

Hamilton

CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

Table with 2 columns: Field Name and Content. Fields include TO, COMMITTEE DATE, SUBJECT/REPORT NO, WARD(S) AFFECTED, PREPARED BY, SUBMITTED BY, and SIGNATURE.

RECOMMENDATION

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-17-034 by ADL Process / FrostMECH Inc., Owner, to establish a site specific policy...
(i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED18186, be adopted by City Council; and,
(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017).
(b) That Amended Zoning By-law Amendment Application ZAC-17-024 by ADL Process / FrostMECH Inc., Owner, for a modification to the Light Industrial (M6) Zone...

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- (i) That the draft By-law, attached as Appendix "C" to Report PED18186, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and complies with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No. ____.
- (c) That the Environmental Approvals Branch of the Ontario Ministry of Environment, Conservation and Parks be advised that should the Ministry consider approving **Application MOE-CA-18-02, by Recycling 101 Ltd.**, for an Environmental Compliance Approval (Waste), MECP Reference #1159-AXYPHY, to permit a Waste Electronics and Electrical Equipment Processing and Transfer Facility to operate on the lands located at 119-123 Princess Street, Hamilton, as shown on Appendix "A" to Report PED18186, that the City of Hamilton requests:
- (i) That, if approved, the Environmental Compliance Approval include the following requirements:
 - (1) That the applicant applies for and receives final approval of a Site Plan Application from the City's Planning Division, to the satisfaction of the Manager of Development Planning, Heritage and Design;
 - (2) That the Environmental Compliance Approval limit the daily processing of waste to a maximum annual average of 100 tonnes per day, and a maximum storage of 750 tonnes of waste at any one time;
 - (3) That an inventory of waste types stored on site should be updated daily, and be provided to the Ministry of Environment, Conservation and Parks;
 - (4) That the waste streams accepted at this facility be limited to non-hazardous solid waste comprised of waste electronic and electrical equipment (WEEE) collected under the Ontario Electronic Stewardship (OES) Program from industrial, commercial and institutional (IC&I) sources;

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- (5) That the operation is enclosed within a building, and that no outside storage is permitted;
- (6) That a waste screening and testing program be developed and implemented to deal with unanticipated received materials;
- (7) That the hours of operation be limited as follows:
 - Internal operations from 07:00 to 24:00 hours, Monday to Friday;
 - Internal operations from 07:00 to 17:00 on Saturday; and,
 - Truck movement, including shipping and receiving, from 07:00 to 17:00 hours from Monday to Saturday;
- (8) That any fugitive hazardous waste quantities (i.e. batteries, leaded glass, ink, mercury switches, etc.) be identified and stored accordingly, and be sent to an approved recycler;
- (9) That an effective odour / dust / noise mitigation control plan for day-to-day activities be implemented;
- (10) That excellent on site housekeeping practices be implemented for overall general maintenance, including litter and vermin control;
- (11) That a spills prevention and containment measures plan be developed, and include measures to deal with douse water or fire water in the event of a fire;
- (12) That the proponent shall implement on site spills prevention and containment measures included in the Environmental Compliance Approval. That the Contingency Plans for spills on and off site, and clean-up procedures, are covered under the Environmental Compliance Approval, and that the City's Spill Reporting Line (905) 540-5188 and the Ministry of the Environment Spills Action Centre (800) 268-6060 be included in the company's Contingency Plan. Further, that a copy of the Contingency Plan be forwarded to the Compliance and Regulations Section, Water and Wastewater Division, Public Works Department, City of Hamilton. That the spill

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prevention and contingency plan be submitted to the satisfaction of the Ministry of Environment, Conservation and Parks;

- (13) That an exterior lock box be located near the primary entrance on the south side of the property, and that it continue to have a current copy of the approved fire safety plan, daily product inventory list, including product quantities and exact location within the facility, along with the MSDS sheets, as applicable, in a manner such that all noted documents are readily available to Hamilton Emergency Services – Fire, 24 hours a day, 7 days a week, 365 days a year;
 - (14) That waste accepted be limited to waste generated only from within Canada;
 - (15) That all bins of combustible material be stored in a sprinklered portion of the building;
 - (16) That the proponent be required to provide financial assurance to the Ministry of Environment, Conservation and Parks to cover final clean-up of the site, following the cessation of the use; and,
 - (17) That a Ministry of Environment, Conservation and Parks staff person be identified to the City as the contact for all issues and complaints regarding the subject property.
- (ii) That a copy of Report PED18186 be forwarded to the Environmental Approvals Branch of the Ministry of Environment, Conservation and Parks for their consideration;
 - (iii) That the Environmental Approvals Branch of the Ministry of the Environment, Conservation and Parks be requested to forward a copy of its final decision respecting the Environmental Compliance Approval to the Clerk, City of Hamilton.

EXECUTIVE SUMMARY

The subject property is municipally known as 119-123 Princess Street, Hamilton. The Owner, ADL Process, has applied for Amendments to the Urban Hamilton Official Plan (UHOP) and the City of Hamilton Zoning By-law No. 05-200 to permit a Waste Electronics and Electrical Equipment (WEEE) Processing and Transfer Facility on the subject lands within the Light Industrial (M6) Zone.

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The facility operator, Recycling 101 Ltd., has applied to the Environmental Approvals Branch of the Ontario Ministry of Environment, Conservation and Parks (MECP), formerly the Ministry of Environment and Climate Change, for an Environmental Compliance Approval (ECA), MECP Reference #1159-AXYPHY, to allow a Waste Electronics and Electrical Equipment Processing and Transfer Facility to operate on the subject property. Based on the comments received from an internal circulation and the analysis undertaken, this MECP application for an ECA should be subject to a number of conditions being included in the Certificate. The requirement that facility operator Recycle 101 Ltd. receive an ECA from the MECP will ensure that this operation will only include materials that can be categorized as WEEE in accordance with Ontario Regulation 347. The MECP is responsible for monitoring compliance of all conditions of the ECA.

The proposal has merit and can be supported as the applications are consistent with the Provincial Policy Statement (PPS), conform to the Growth Plan for the Greater Golden Horseshoe (2017). The proposed development can be categorized as a Class I industry and has mitigated potential impacts of the operation by locating all operations to the interior of the building and limiting the hours of operation. The proposal is therefore considered to be compatible with the existing industrial operations that surround the property.

Alternatives for Consideration – See Page 33

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

- Financial: N/A
- Staffing: N/A
- Legal: As required by the *Planning Act*, Council shall hold at least one public meeting to consider applications for an Official Plan Amendment and Zoning By-law Amendment.

Environmental Compliance Approval Applications are processed by the Ontario Ministry of the Environment, Conservation and Parks under the authority of the *Environmental Protection Act*. The City of Hamilton has been formally requested to provide comments to the Ministry on this specific application.

HISTORICAL BACKGROUND

The subject property is located on the north side of Princess Street, north east of the intersection of Princess Street and Sherman Avenue North and was previously used for the manufacturing of metal ducting, jointing parts and accessories.

The property is surrounded to the north by a CNR Railway corridor, to the east by EnviroWaste Hazardous Waste Management Facility and eZ Waste Waste Management Facility, to the south by Glover's Threaded Products Inc. and three existing legal non-confirming single detached dwellings, and to the west by an auto sales, service and parts operation and permitted single detached dwellings.

The subject property is comprised of a two storey brick building believed to have been constructed prior to the twentieth century, a three storey industrial warehouse believed to have been constructed in the 1920s, and a one storey industrial warehouse. No structural changes are proposed to the existing buildings. The applicant proposes interior renovations as well as exterior cladding and window upgrades. Seven parking spaces, including one barrier free space, are provided behind the buildings, accessed via Princess Street on the east side of the property. The existing loading area is located on Princess Street, near the intersection of Princess Street and Sherman Avenue North, and encroaches into the Princess Street road allowance.

Proposal

These applications propose to develop the subject property for use as a WEEE Processing and Transfer Facility, receiving a maximum of 100 tonnes per day of waste, storing a maximum of 750 tonnes at any one time, and is estimated to employ 20 individuals. The operation will include loading and unloading of vehicles, temporary storage internally of materials being received and shipped, de-packaging, dismantling and secure storage of asset material, and offices serving the operation. The source of materials includes industrial, commercial and institutional electronics. The hours of the processing operation are proposed to be from 07:00 to 24:00 h, Monday to Friday, and 07:00 to 17:00 hours on Saturday. The receipt of materials and truck movement will be limited to the hours of 07:00 to 17:00 hours, Monday to Saturday.

The applicant operates a similar facility to this proposal, located in Toronto, where the existing facility limits truck traffic to 10 vehicles per day, as is proposed in these applications. In the existing facility this maximum number of vehicles has only been reached a small number of times with the past 17 years. The applicants do not anticipate that this maximum will be reached in Hamilton.

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The subject property includes three existing buildings, with the following operations proposed in each:

- 119 Princess Street:
 - One existing two storey building of 1,145 sq. m. for loading and unloading vehicles and the temporary storage of materials awaiting dismantling, being received and / or shipped;
 - 1,160 sq. m. for processing of material in a lower level;
- 121 – 123 Princess Street:
 - One existing three storey building of 1,905 sq m to be used for de-packaging, dismantling and secure storage of asset materials; and,
- 123 Princess Street:
 - One existing two storey building of 370 sq. m. of office space for the WEEE use.

The original application included a micro-brewery as an additional use, and proposed a separation distance of 40 m from a sensitive land use. The application was revised by staff due to the determination that the closest sensitive land use is a legal non-conforming residential dwelling located 32 m from the subject property instead of the 40 m proposed. The proposed micro-brewery use was removed by the applicant.

The purpose of the UHOP Amendment Application is to include a definition of WEEE Processing and Transfer Facility, to permit a WEEE Processing and Transfer Facility on the subject property and to allow a WEEE Processing Facility within 30 metres of a sensitive land use. Further, an amendment to the City of Hamilton Zoning By-law No. 05-200 is required to include a definition of WEEE Processing and Transfer Facility and to modify the Light Industrial (M6) Zone to permit a WEEE Processing and Transfer Facility use in the zone and to recognize the existing buildings.

The purpose of the ECA Application to the Environmental Approvals Branch of the MECP is to allow a Waste Electronics and Electrical Equipment Processing and Transfer Facility to operate on the subject property, receiving a maximum of 100 tonnes per day of waste and storing a maximum of 750 tonnes at any one time. An ECA pursuant to Part V of the *Environmental Protection Act* is a legally binding document

through which an individual, company, or municipality is permitted, by the MECP, to undertake an activity related to the management of waste.

