that the City of Hamilton can respect and appreciate its natural features.  

Hamilton’s own Public Works Department, distributed a flyer in late spring of 2007, supporting tree and ravines for flood management. Hamilton has clearly gone on record stating that they discourage concrete development.  

Are the residents of the south side of Veevers, east of Ambrose, to suffer looking at the backs of enormous townhomes looming in our backyards? Or will it be retaining walls? And if so, who will assume liability in the years to come for these walls? Residents of the east side of Veevers will surely see their property value decrease if these proposals are approved and development allowed by Losani.  

Looking at Ambrose Avenue now, we clearly see a volume of parked vehicles. Most families have 2 to 3 cars. It has been my experience that many townhome garages are frequently used for storage and most residents park in visitors parking or on the road.  

I have lived within a townhome subdivision, have visited Losani Homes in both Grimsby and Binbrook and have always found the roads to be heavily congested with cars parked on every square inch of the roads both legally and illegally.  

They are also proposing having two roads coming out unto Ambrose Avenue. Ambrose Avenue is a steep hill and this would surely present problems for visibility. Ambrose does not have room to handle the traffic.
I am not against new development of single family homes with reasonable lot sizes. If it is done properly it can only enhance the neighbourhood and increase the resale value of existing homes. But it should be done with care and caution to the natural greenspace around us and certainly with respect and consideration of the existing residents. Losani's proposals do none of that. The developer's attempt to build on every inch of the property, with no regard as to how it's development affects local residents, is both unethical and unprincipled.

I urge you to please consider the legitimate thoughts and concerns of existing residents and the severe effects that this proposed subdivision will have on their homes.

Sincerely,

Dawne Bouhuis
Appendix “I” to Report PED09310
(Page 4 of 10)

FEB 25 2009

Pat and Geni Pontrelli
701 Greenhill ave.
Hamilton, Ontario,
L8K5G1

Director, Planning Division, Planning and Economic Development Department,
77 James Street North, Suite 400,
Hamilton, On L8R 2K3

To whom it may concern:

This letter is regarding File #: ZAC-08-088, 2ST-200811 and 25CDM-200814, the former St. Anthony’s school property on Greenhill and Ambrose avenues.

Please note that we strongly oppose any move by the city to change the existing by-law from single family dwelling designation to the new proposed Zoning By-Law Amendment. This feeling is supported by all residents in the area. We expect the city Planning Department to maintain the character of the neighbourhood. We have been in touch with our city councillor, Chad Collins, who shares our concern and is on board to preserve the character of the area and equally opposes any changes.

We respectfully wish to be notified of the decision to amend the Zoning By-law.

Yours sincerely,

Pat Pontrelli

Geni Pontrelli
Elias and Eleonora Haddad
36 Veevers Dr.
Hamilton, Ontario,
L8K-5P7

RECEIVED FEB 26 2009

City Clerk, Economic Development and Planning Committee,
City of Hamilton,
77 James Street N. Suite 220,
Ham, ON, L8R-2K3

To whom it may concern:

This letter is regarding file #: 2AC-08-088,
25T-200811 and 25CDM-200814, the former St. Anthony's school on Greenhill and Ambrose avenues.

Please note we are against any change in the existing by-law from single homes, all the residents in the area feel the same, we would like to keep the character of the neighbourhood. We have been in touch with Chad Collins, who also is concerned about these changes.

We respectfully wish to be notified of the adoption of any changes to the by-law or refusal of a request to amend the Zoning By-law.

