

## Re: Development Proposal for 264 Governor's Road

Here is a brief summary of the situation and our possible lines of attack.

- The proposal is to rezone this property from "Urban Reserve" to MR-1 (Multiple Unit Residential) and to get seven major variances from the Official Plan of Dundas to build a 29 unit (reduced from the original 31) townhouse complex. The Official Plan definition of RM-1 without variances would allow about 22 units and include several protections for the residents and neighbours, from which the applicant has requested exemption.

### Objections to Zoning Change

- The current Urban Reserve designation holds the land for future development. It is therefore a given that this parcel will be developed in some way as Dundas and the City of Hamilton grow. As we understand it, any opposition to the zoning change can only be based on whether or not the proposed change is the best use of the land from a planning perspective, whether it is compatible with other planning objectives of the City, and whether it conforms to the Provincial Planning Statement. If this specific zoning is denied, it is highly likely that another zoning change application will be forthcoming in the near future, for some other use.
- We are concerned that rezoning at this time will preclude other important potential uses of this land. Dundas has very little green-field land left. With a very large senior population, there is a demonstrable need for single story units that would allow seniors to downsize, thus freeing up other detached homes for new families. There is also a clear need for smaller, affordable homes to permit young families to enter the housing market. The nature of the surrounding community of West Highland consists entirely of single family detached residences, so there is an issue of compatibility with the existing development.
- This property contributes important environmental functions for the area, including significant absorption of storm water that would otherwise flow into very flood prone parts of Highland Park, and the downstream neighbourhoods of Central Park and Ann Street. Such absorption is important both for reducing flood risk and for recharging groundwater so that these creeks maintain a healthy flow during dry periods. Provincial policy is clear on the need to protect watersheds and to mitigate environmental hazards due to a predicted increase in major rainfall events. The property is also protected under the Dundas Tree Preservation By-law, and does act as a migration corridor from birds, mammals and insects during the spring and fall, connecting Spring Creek Valley with the Huntingwood Open Space and the escarpment forests to the north.
- The City of Hamilton has a major planning objective to provide and connect infrastructure for alternative transportation, such as cycling and walking. Major bicycle lanes and sidewalks are already funded for Governor's Road, and a pedestrian bridge is planned (but not yet funded) to link Sanctuary Park, Pleasant Valley and the Hamilton Brantford Rail Trail to Highland Drive and the local schools. A small sliver of land from St. Bernadette's school and the land at 264 Governor's Road is the only available option to complete the connection from

that project to Governor's Road, Huntingwood Ave., and connections to Sullivan's Lane and to multiuse trails in Veterans' Park.

- If Council approves the zoning change after the Planning Committee recommends it, an appeal of the zoning itself may be impractical. We are currently seeking professional advice on this.

### Objections to the Official Plan Amendment

If the zoning of RM-1 is approved by Council, the plan by the applicant would require seven variances from the current Dundas by-laws. We object to these variances as follows:

- Existing bylaws would allow a maximum of 22 or 23 townhouses on this 0.6 hA. (1.6 acre) parcel, rather than the 29 requested. Even if specific site planning concerns required reduction to fewer than 20 units, at a projected occupancy rate of 3.2 persons per unit, this would significantly exceed new provincial minima of 80 residents per hA. without any variance, would eliminate the need for several of the other variances, and would go some way to reducing the concerns of immediate neighbours. We argue that conformity to the existing bylaw is a very reasonable request.
- Existing bylaws require that 50% of the area be landscaped to permit water infiltration and to provide other environmental and aesthetic functions. The applicant has requested that this be reduced to 32%. On the very dense Highland clay of this property, canopy interception of rainwater and root penetration of the soil are vital to permitting water to absorb into the soil and not run off the surface during heavy storms.
- Existing bylaws require that RM-1 developments provide a 3 m buffer adjacent existing R1 (single family residential) properties. The purpose of this provision is to ensure privacy of current residents. Since several of the adjacent lots are irregularly shaped and shallow, without these buffers several neighbours would have multiple 10.5 m townhouse units rising only 7.5 m from their property lines, and would suffer serious loss of privacy and amenity value in their yards. The 3 m buffers along the south and east side of the property would also go a long way toward increasing the landscaped area toward 50% and providing for greater tree preservation and some tree replacement (see above). Such buffers would also offer future potential for rights-of-way to interconnect pedestrian routes and make our neighbourhood much friendlier to non-car movement.
- Existing bylaws permit maximum heights of 8.5 m from grade. The applicant has asked for a variance to allow the front tier of townhouses along Governor's Road to be 13.5 m high. Since this is neither a designated transportation corridor nor a development node as defined in the Hamilton official plan, and since no building within a kilometer of the site is taller than 10.5 m this is both out of character with the existing neighbourhood and a dangerous precedent to set.
- Existing bylaws require front and back yards 7.5 m deep. The applicant has requested a significant reduction of setbacks for the front yards of the units along Governor's Road, but at least on the easternmost block that puts the

fronts of the buildings within an important storm water catchment that is important to reducing and evening out peak flow to storm sewers during heavy rain. Enhancement of this system, rather than degradation, is one way to mitigate a significant increase in peak runoff on the steepest slopes, and thus to reduce the flooding risk to downstream neighbourhoods.

- Existing bylaws permit a reduction of side yards from the mandated 7.5 m to 3 m only if the sides of buildings have no windows. Because of irregularities in angles of fence lines, offsetting of and possible need to reorient buildings slightly at the site planning stage, we request that a minimum 7.5 m angular distance from any window to the adjacent property lines be maintained.
- Existing bylaws would require at least 9 visitor parking spots for a development of this size, while the applicant is asking for a reduction to 8. Given the complete absence of nearby legal on-street parking within easy walking range of this development, and the high likelihood that visitors, including service companies and contractors, will congest the very narrow cul-de-sacs when visitor parking is full, blocking residents and emergency vehicles alike, no exemption should be approved. Of course, this problem would disappear if the proposed subdivision were reduced to the mandated size for RM-1 zoning.

We believe that we would have very good grounds to appeal any changes to the Dundas Official Plan that are approved by City Council to the Local Planning Appeal Tribunal (LPAT). We are currently seeking professional advice on this from the Local Planning Appeal Support Centre (LPASC), an independent government agency set up to assist citizens trying to navigate the planning process. There is provision for citizens who appeal a decision to LPAT to be directly involved in negotiations with the city and the developer to try and reach a compromise plan.

While most of us would, of course, prefer to see 264 Governor's Road stay in its current state or be divided into just a few lots, we do not expect any person or group to be able to assemble the very large sum that it would require to buy this property. Our best hope is to get Council to agree that a less dense, less intrusive and more community-friendly project be approved within the current Official Plan bylaws, and that citizens get a say in how that development takes shape.