Each ECA is drafted to address the site-specific considerations relevant to the proposal, and contains enforceable requirements that ensure environmental and health protection, compliance with legislation, and policy requirements. The ECA stipulates the types of wastes that can be managed at the facility, and contains conditions that describe the manner in which the facility is to be operated. Failure to comply with any of the ECA's conditions constitutes a violation of the *Environmental Protection Act*, and is grounds for enforcement through the *Provincial Offenses Act*. The MECP is responsible for monitoring compliance of all conditions of the ECA.

Chronology

- February 7, 2017: Zoning By-law Amendment ZAC-17-024 Application received.
- February 17, 2017: Notice of Incomplete Application sent to applicant.
- March 16, 2017: Additional information provided by the applicant.
- March 22, 2017: Zoning By-law Amendment ZAC-17-024 Application deemed complete.
- March 31, 2017: Notice to Public of Complete Application circulated to 150 property owners within 120 m of the subject property.
- April 10, 2017: Public Notice sign installed on subject property.
- May 2, 2017: Notices for applicant-held Public Open House were distributed to 150 property owners within 120 m of the subject property.
- May 25, 2017: Public Open House hosted by applicant on subject property.
- July 14, 2017: Applicant advised of requirement to submit application for an Urban Hamilton Official Plan Amendment.
- September 29, 2017: Urban Hamilton Official Plan Amendment UHOPA-17-034 Application received.
- October 27, 2017: Application UHOPA-17-034 deemed complete.

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- November 10, 2017: Notice to Public of Complete Application for application UHOPA-17-034 circulated to 150 property owners within 120 m of the subject property.
- November 11, 2017: Public Notice sign updated on subject property.
- February 26, 2018: Applicant submitted additional information in response to comments received.
- May 28, 2018: Notice received from the Ministry of Environment and Climate Change (now Ministry of Environment, Conservation and Parks) requesting the City of Hamilton provide comment regarding application for a new Environmental Compliance Approval.
- June 5, 2018: Staff provided request for an extension of the deadline for comment to the Ministry for the purpose of Council's consideration of the UHOP and Zoning By-law Amendment Applications.
- June 14, 2018: Notices for applicant held Public Open House were distributed to 150 property owners within 120 m of the subject property.
- June 21, 2018: New Environmental Compliance Approval (Waste Management) Application received.
- June 28, 2018: Public Open House hosted by applicant on subject property.
- August 22, 2018: Public Notice Sign updated with Public Meeting date.
- August 31, 2018: Notice of Public Meeting sent to 150 property owners within 120 m of the subject property.

Details of Submitted Applications

- Agent / Applicant:** Metropolitan Consulting Inc. (c/o Kevin Gonnson)
- Owner:** ADL Process / FrostMECH Inc.
- Facility Operator:** Recycle 101 Ltd.
- Location:** 119-123 Princess Street

- “1.1.1 Healthy, liveable and safe communities are sustained by:
- a. promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
 - b. accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
 - c. avoiding development and land use patterns which may cause environmental or public health and safety concerns;
 - e. promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;
- 1.1.3.1 *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted.
- 1.1.3.2 Land use patterns within *settlement areas* shall be based on:
- a. densities and a mix of land uses which:
 - 1. efficiently use land and resources;
 - 2. are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and / or uneconomical expansion;
 - 3. minimize negative impacts to air quality and climate change, and promote energy efficiency;
 - 4. support *active transportation*;
 - 5. transit-supportive, where transit is planned, exists or may be developed; and,

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6. are *freight-supportive*; and

- b. a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.”

These applications make efficient use of land in that they propose to reuse existing buildings on an underutilized site within lands identified and historically used for Employment. The proposal will contribute to the mix of employment uses in the area with a small scale, self-contained operation anticipated to have no impact to health and safety. The subject property is supported by arterial transportation routes and can be conveniently accessed by multiple transportation options. The location of the proposed facility contributes to an existing cluster of businesses related to waste management and which also require proximity to major goods movement corridors.

“1.2.6.1 *Major facilities and sensitive land uses* should be planned to ensure they are appropriately designed, buffered and / or separated from each other to prevent or mitigate *adverse effects* from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of *major facilities*.

6.0 Definitions

Major facilities:

means facilities which may require separation from *sensitive land uses*, including but not limited to airports, transportation infrastructure and corridors, *rail facilities*, *marine facilities*, sewage treatment facilities, *waste management systems*, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.

Waste management system:

means sites and facilities to accommodate solid waste from one or more municipalities and includes recycling facilities, transfer stations, processing sites and disposal sites.”

These applications propose a use that can be defined as a major facility for a waste management system. However, the proposed operation has been planned in such a way that odour, noise and other potential contaminants have been buffered from nearby

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residential uses through mitigation measures consistent with the Class I industry categorization of Ontario's D-6 Compatibility between Industrial Facilities Guidelines.

The D-6 Compatibility Guidelines outline a range of separation distances for Class I industries as being 20 to 70 m from sensitive land uses. The purpose of a larger separation distance of 70 m is to mitigate potential adverse effects, such as factors including outputs, scale, process, and operation / intensity, caused by the industry where the proposal has not provided substantiating information that potential effects have been otherwise mitigated. The lesser distance of 20 m recommended in the Guidelines applies when a proposed industrial use has demonstrated that adverse effects have been mitigated.

The proposed development can be categorized as a Class I industry based on the following criteria:

- Noise is not audible off of the subject property due to the location of all operations being within the building;
- Dust and / or odour will not be intense due to the location of all operations being within the building;
- No ground borne vibration is anticipated on the subject property;
- The operation will not include outside storage, and the scale of the operation, limited by the ECA to a maximum of 100 tonnes per day of waste received and storing a maximum of 750 tonnes at any one time and will be enclosed within existing buildings; and,
- Truck movement has been limited to the hours of 07:00 to 17:00 from Monday to Saturday, which are compliant with the City of Hamilton Noise Control By-law No. 11-285.

Having mitigated potential effects by locating operations inside the existing buildings and limiting hours of operation, this proposal can be categorized as a Class I industry and is therefore eligible to the lesser minimum recommended separation distance of 20 m from sensitive land uses in accordance with the Guidelines. As a result minimal risk to public health and safety is expected.

"1.3.2.1 Planning authorities shall plan for, protect and preserve *employment* areas for current and future uses and ensure that the necessary *infrastructure* is provided to support current and projected needs.

- 1.3.2.3 Planning authorities shall protect *employment areas* in proximity to *major goods movement facilities and corridors* for employment uses that require those locations.”

The subject property is located in an area that has been historically used for industrial purposes and is designated “Employment Area - Industrial Land” within the UHOP. The proposal is estimated to employ 20 individuals. The subject property is located such that it has access to necessary infrastructure, particularly transportation corridors.

- “1.6.10.1 *Waste management systems* need to be provided that are of an appropriate size and type to accommodate present and future requirements, and facilitate, encourage and promote reduction, reuse and recycling objectives. Planning authorities should consider the implications of development and land use patterns on waste generation, management and diversion.

Waste management systems shall be located and designed in accordance with provincial legislation and standards.”

These applications propose a facility for processing and recycling of industrial, commercial and institutional electronics, thereby removing these products from conventional waste streams so that components may be recycled where possible, and waste may be properly disposed. The City of Hamilton adopted The Solid Waste Management Master Plan (2012) to manage the City’s waste over a 25 year period. This plan has identified increasing the diversion target of WEEE as a priority, targeting a rate of 62% by 2021. This is an increase of 0.45% above the 2010 diversion range. This proposal contributes to achieving this target.

In regards to location and design of waste management systems, as previously noted the provincial guidelines concerning compatibility between industrial facilities and sensitive land uses identify that a Class I industrial facility may be located within 20 m of a sensitive land use as long as potential impacts of the industrial operation have been mitigated. The sensitive land use which is located closest to the subject property is a legal non-conforming single detached dwelling located 32 m away. While the potential negative impacts to the existing residential property must be considered against the proposal, it is important to also consider the existing industrial uses permitted by the M6 Zone. Staff are satisfied that these applications have proposed appropriate mitigation, including locating the operation inside existing buildings consistent with the Class I industry categorization. Also the internal operations of the facility and potential noise impacts will be further reviewed in detail through the MECP ECA process, and through a noise study that will be required at the Site Plan Control stage.

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“2.6.1 *Significant built heritage resources and significant cultural heritage landscapes shall be conserved.*”

As noted, the subject property includes a two storey brick building believed to have been constructed prior to the twentieth century and a three storey industrial warehouse believed to have been constructed in the 1920s. The third building on the site, located at 119 Princess Street, was not determined to have cultural heritage significance. Although not formally recognized under the *Ontario Heritage Act* through registration or designation, the subject property is of potential cultural heritage value. The City recognizes there may be cultural heritage properties that are not yet identified or included in the Register of Property of Cultural Heritage Value or Interest nor designated under the *Ontario Heritage Act*, but still may be of cultural heritage interest. These may be properties that have yet to be surveyed, or otherwise identified, or their significance and cultural heritage value has not been comprehensively evaluated but are still worthy of conservation. As such it will be presented to the Inventory and Research Working Group of the Hamilton Municipal Heritage Committee for consideration to add the property to the City’s Register of Property of Cultural Heritage Value and / or Interest. These applications conserve this significant built heritage in that they propose to preserve and repurpose the existing buildings.

Therefore, staff are satisfied that these applications are consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe (2017)

The subject lands are located within the built-up area, as defined by the Growth Plan. Section 1.2.1 of the Growth Plan outlines a number of Guiding Principles regarding how land is developed, resources are managed and protected, and public dollars are invested. The subject proposal conforms to these Guiding Principles in that:

- It provides flexibility to capitalize on new economic and employment opportunities as they emerge, while providing certainty for traditional industries by preserving and maintaining industrially zoned land.
- It conserves and promotes *cultural heritage resources* to support the social, economic, and cultural well-being of all communities, including First Nations and Métis communities through the adaptive re-use of the existing buildings.

“2.2.1.4. Applying the policies of this Plan will support the achievement of *complete communities* that:

- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and *public service facilities*;

2.2.5.1 Economic development and competitiveness in the *GGH* will be promoted by:

- a) making more efficient use of existing *employment areas* and vacant and underutilized employment lands and increasing employment densities;”

As previously discussed, these applications will contribute to the mix of employment uses in the existing Employment Area on an underutilized site. The subject property is supported by arterial transportation routes and can be conveniently accessed by multiple transportation options. The location of the proposed facility contributes to an existing cluster of businesses related to waste management and which also require proximity to major goods movement corridors.