Yours sincerely,

Elias & Eleonora Haddad.
Dear Ms. Fama,

We are writing this letter to inform you we are strongly opposed to the changing of the zoning of the former property of St. Anthony's School located on Greenhill and Ambrose avenues. We feel that by changing the existing by-law from single family dwelling designation to the new proposed zoning by-law amendment will definitely change the quality of the neighbourhood. The neighbourhood is made up of single family homes and we want to keep it that way. We feel that changing the existing single family dwelling designation to the new proposed zoning by-law amendment would cause depreciation in homes values. My spouse and myself worked very hard to acquire our present home and I do not wish it to decrease in value. We contacted Chad Collins, he shares our concern to preserve the present zoning. Police are quite regularly present at the highrise apartment on Quigley and Greenhill due to the nature of tenants that live there. I do not want the same problems behind me.

Yours sincerely,

Domenic and Anna Arpino

40 Veevers Drive

2/26/2009
Fama, Danielle

From: pat pontrelli
Sent: Sunday, February 22, 2009 3:45 PM
To: Fama, Danielle

Dear Ms. Fama,

Before you receive my letter regarding the property in question, I'm sending this response to establish a by-law for a new by-law allowing an "apartment building" to be built on the property. We are fed up with the high density living in the area. Leave the property for which it was originally designed, single family homes and a lovely ravine.

Thank you Mrs. Pontrelli for allowing me to use the computer. I'm an old fashioned guy with old fashioned ideas. I'd appreciate it if you did not ruin the neighbourhood.

Yours sincerely,

Lorne and Anne Marie Mahoney
705 Greenhill ave.
From: Gabby Thompson  
Sent: Thursday, February 05, 2009 2:30 PM  
To: Fama, Danielle  
Subject: File Nos: ZAC-08-088,25T-00811 and 25CDM-200814 12 Ambrose ave

File Nos: ZAC-08-088,25T-00811 and 25CDM-200814

Danielle Fama

I have received the letter regarding the property behind my residence at 48 Veevers Drive.

After reviewing the draft plans I have more questions than answers. They are very vague regarding measurement.

I'm wondering about how much property will be behind our yard and the back yard of the new resident behind us if any at all.

Also how high will the new resident building will be and will they be able to see into until now private back yard.

I'm very concerned about how this will affect the value of our home.

Thank you for time reading this letter please inform me with any informing you can with this matter.

Ed Thompson
Fama, Danielle

From: Cran
Sent: Tuesday, February 03, 2009 3:08 PM
To: Fama, Danielle
Cc: Collins, Chad
Subject: Zoning By-law Amendment File No: ZAC-08-088, 25T-200811 and 25CDM-200814

February 3, 2009

Ms. Danielle Fama
City of Hamilton Planning and Economic Development Department
East Section
77 James St. North, Suite 400
Hamilton, Ontario
L8R 2K3

Re: File No: ZAC-08-088, 25T-200811 and 25CDM-200814

Dear Ms. Fama:

Following our telephone conversation of February 2/09.

We were disappointed that the zoning bi-law was amended to permit multiple dwelling housing instead of the planned single-family homes, but are happy that the ravine lands are being protected.

Our main concerns:

1. Higher density of people, traffic, etc.... 49 units would probably generate at least 150 children requiring school busing.

2. 50 or more automobiles requiring parking facilities. Are there plans for off-street parking?

3. Will there be any buildings over 2 stories in height? The draft plans show lot outlines, but not the height of the buildings, etc.
    (When the “Skyhouses” at the corner of Greenhill and Quigley were built many years ago, they were planned as a four-floor building.....they neglected to inform us that each floor was 2 stories high.)

4. Water drainage from elevated areas.....e.g. There was severe flooding of lower-elevation properties in the National Drive area 2 or 3 years ago during a severe storm. Would Veevers Drive homes be in jeopardy?

5. The small parkland on Greenhill Ave. (across from proposed building site) has been good for the youngsters. We are concerned that there might be a problem at night with the older children hanging around the park. In the hot weather it is not unusual to have people in the park well after midnight. We would not want to see this become a bigger problem.
We would like to be kept up-to-date re any future developments.

Thank you.

Charles & Stephanie Cran
11 Venus Court
Hamilton, Ontario

L8K 5R5

Cc: Councillor Chad Collins