Therefore, the proposal conforms to the Growth Plan (2017).

Urban Hamilton Official Plan (UHOP)

The subject property is identified as “Employment Areas” on Schedule ‘E’ – Urban Structure and designated “Employment Area - Industrial Land” on Schedule ‘E-1’ – Urban Land Use Designations of the UHOP. The following policies, amongst others, are applicable to the proposal.

Employment Areas

“E.2.7.2 *Employment Areas* shall provide employment through a broad range of uses, including traditional industrial uses, research and *development* uses, and other uses. Uses which support the businesses and employees of the employment area shall be permitted. Major retail uses or residential uses shall not be permitted. The permitted uses shall be described in more detail in Section E.5.0 – Employment Area Designations.

E.2.7.4 To meet the long-term market demands and locational requirements of the various industrial sectors, existing *Employment Areas* shall be retained.

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Employment Area Designations

- E.5.1.1 Recognize and support the contribution of older industrial areas and existing and newly developing business parks, such as the West Hamilton Innovation District and the Airport Employment Growth District.
- E.5.1.13 Facilitate Hamilton's waste management system by providing clear direction on planning for and the management and disposal of waste produced within the City's boundaries. In this regard, both public and private *waste management facilities* play strategic roles in the City's overall waste management system.
- E.5.1.15 Implement the recommendations of the Solid Waste Management Master Plan, where appropriate."

The subject property is located within one of the City's older industrial areas and is well supported by a range of transportation infrastructure.

The applicant has estimated that the proposed electronic waste recycling facility will provide employment of 20 individuals in the private sector of waste management and will also contribute to the City's targeted diversion rate as per the Solid Waste Management Master Plan.

Employment Area Designations – General Policies

- "E.5.2.7.1 The following provisions apply to all lands designated Employment Area – Industrial Land, Employment Area – Business Park, Employment Area – Airport Employment Growth District, and Employment Area – Shipping and Navigation on Schedule E-1 – Urban Land Use Designations (OPA 35):
- a) New *development* within Employment Area designations shall enhance the quality of the public realm along all public roads within and bounding business parks, along the Queen Elizabeth Way, the non-elevated portions of Burlington Street East and public roads between lands designated Employment Area and lands designated Neighbourhoods or Institutional within older industrial areas. The design and placement of buildings, structures, parking, loading, outside storage and assembly areas, lighting and landscaping, shall provide a safe, functional and visually attractive environment for pedestrians and vehicles.

- b) *Sensitive land uses* within the Neighbourhoods, Institutional or Commercial and Mixed Use designations shall be protected from the potential adverse impacts of heavy industrial uses within the lands designated Employment Area, and industrial uses shall be protected from *sensitive land uses* as follows:
- i) The City shall have regard for provincial guidelines concerning compatibility between industrial facilities and *sensitive land uses*, and in mitigating the potential adverse impacts not addressed by the guidelines.
 - ii) The proponent of either a new *sensitive land use* within the Neighbourhoods, Institutional or Commercial and Mixed Use designations, or a new industrial facility within an Employment Area designation, shall be responsible for addressing and implementing the necessary mitigation measures to the satisfaction of the City.
 - iii) The preferred approach to mitigation shall be the establishment of a separation distance and / or an appropriate transitional land use. In some cases, noxious manufacturing uses may be prohibited through the Zoning By-law.
 - iv) Other mitigation measures which may be appropriate include: screening, barriers, landscaping, mechanical or other technological mitigation, traffic mitigation, and lighting control.
- e) Waste management facilities shall include the following uses: waste processing facilities, waste transfer facilities, hazardous waste management facilities, and waste disposal facilities.

Employment Area – Industrial Land Designation

E.5.3.2 The following uses shall be permitted on lands designated Employment Area – Industrial Land on Schedule E-1 – Urban Land Use Designations:

- e) waste processing facilities and waste transfer facilities;

E.5.3.5 The following policies shall apply to the lands designated Employment Area – Industrial Land on Schedule E-1 – Urban Land Use Designations:

- c) A range of *compatible* employment uses shall be encouraged to locate adjacent to lands designated Neighbourhoods, Institutional or Commercial and Mixed Use. Outdoor storage, assembly and loading areas shall be appropriately located and buffered from these adjacent lands.
- d) *Sensitive land uses* within the Neighbourhoods, Institutional or Commercial and Mixed Use designations, located in proximity to Barton Street East shall be buffered from heavy industrial uses by transitional employment uses.

E.5.3.6 New waste management facilities shall be evaluated on the basis of the following criteria:

- a) compatibility between existing *sensitive land uses* and the proposed *waste management facility*;
- b) protection of public health and safety;
- c) protection of the natural heritage system and *cultural heritage resources*;
- d) capacity to effectively service prospective *waste management facilities*, including traffic management, adequate water and wastewater services and storm water management facilities;
- e) appropriate site design, including: access, parking, building design and setbacks, outdoor storage, noise and odour abatement, and visual barrier requirements.

E.5.3.7 *Waste processing facilities* and *waste transfer facilities*, including expansions, shall be located a minimum of 300 metres from a *sensitive land use* within the Neighbourhoods, Institutional or Commercial and Mixed Use designations.

E.5.3.7.1 Notwithstanding Policy E.5.3.7 above, *waste processing facilities* and *waste transfer facilities*, including expansions, may be permitted within 70 metres to 300 metres of a *sensitive land use* within the Neighbourhoods, Institutional or Commercial and Mixed Use designations, subject to amendment to the Zoning By-law. In addition to the requirements of Section F.1.19 – Complete Application Requirements and Formal

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Consultation, the applicant shall demonstrate, through a planning justification report or any other study as may be required by the City, an analysis of the following:

- a) the appropriateness of the proposed land use in relation to surrounding land uses;
- b) mitigation of potential impacts to *sensitive land uses*, the natural environment or *cultural heritage resources* located within 300 metres of the proposed *waste management facility*, which shall include noise, odour, vibration, dust, traffic, air quality, litter, and vermin and pest control measures; and,
- c) on-site wastewater and storm water management measures.

E.5.3.8 *Hazardous waste management facilities*, including expansions, shall only be permitted by amendment to this Plan and the Zoning By-law. In addition to the requirements of Section F.1.19 – Complete Application Requirements and Formal Consultation, the following shall apply:

- a) Facilities shall be set back a minimum of 300 metres from a *sensitive land use* within the Neighbourhoods, Institutional or Commercial and Mixed Use designations.
- b) The applicant shall demonstrate, through a planning justification report or any other study as may be required by the City, an analysis of the following:
 - i) the appropriateness of the proposed land use in relation to surrounding land uses;
 - ii) mitigation of potential impacts to *sensitive land uses*, the natural environment or *cultural heritage resources* located within 1000 metres of the proposed *waste management facility*, which shall include noise, odour, vibration, dust, traffic, air quality, litter, vermin and pest control measures;
 - iii) on-site wastewater and storm water management measures; and,
 - iv) an emergency management plan.

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G. Glossary

Hazardous Waste Management Facility:

means a waste transfer facility, a waste processing facility or a waste disposal facility that handles hazardous waste, and which has a Certificate of Approval for such purpose under Part V of the Environmental Protection Act. A hazardous waste management facility may also include the storage, transfer or processing of non-hazardous waste.”

As per Policies E.5.2.7.1 and E.5.3.5, the proposal indicates that the applicant intends to enhance the quality of the public realm through the reuse of the existing structures and the existing loading facility facing Princess Street and that these will be enhanced through improved landscaping, and screening surface parking behind the buildings. Further, the proposed amendment will not permit outdoor storage. These mitigation measures and design improvements will contribute to an attractive environment for pedestrians and vehicles.

In regards to Policy E.5.3.7.1 a) the subject property is surrounded by a variety of uses which include other industrial uses, such as two existing waste management facilities to the east and a manufacturing facility to the south, and sensitive land uses such as residential uses. Some of the existing single detached dwellings are within the Light Industrial (M6) Zone of Zoning By-law No. 05-200, and the balance are within the “D” (Urban Protected Residential, etc.) District of Zoning By-law No. 6593. Also immediately to the west is an auto sales and service business in the “H” (Community Shopping and Commercial) District which can be considered a transitional use to the “D” (Urban Protected Residential, etc.) District containing dwellings. The closest residential use is located 32 m from the subject property and considered to be legal non-conforming as it is zoned (M6). The closest residentially zoned property is located 42 m from the subject property and is zoned “D” District.

Respecting Policy E.5.3.7.1. b) and c), staff are satisfied that potential effects of the operation have been mitigated through locating the operations of the facility entirely internal of the structures, and limiting the hours of truck movement to 07:00 to 17:00 hours Monday to Saturday in accordance with Noise Control By-law No. 11-285. On site water and waste water will be addressed at the Site Plan Control stage with the requirement that it will be managed on site.

In regards to Policies E.5.2.7.1. e) and E.5.3.8, these applications propose a facility for processing and recycling of industrial, commercial and institutional electronics, removing these products from conventional waste streams so that components may be

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recycled where possible, and waste may be properly disposed. The applicant has indicated that the proposed operation does include handling of small amounts of battery wastes and mercury containing wastes from fluorescent fixtures, and that these materials are removed during the manual dismantling processes. Also, Recycle 101 Ltd., facility operator, will register these materials on the Hazardous Waste Information Network (HWIN). The MECP has indicated that the process at this facility will result in some amount of hazardous waste, and the operator must register these on HWIN and follow the requirements for storage and disposal that will be imposed upon the operation by the Ministry. However, the MECP has indicated that WEEE does not meet the requirement to be considered hazardous waste, in accordance with Ontario *Regulation 347*, and that WEEE is exempted from the definition of subject waste. As a result, the MECP has indicated that the presence of small amounts of properly stored residual hazardous waste directly resulting from the recovery / recycling of WEEE should not pose a threat to surrounding uses. Staff are satisfied with the determination by the MECP that WEEE is not hazardous waste.

Per Policies E.5.3.6 and E.5.3.8 b), these applications mitigate the effects of the proposal and protect health and safety by locating the entire operation within the existing buildings. The subject lands are located in a historically industrial area of the City which has adequate servicing, and are not located adjacent to natural heritage features. An emergency management plan has not been provided but this documentation will be required at the Site Plan Control stage.

Lastly, the provincial guidelines concerning compatibility between industrial facilities and sensitive land uses identify that a Class I industrial facility may be located within 20 m of a sensitive lands use as long as potential impacts of the industrial operation have been mitigated. The guidelines provide criteria for the categorization of a Class I industrial use which considers outputs, scale, process, operation and intensity. The policies of E.5.3.7 and E.5.3.7.1 were established through Report PED08064(b) and are based on an analysis of Waste Management Facilities existing within the City of Hamilton at that time, which included operations that were categorized as Class II industries. As a precautionary approach, the City adopted the larger separation distances of 70 to 300 metres according to Class II industries that do not consider mitigation measures. Further, the recommendation of Report PED08064(b) did not differentiate between different materials that could potentially be diverted through the waste management system.

However, the report did recommend that future consideration be given to alternative regulator options as special aspects or technologies enable more diverse streams of waste management. Staff are satisfied that these applications can be considered a Class I industrial category in that they propose measures that will mitigate impacts to

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nearby sensitive land uses, as previously described. Also the subject property is currently designated "Employment Area - Industrial Land" and is located in an area that is considered to have adequate servicing for the proposed use. A detailed analysis of servicing will be undertaken at the Site Plan Control stage. Lastly the subject property is in close proximity to transportation infrastructure that will facilitate the movement of these materials with minimal intrusion into non-industrial designated areas. Therefore, staff are satisfied that a 30 m separation distance is acceptable for the proposed use.

Integrated Transportation Network

- "C.4.1.3 Facilitate the safe and efficient movement of goods and services within and between Hamilton, neighbouring municipalities and regions through various modes within the integrated transportation network.
- C.4.5.2 The road network shall be planned and implemented according to the following functional classifications and right-of-way widths:
- d) Minor arterial roads, subject to the following policies:
 - i) The primary function of a minor arterial road shall be to carry moderate volumes of intra-municipal and inter-regional traffic through the City in association with other types of roads.
 - vii) On street parking and loading may be prohibited or at minimum be restricted in the peak hours.
- C.4.5.19 New *development* on properties adjacent to major arterial and minor arterials and where necessary, collector roads, shall include provisions for sufficient parking, loading, manoeuvring and off-street parking.
- C.4.6.5 Land uses that generate or require significant movement of goods shall be directed to lands designated Employment Area, and Commercial and Mixed Use on Schedule E-1 – Urban Land Use Designations."

The subject property is designated "Employment Area – Industrial Land" and is located on Princess Street at the intersection of Sherman Avenue North, a minor arterial. It is situated between the minor arterial of Barton Street East and the major arterial of Burlington Street East. It is therefore well served by appropriate transportation infrastructure for the movement of goods. The criteria for a Class I industrial use includes that the movement of products and / or heavy trucks be infrequent. The applicant indicates that the hours of movement of heavy trucks will be limited to the

shipping and receiving of materials during the hours of 07:00 to 17:00 hours, Monday to Saturday, and that a maximum of ten deliveries are expected each day. Staff consider the truck traffic anticipated by these applications to be less than that generated by other uses currently permitted in the Light Industrial (M6) Zone. Therefore, staff are satisfied that the proposed development can be categorized as a Class I industry and recognize that the movement of goods is a necessary component of the proposed development.

These applications estimate that 20 employees will operate the facility. The site is also in close proximity to many transportation demand management options that will give employees of the proposed facility choice in getting to and from their place of employment. These options include:

- On-site parking for seven vehicles including one space for accessible parking;
- Two municipal car parks within 480 m having a combined availability of six parking spaces;
- Public transit stop within 250 m; and,
- Sobi shared bicycle hub within 250 m.

The applicant proposes to use and make improvements to the existing loading zones on the site, located off of Princess Street and not interfering with traffic on Sherman Avenue North. Parking is proposed to be located interior to the site, behind the existing structures and accessed by Princess Street. The illegal parking that currently takes place on the subject property along Princess Street is proposed to be removed and managed through landscaping measures. This will be further reviewed at the Site Plan Control stage.

Based on the foregoing, these applications comply with the intent of UHOP.

Stipley Neighbourhood Plan

The subject lands are currently located within the Stipley Neighbourhood Plan. Policy VIII of the Plan requires that industrial developments enhance the physical appearance of all existing structures in the Neighbourhood and Policy IX requires that they control adverse pollutants from all sources.

Whereas these applications propose to mitigate potential impacts by locating the entire operation within existing structures which have significant built heritage and will be

preserved and repurposed, staff are satisfied that these applications comply with the policies of the Plan.

City of Hamilton Zoning By-law No. 05-200

The subject lands are currently zoned Light Industrial (M6) Zone, which permits, amongst other uses:

- Industrial Administrative Office, limited to 3,000 sq m;
- Manufacturing, including the processing, packaging, packing and recycling of raw, semi-processed or fully processed goods or materials;
- Transport Terminal, including use of land, building or structure, or part thereof, where Commercial Motor Vehicles, trucks, trailers, rail cars or containers are loaded, unloaded, temporarily stored, dispatched or parked for remuneration; and,
- Warehouse, including the use of building or structure, or part thereof, for the bulk storage or distribution of goods to industrial, commercial or institutional business users or other wholesalers, but does not include a Waste Management Facility.

The (M6) Zone prohibits, amongst other uses:

- Salvage Yard

The (M6) Zone includes limitations of industrial uses regarding outdoor storage and where a property abuts a sensitive land use. The applicant has confirmed that the proposed operation will not include outdoor storage.

The proposed development is identified as a Waste Processing and Waste Transfer Facility, and includes an administrative office, and operations which are similar to a manufacturing facility, transport terminal and a warehouse. The requirement that facility operator Recycle 101 Ltd. receive an ECA from the MECP will ensure that this operation will only include materials that can be categorized as WEEE in accordance with Ontario Regulation 347. The MECP is responsible for monitoring compliance of all conditions of the ECA.

Therefore, staff are recommending a change in zoning to a site specific (M6) Zone to permit a Waste Processing Facility and a Waste Transfer Facility.

SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 119-123 Princess Street, Hamilton (PED18186) (Ward 3) - Page 26 of 34

Additionally, this site specific amendment will include provisions to acknowledge the existing buildings and structures on the site, including the following elements of the site that do not comply with the By-law:

- Minimum side yard abutting a street of 0.12 m;
- Recognize the existing loading space; and,
- Landscaped area and planting strip requirement of 0 m abutting a street.

RELEVANT CONSULTATION

The following Internal Departments and Agencies had no comments or objections to the applications:

- Transportation Management, Public Works Department;
- Corridor Management, Public Works Department;
- CN Rail;
- Hamilton Police Service;
- Public Health Services, Healthy Environments Division; and,
- Light Rail Transit, Planning and Economic Development.

The Ministry of Environment, Conservation and Parks (MECP) has indicated that the applicant has applied for an ECA to the Ministry, received after the UHOP and Zoning By-law Amendment Applications were submitted to the City. The MECP requests affected municipalities to provide comments on new and amended ECA Applications. The MECP then makes a decision on the application on the basis of the comments received, in addition to various technical and environmental considerations. Comments from the City of Hamilton on ECA Applications are forwarded to the MECP. The approval process will address activity on site, recognize the equipment and processing being undertaken and ensure that all residual wastes are properly stored and disposed of. The Ministry has indicated that the recycling of WEEE materials will result in residual hazardous waste that must be registered on HWIN, and requirements for storage and disposal will be imposed on the operation by the Ministry. *Ontario Regulation 347* defines 11 categories for the classification of hazardous waste. The

MECP has indicated the WEEE does not meet the requirement to be considered hazardous waste and that WEEE is exempted from the definition of subject waste. They indicate that small amounts of properly stored residual hazardous waste directly resulting from the recovery / recycling of WEEE should not pose a threat to surrounding uses. Also as part of the ECA process, the Ministry will review the City's recommendation regarding the acceptable proximity to sensitive land uses, hours of operation and mitigation measures to ensure no off-site impacts.

Hamilton Water, Public Works Department, require that the applicant verify that no wastewater is generated from the recycling operation area and being conveyed into municipal services. This will be addressed at the Site Plan Control stage. Staff are satisfied that the documentation provided is sufficient for the Official Plan Amendment and Zoning Amendment Applications. However, additional detail will be required during the Site Plan Control stage.

Growth Planning, Planning and Economic Development Department, is satisfied that the Class 1 industry criteria related to the scale of the operation has been met. Staff have concerns with the operation / intensity criteria as the daytime hours exceeds that indicated in the criteria, and the number of vehicles proposed, one shipping vehicle per hour, conflicts with the criteria for infrequent movement of products and / or trucks. Lastly Growth Planning is seeking confirmation that the proposed operation does not constitute a "Hazardous Waste Management Facility". As the operation will be conducted internal to the building, Growth Planning acknowledges that there will be minimal or no impacts on the sensitive land use, save and except for vehicle traffic.

The MECP has confirmed that WEEE materials are not classified as hazardous waste. Also, the MECP does not discretely define the terms 'frequency' or 'daytime'. Planning staff are satisfied with the MECP indication that WEEE is not considered hazardous waste, that the hours of operation are within those permitted by the City of Hamilton Noise Control By-law No. 11-285, and that the (M6) Zone currently permits uses which would be similar in anticipated frequency of truck movement.

Transportation Planning Services, Planning and Economic Development Department, requires information regarding long-term secure indoor and short-term exterior bicycle parking in accordance with TDM for Development Guidelines 3.G. Transportation Planning encourages the inclusion of Transportation Demand Management (TDM) initiatives. Transportation Planning recommend the inclusion of a 1.5 m buffered sidewalk as well as trees in the public right-of-way. This will be addressed at the Site Plan Control stage.

Licensing and By-law Services, Planning and Economic Development Department, has indicated that the business will require a City of Hamilton Licence under Schedule 10 of the Business Licence By-law 07-170 and that any outdoor areas will be required to comply with visual barriers. Staff note that outdoor storage will not be permitted.

Hamilton Fire Department, Fire Prevention Division, conducted an inspection of the subject property on July 25, 2018. They recommend that all bins of combustible material are stored in the sprinklered portion of the building. They have no other concerns with these applications.

Recycling and Waste Disposal, Environmental Services Division, has advised that the development is ineligible for municipal waste collection service.

Forestry, Public Works Department, have confirmed that there are no municipal trees on site.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, a Notice of Complete Application and Preliminary Circulation was circulated to 150 property owners within 120 m of the subject lands on November 28, 2017. A Public Notice sign was posted on the subject lands on December 19, 2017 and updated on August 22, 2018 with the Public Meeting date. Finally, Notice of the Public Meeting was circulated to 150 property owners on August 31, 2018 in accordance with the requirements of the *Planning Act*.

Public Consultation Strategy

A formal Public Consultation Strategy was not provided with these applications. However, the applicant hosted public open houses on May 25, 2017 and, at the request of the Ward Councillor, on June 28, 2018. The applicant circulated notice of these meetings to 150 residents within 120 m of the subject property. The May 25, 2017 meeting received no attendees, but the June 28, 2018 meeting was attended by 13 residents.

To date, 16 submissions have been received by staff representing 15 individuals, as well as two letters received from Environment Hamilton and Gibson and Landsdale Area Community Planning Team, regarding these applications (attached as Appendix "G" to Report PED18186). Of these submissions, three expressed concern, ten opposed and

one submission indicated support. The comments received are summarized in the Analysis and Rationale Section of this Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Urban Hamilton Official Plan and Zoning By-law Amendment Applications have merit and can be supported for the following reasons:
 - (i) They are consistent with the Provincial Policy Statement (2014) and conform to the Growth Plan for the Greater Golden Horseshoe (2017); and,
 - (ii) They comply with the general intent of the UHOP in that the proposed development preserves employment lands while maintaining an appropriate separation between light industrial use and a sensitive land use.
2. The subject property is located on the north side of Princess Street, north east of the intersection of Princess Street and Sherman Avenue North and was previously used for the manufacturing of metal ducting, jointing parts and accessories. The subject property includes a two storey brick building believed to have been constructed prior to the twentieth century, a three storey industrial warehouse believed to have been constructed in the 1920s, and a one storey industrial warehouse. No structural changes are proposed to the existing buildings. Based on the concept provided, the applicant is proposing interior renovations as well as exterior cladding and window upgrades for the purpose of operating a Waste Processing and Waste Transfer Facility for Waste Electronics and Electrical Equipment. The proposal includes seven parking spaces, including one barrier free space, which are provided behind the buildings, accessed via Princess Street on the east side of the property. The existing loading area is located on Princess Street, near the intersection of Princess Street and Sherman Avenue North, and encroaches into the Princess Street road allowance.

Official Plan Amendment

As described in the aforementioned sections of this Report, the proposed use can be considered a Class I industrial facility. The Ministry of Environment, Conservation and Parks (MECP) D-6 Compatibility Guidelines recommend a minimum separation distance to sensitive land uses of 20 m where potential impacts of Class I industries have been mitigated. These applications comply

with Policy E.5.3.7 a), b) and c), and the amendment is for the separation distance. Staff are satisfied with a modified separation distance to 30 m. This proposed development has effectively mitigated potential impacts to sensitive land uses located greater than 30 m away. Further, the MECP has indicated that WEEE is not considered hazardous waste, and should not pose a threat to surrounding uses.

Finally, the proposal has demonstrated that the uses proposed are compatible with uses permitted in the Industrial Lands of the Employment Area Designation, and that they are an effective use of existing structures that have potential cultural heritage value.

Therefore, staff support the Official Plan Amendment.

3. City of Hamilton Zoning By-law No. 05-200

The subject property is currently zoned Light Industrial (M6) Zone in the City of Hamilton Zoning By-law No. 05-200 (see Appendix "A" to Report PED18186). A Waste Processing Facility and a Waste Transfer Facility are not permitted in this Zone. As a result, an amendment to the Zoning By-law is required to permit these uses.

As described in the aforementioned sections of this Report, the proposed development includes mitigation measures and is categorized as a Class I industry. The proposed separation distance of 30 m is greater than the minimum separation distance recommended in the D-6 Compatibility Guidelines.

Site specific modifications to the (M6) Zone are required to recognize existing aspects of the site, including locations of buildings, that do not comply with the By-law, including:

- Minimum side yard abutting a street of 0.12 m;
- Recognition of the existing loading facility; and,
- Landscaped area and planting strip requirement of 0 m abutting a street.

These site specific modifications will recognize and permit the redevelopment of three existing buildings on the subject property, two of which are deemed to have potential cultural heritage value and will also recognize existing deficiencies

related to a side yard abutting a street, location of loading facilities abutting a street and no landscaped area and planting strip abutting a street.

Therefore, staff support the Zoning By-law Amendment and the proposed modifications.

4. MECP Environmental Compliance Approval

An “Environmental Compliance Approval” (ECA) pursuant to Part V of the *Environmental Protection Act* is a legally binding document through which an individual, company, or municipality is permitted, by the Ontario Ministry of the Environment, Conservation and Parks (MECP) to undertake an activity related to the management of waste.

Each ECA is drafted to address the site-specific considerations relevant to the proposal, and contains enforceable requirements that ensure environmental and health protection, compliance with legislation, and policy requirements. The ECA stipulates the types of wastes that can be managed at the facility, and contains conditions that describe the manner in which the facility is to be operated. Failure to comply with any of the ECA’s conditions constitutes a violation of the *Environmental Protection Act*, and is grounds for enforcement through the *Provincial Offenses Act*.

The MECP requests affected municipalities to provide comments on new and amended ECA Applications. The MECP then makes a decision on the application on the basis of the comments received, in addition to various technical and environmental considerations. Comments from the City of Hamilton on ECA Applications are forwarded to the MECP.

Recommendations and Conditions of the ECA

Based on the comments received from an internal circulation of this application, and the analysis undertaken, this ECA Application should be subject to conditions being included in the Certificate. These conditions have been included in the Recommendation section of this Report, which will form the City’s comments to the MECP on this application.

In addition, several standard conditions of approval are also recommended, relating to financial assurances to the Ministry for final site clean-up, limitation of the origin of the accepted waste, and identification of a Ministry contact for all issues related to the operation (see Recommendations (c) (i) (d), (l), (n) and (o)).

5. Growth Management Division has advised that a revised Functional Servicing Report (FSR), pertaining to water usage, wastewater discharge, stormwater management, a Grading and Servicing Plan and detailed information on the proposed operations detailing if water is used for cleaning or washing of waste materials within the facility, and if any wastewater drainage will be within the storage or processing area, are required to be addressed at Site Plan Control stage.

The applicant has provided documents related the ECA Application, as has been required by Growth Management. Growth Management also requires more information related to water usage, waste water resulting from the operation, and how waste water drainage will be installed within the storage or processing area.

Growth Management has indicated that they have no concerns for the purposes of these UHOP and Zoning By-law Amendment Applications.

6. As a result of circulation of the Applications, staff have received 16 submissions have been received by staff representing 15 individuals, as well as Environment Hamilton and Gibson and Landsdale Area Community Planning Team. The concerns raised in the letters are summarized as follows:

Nuisance, Existing burden, Proximity to Residential uses, Traffic and Privacy

The current (M6) Zoning of the subject property permits a wide range of industrial uses such as Contractor`s Establishment and related Supply Establishments, Manufacturing, Motor Vehicle related uses, Transport Terminal and Depot, and Warehouses. Each of these uses, within the same proximity to the existing residential uses, have the potential to generate truck movements, noise and influence the value of nearby properties.

Based on the D-6 Guidelines for classifying industrial facilities, and the mitigation measures that have been discussed in this Report, staff are satisfied that this proposed development can be categorized as a Class I industrial operation. The Ministry of Environment, Conservation and Parks recommends a minimum separation of 20 m, whereas these applications are proposed to be located greater than 30 m from the nearest sensitive lands use. This separation also addresses concerns regarding privacy. Additionally, the subject property does not abut any rear yards of residential properties and all operations will take place within the buildings on the subject property, thereby avoiding potential impacts to privacy.

Property Values

Staff are not aware of any supporting information or any empirical data with respect to property devaluation that would substantiate this concern.

Engagement of the Public

The applicant hosted two Public Open Houses, inviting property owners within 120 m of the subject property. The first Public Open House was on May 25, 2017 but there was no members of the public in attendance. The second Public Open House was on June 28, 2018 and was attended by 14 members of the public as well as the Ward Councillor.

Health Concerns and MECP Permission

Whereas MECP is the approval authority, the City has addressed its concerns through the recommendations for the ECA. Based on the current information that has been provided by the applicant, and comments from the MECP, staff are satisfied that the proposed facility will have no negative impact on nearby sensitive land uses.

Feasibility of Operating within the Restrictions of the Subject Property

These applications require modifications to the Zoning By-law to enable them to operate on the site. Staff are satisfied that with these modifications, which include recognizing the existing buildings, this proposal can operate on the subject lands.

ALTERNATIVES FOR CONSIDERATION

Should the UHOP and Zoning By-law Amendment Applications be denied, the subject lands would remain as the current Light Industrial (M6) Zone in the City of Hamilton Zoning By-law No. 05-200 which would allow for a variety of light industrial and commercial uses.

The City of Hamilton is not the approval authority for the Environmental Compliance Approval Application, but has been requested to submit comments on this application to the MECP. The MECP will consider the City's comments in making a decision on the application. The City could request that the MECP deny the Environmental Compliance Approval Application.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

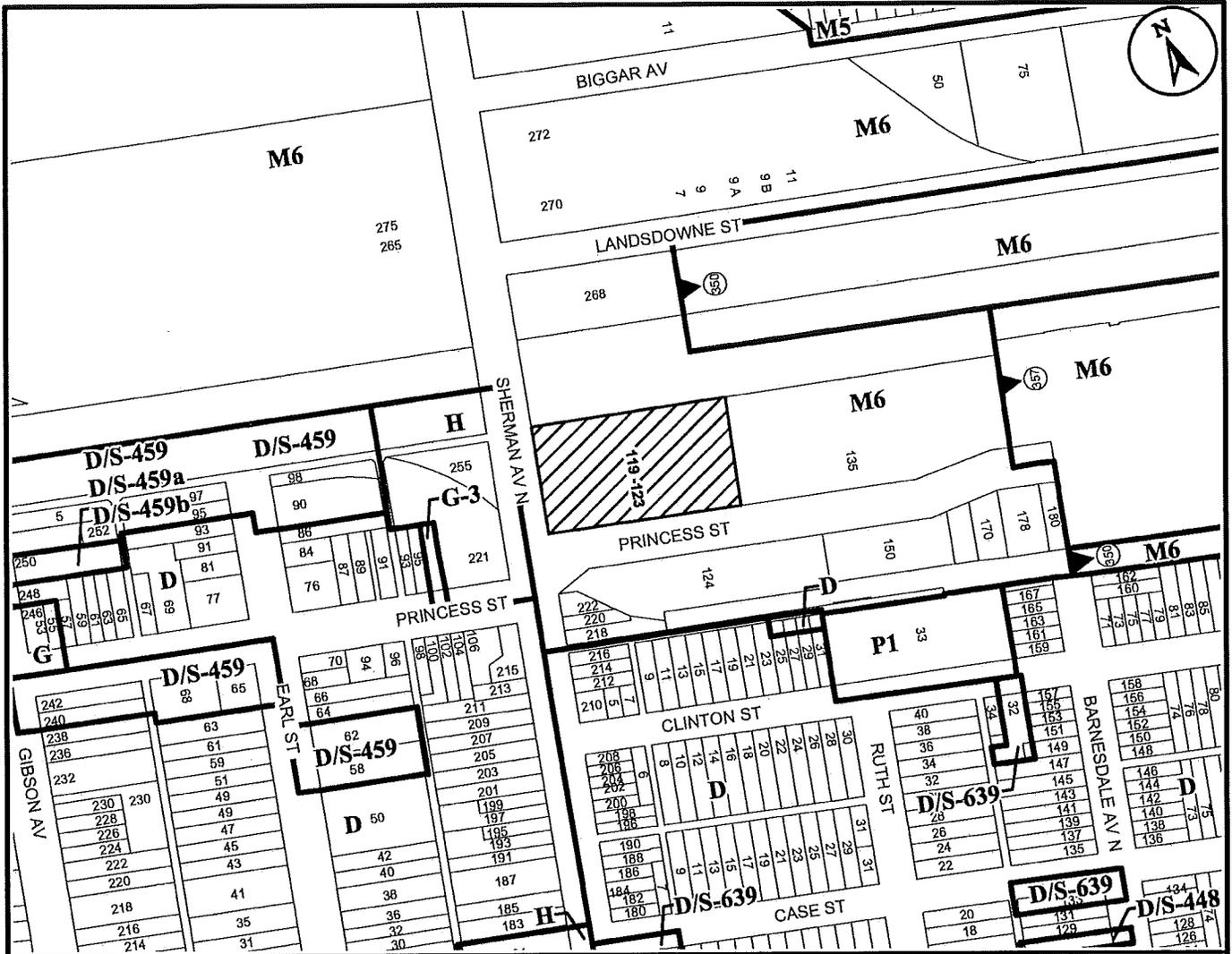
Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

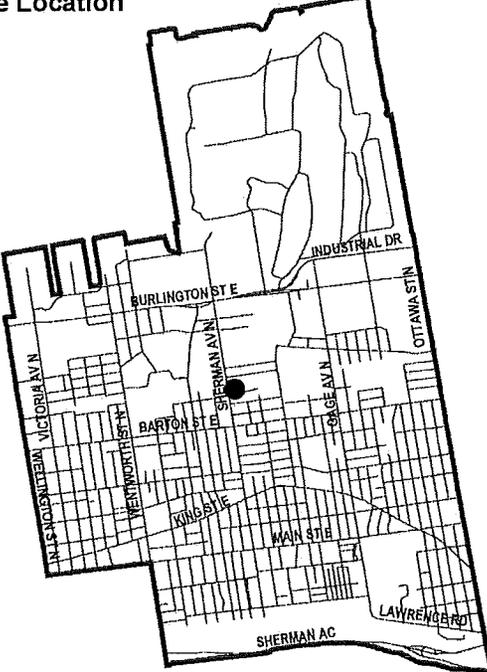
APPENDICES AND SCHEDULES ATTACHED

- Appendix "A" – Location Map
- Appendix "B" – Draft Official Plan Amendment
- Appendix "C" – Draft Zoning By-law Amendment
- Appendix "D" – Proposed Site Plan
- Appendix "E" – Public Comments

BN:jp



● Site Location



Key Map - Ward 3

N.T.S.

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-17-024 & UHOPA-17-034

Date:
July 9, 2018

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
BN/NB

Subject Property

119 - 123 Princess Street



Change in Zoning from Light Industrial (M6)
Zone to Light Industrial (M6, 30) Zone

Schedule 1

**DRAFT Urban Hamilton Official Plan
Amendment No. X**

The following text, together with Appendix "A" – Volume 3: Map 2 – Urban Site Specific Key Map attached hereto, constitutes Official Plan Amendment No. XX to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is establish an Urban Site Specific Policy to permit a Waste Processing and Transfer Facility to be located a minimum of 30.0 m from a sensitive land use.

2.0 Location:

The lands affected by this Amendment are known municipally as 119 – 123 Princess Street, within the City of Hamilton.

3.0 Basis:

The basis for permitting this Amendment is:

- The proposal is compatible with existing and proposed industrial uses in the immediate area;
- The proposal is categorized as a Class I industry and is in compliance with the Ontario D-6 Compatibility between Industrial Facilities guidelines;
- The proposal provides mitigation measures to avoid impacting nearby areas identified as Neighbourhoods, and is compatible with existing residential uses in the immediate area; and,
- The proposed Amendment is consistent with the Provincial Policy Statement, 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017.

4.0 Actual Changes:

4.1 Volume 3 – Special Policy Areas, Area Specific Policies, and Site Specific Policies

Text

4.1.1 Chapter C – Hamilton Site Specific Policies

- a. That Volume 3: Chapter C – Hamilton Site Specific Policies be amended by adding a new Site Specific Policy, as follows:

"UHE-X Lands known municipally as 119 – 123 Princess Street, City of Hamilton

- 1.0 Notwithstanding the distance separation requirements of Policy E.5.3.7 of Volume 1, for the lands known municipally as 119 – 123 Princess Street, designated Employment Area - Industrial Land, a Waste Processing Facility and a Waste Transfer Facility for Waste Electronics and Electrical Equipment (WEEE) may be located a minimum of 30.0 metres from a sensitive land use."

Maps and Appendices

4.1.2 Map

- a. That Volume 3: Map 2 – Urban Site Specific Key Map be amended by identifying the subject lands as UHE-XX, as shown on Appendix "A", attached to this Amendment.

5.0 Implementation:

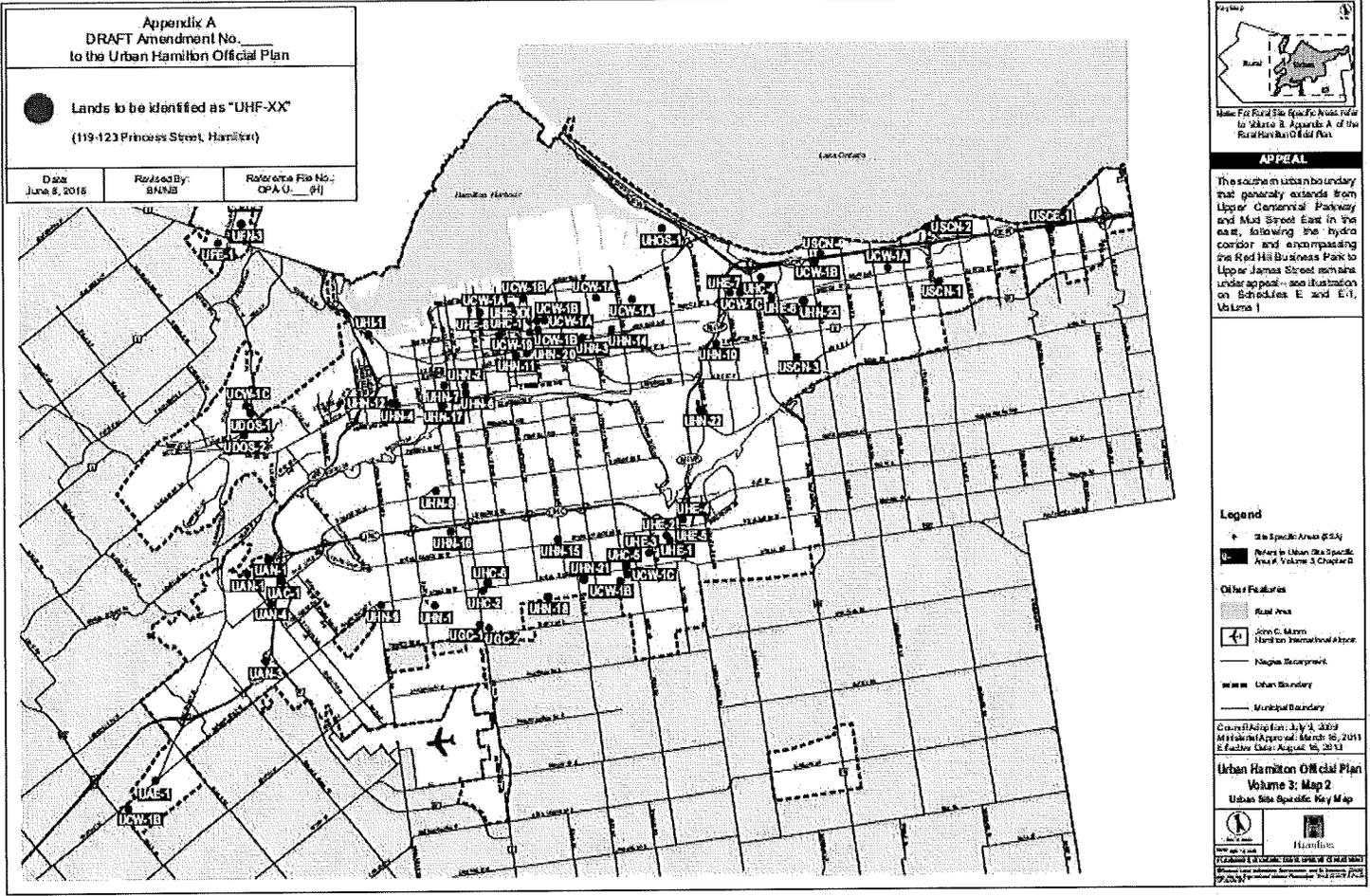
An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule "1" to By-law No. _____ passed on the ___th day of ___, 201X.

**The
City of Hamilton**

Fred Eisenberger
MAYOR

Janet Pilon, CMII, DPA, CMO
ACTING CITY CLERK



**To Amend Zoning By-law No. 05-200 Respecting Lands Located at 119 – 123
Princess Street, Hamilton**

Transfer Facility within the buildings existing on the date of the passing of this By-law.

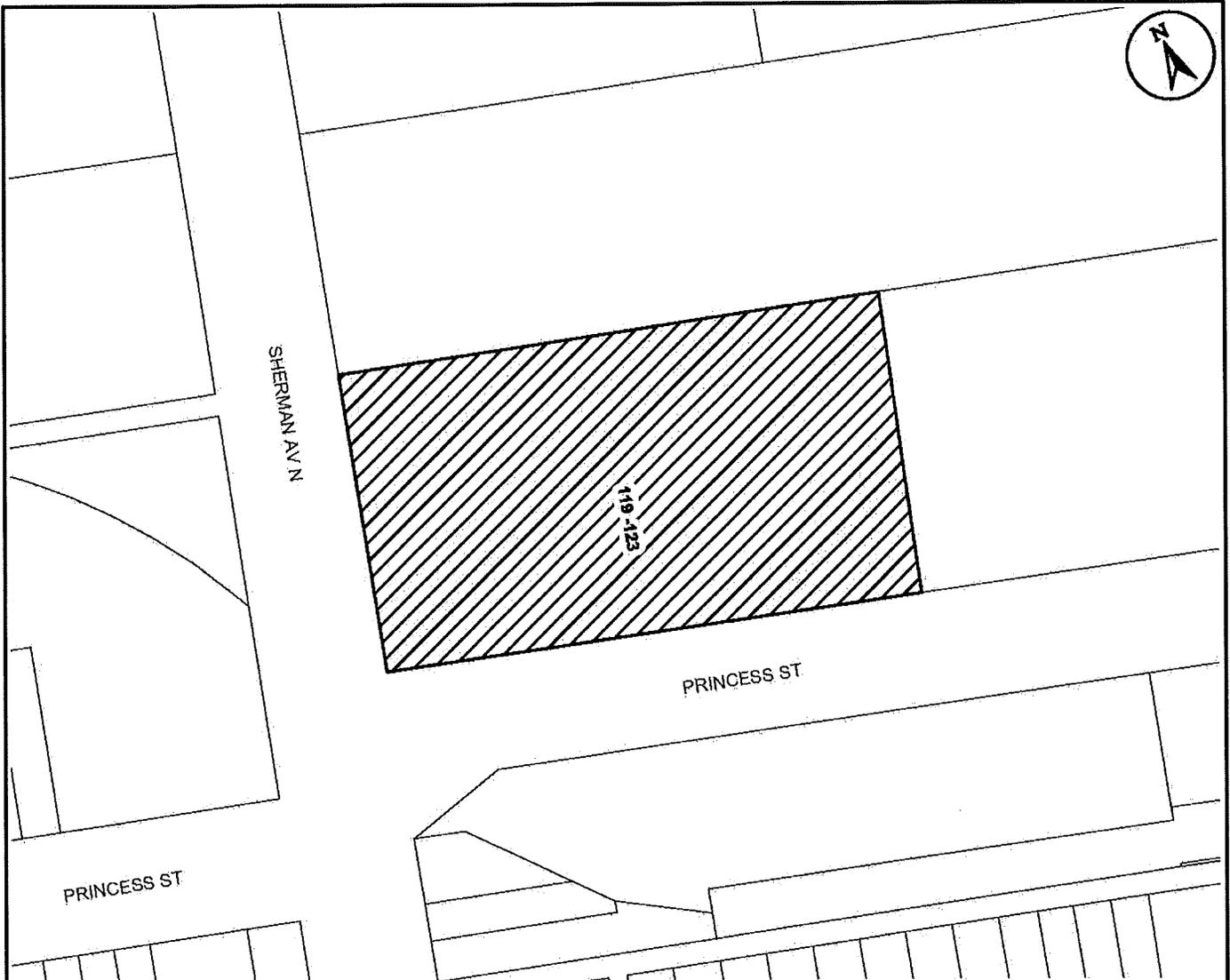
- | | |
|---|--|
| ii) Landscaped Area and Planting Strip Requirements | 0.0 metres along Princess Street and Sherman Avenue North. |
| iii) Location and Screening of Outdoor Storage and Outdoor Assembly | Outdoor storage and assembly shall be prohibited. |
| iv) Location and Size of Outdoor Display | Outdoor display shall be prohibited. |

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

PASSED this day of , 2018.

Fred Eisenberger
MAYOR

Janet Pilon, CMII, DPA, CMO
ACTING CITY CLERK



This is Schedule "A" to By-law No. 18-

Passed the day of, 2018

 Mayor

 Clerk

Schedule "A"

Map Forming Part of
 By-law No. 18-_____

to Amend By-law No. 05-200
 Map 913, 914, 955 & 956

Subject Property

119 - 123 Princess Street



Change in Zoning from Light Industrial (M6)
 Zone to Light Industrial (M6, 30) Zone

Scale:
 N.T.S.

File Name/Number:
 ZAC-17-024 & UHOPA-17-034

Date:
 June 8, 2018

Planner/Technician:
 BN/NB



Hamilton

**To Amend Zoning By-law No. 05-200 Respecting Lands Located at 119 – 123
Princess Street, Hamilton**

For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law

Is this by-law derived from the approval of a Committee Report? Yes

Committee: Chair and Members

Report No.: PED18186

Date: 09/18/2018

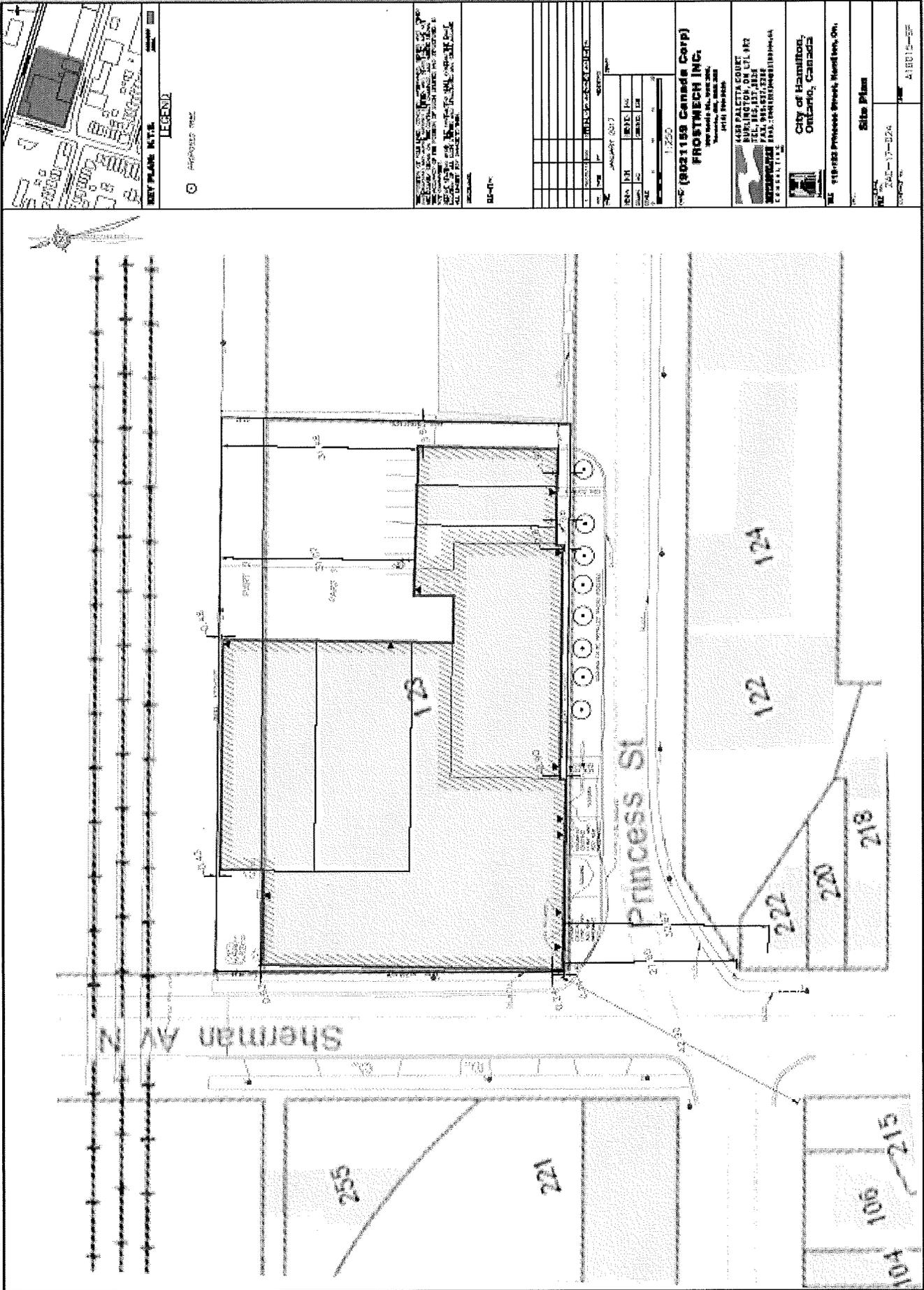
Ward(s) or City Wide: Ward 3

(MM/DD/YYYY)

Prepared by: Brynn Nheiley

Phone No: 4283

For Office Use Only, this doesn't appear in the by-law





December 15, 2017

Adam Lucas, MCIP RPP
Senior Planner
Development Planning, Heritage and Design, Urban Team
Planning Division - Planning and Economic Development Department
City of Hamilton
71 Main Street West, 5th floor
Hamilton, ON L8P 4Y5

RE: 119 – 123 Princess St Application for Zoning By-Law & Official Plan Amendment

Dear Mr. Lucas,

Please accept this letter as Environment Hamilton's preliminary input on FrostMECH Inc.'s application for a zoning by-law amendment and an official plan amendment for the property located at 119-123 Princess Street.

Environment Hamilton is a not-for-profit environmental organization that has been working for over 16 years to help Hamiltonians to enhance and protect the environment around them. Our efforts include working with residents in the Lucy Day Neighbourhood on issues associated with environmental impacts from existing industrial operations including: odour, noise and dust, air pollution, waste, and heavy truck traffic.

We have had the opportunity to review the planning justification report prepared by Metropolitan Consulting for FrostMECH's proposal to establish an e-waste recycling facility at 119-123 Princess Street. We have also accessed and reviewed information related to the company's existing operations (listed under the name of ADL Processing) – located at 500 and 530 Keele Street in Toronto. We have a number of questions and concerns related to both the planning justification report and relating to the information we reviewed regarding the Toronto facility.

At the most fundamental level, Environment Hamilton is concerned about any proposal to modify the **current zoning for 119-123 Princess Street**. The current M6 zoning (Light Industrial) limits the industrial activities permitted on these lands for good reason – there is a residential neighbourhood in very close proximity to this area. The proponent itself recognizes in its Planning Justification Report at page 5 that **'the nearest private residence is within 27.55 meters of the subject property boundary and the shipping receiving doors are 32.67 meters from the nearest residential structure'** (bold added).

CONCERNS REGARDING EXISTING NUMBER OF WASTE FACILITIES CLOSE TO NEIGHBOURHOOD

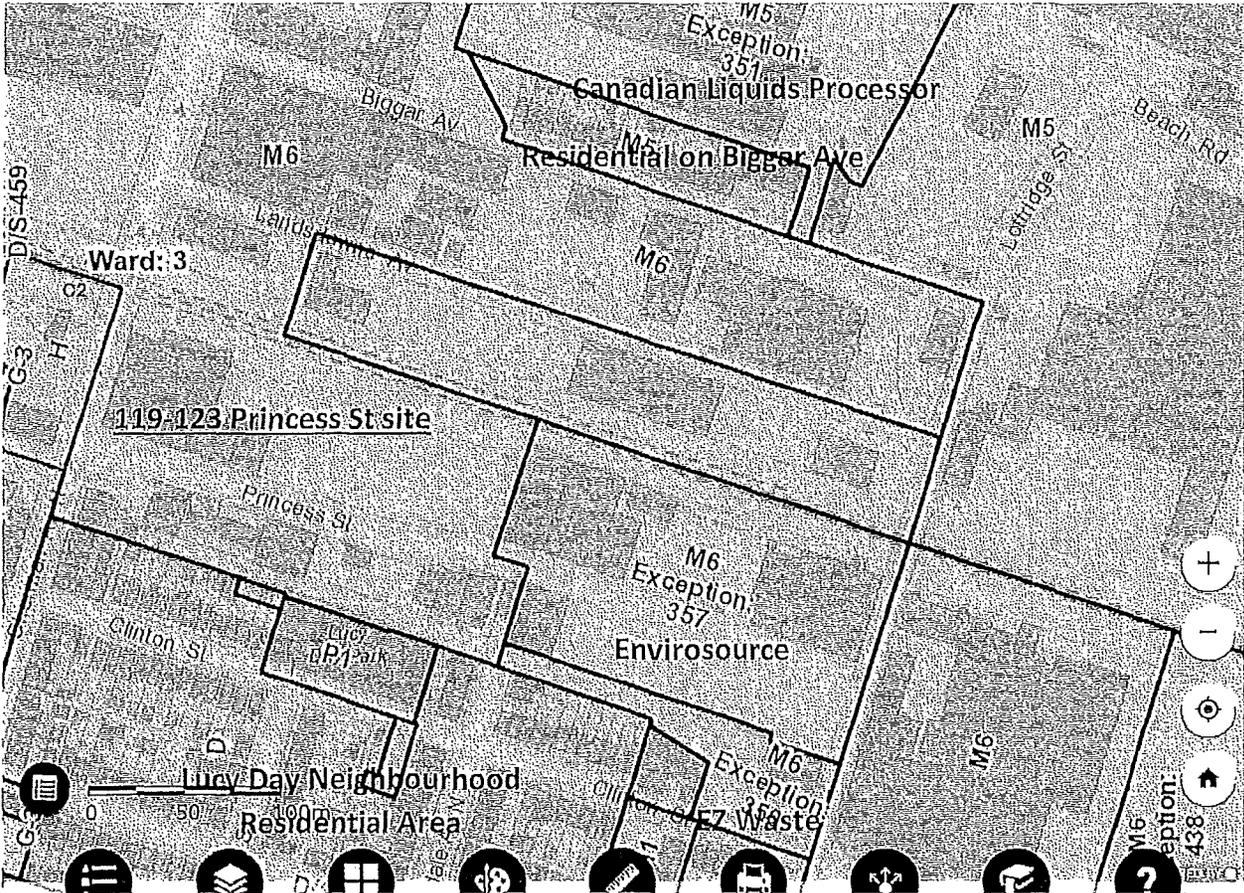
We are also very aware of a number of other facilities in this neighbourhood for which past zoning by-law 'exceptions' have been grandfathered into the new Zoning By-Law, several of which are an on-going source of impacts in nearby residential areas. In at least three cases that we are aware of, zoning exceptions have been made that reduce the required width of buffers between industrial and residential uses – in two cases to 0 meters in order to permit industrial uses that normally would not be permitted closer than 700m to residentially zoned lands (see attached map showing locations of exceptions).

These existing facilities include:

-**Canadian Liquids Processors** – located at 15 Biggar Avenue – is listed as M5 Exception 351 – There are residential homes located immediately adjacent to CLP. The facility has had extensive problems with odour impacts that have been felt well beyond Biggar Avenue into the surrounding Lucy Day neighbourhood. The facility is currently undergoing a review of its provincial permits as a result of two residents submitting a successful application for review under the provincial Environmental Bill of Rights.

-**EZ Waste (Formerly Blz Environmental)** – located at 221 Lottridge – is listed as M6 Exception 350 – This waste transfer station is located immediately adjacent to homes located on the north side of Clinton. Homeowners have complained about chronic problems with odour, dust, vermin, and noise from this facility. There have also been concerns about noise and activity at this site outside of permitted operating hours.

-**Envirosystems (formerly Hotz Environmental)** – located at 239 Lottridge – is listed as M6 Exception 357 – This facility manages hazardous waste.



Residents are dealing with noise, dust, and odour impacts that migrate beyond these properties into the adjacent neighbourhood.

ZONING CHANGE REQUEST & EXISTING MUNICIPAL & PROVINCIAL POLICY

We understand that FrostMECH is asking for a zoning by-law amendment in order to establish an M6- Light Industrial 'Exception Zone' that would permit the establishment of any of the following uses:

- Waste Processing Facility
- Waste Transfer Facility

-Breweries

First, given the proposed activity that the company is seeking approval for, it is unclear to us why all of these activities are included in the list for the 'exception zone'.

Second, the Ontario Ministry of Environment and Climate Change's guide *D6 - Compatibility Between Industrial Facilities* (see <https://www.ontario.ca/page/d-6-compatibility-between-industrial-facilities>) sets out appropriate separation distances between various classes of industrial uses and 'sensitive' land uses including residential areas. For Class II facilities – which is the category we believe this facility fits into – the recommended separation distance is 300m. Even if an argument is made that this facility fits into the Class 1 category, the separation distance recommended for such a facility is at least 70m from a sensitive land use.

Third, policies in Section E – Waste Processing Facilities and Waste Transfer Facilities in the City of Hamilton's Urban Official Plan (UHOP) reinforce the provincial Ministry of Environment & Climate Change separation distances set out in Guide D-6. More specifically, the following sections in the UHOP provide more details regarding required separation distances:

Section E – Waste Processing Facilities and Waste Transfer Facilities

5.3.7 – Waste processing facilities and waste transfer facilities, including expansions, shall be located a minimum of 300 metres from a *sensitive land use* within the Neighbourhoods, Institutional or Commercial and Mixed Use designations.

5.3.7.1 – Notwithstanding Policy 5.3.7 above, *waste processing facilities and waste transfer facilities*, including expansions, may be permitted within 70 to 300 metre of a sensitive land use within the Neighbourhoods, Institutional or Commercial and Mixed Use designations, subject to amendment to the Zoning By-law. In addition to the requirements of Section F.1.1.9 – Complete Application Requirements and Formal Consultation, the application shall demonstrate, through a Planning Justification Report or any other study as may be required by the City, an analysis of the following:

- a) the appropriateness of the proposed land use in relation to surrounding land uses;
- b) mitigation of potential impacts to *sensitive land uses*, the natural environment or cultural heritage resources located within 300 metres of the proposed waste management facility, which shall include noise, odour, vibration, dust, traffic, air quality, litter, and vermin and pest control measures, and;
- c) on-site wastewater and storm water management measures.

Based on both the provincial and municipal policies around waste facilities and separation distances, it is our understanding that a zoning by-law amendment is required to reduce the separation distance to within 70 to 300 metres from a sensitive land use. Based on this, it appears to us that the policies in the UHOP and the provincial D-6 Guide DO NOT support a separation distance between a waste facility and a sensitive land use that is any less than 70 metres. We therefore believe that FrostMECH's proposal to reduce the separation distance to 27.55 metres – far less than the minimum 70 metres that a zoning by-law amendment would be required to secure - is counter to both the provincial D-6 Guide and policies set out in the UHOP.

We also believe the proponent's request is inappropriate given the existing burden of impacts from industrial activities already located adjacent to this neighbourhood as a result of historical and now grandfathered zoning exceptions for other waste facilities in the area.

We have a host of other concerns related to this proposed facility – most of which are issues related to the provincial permitting of the facility. These include concerns about the following:

- Potential for dust and emissions from processing activities within the building (shredding, separating)
- Potential for dust from activities in outdoor areas

- Proposed operating hours and the potential for noise impacts in the neighbourhood
- Concerns around the generation of wastewater from processing activities at the site (saline separation line).
- Concerns about the handling of hazardous waste components of e-waste accepted at site

We realize that these are concerns that will be considered if and when this facility goes through provincial environmental permitting processes, but we did want to include them here so that the city is aware that we have these concerns.

We would like to point out, however, that we were very concerned to see in the Planning Justification Report that the proponent, intentionally or unintentionally, leaves the reader with the impression that the facility is already fully permitted by the Ministry of Environment and Climate Change to 'receive, store and process electronic waste'. The following text appears in the report at page 2:

FROSTMECH INC is recognized by the Ministry of Environment as a fully permitted waste processing facility with a Provisional Certificate of Approval. This certificate, along with financial assurance, means that FROSTMECH INC is allowed to receive, store and process electronic waste and that, by accepting your waste, they are accepting responsibility and liability for that waste.

We can find no evidence that this facility has been permitted to operate a waste processing facility for electronic waste at the Princess Street address. There have not yet been Environmental Bill of Rights registry postings for any of the required permits.

We appreciate having the opportunity to provide input. Please do not hesitate to contact us if you have any questions or concerns about our comments.

Thank you,



Lynda Lukasiuk, PhD
Executive Director

Environment Hamilton
22 Wilson Street, Suite 4
Hamilton, ON L8R 1C5
TEL: (905) 549-0900

Nheiley, Brynn

From: Cathy McPherson [mailto:cmcpherson@hamilton.ca]
Sent: December-08-17 3:48 PM
To: Lucas, Adam
Cc: Green, Matthew; Lyndon George; Environment Hamilton; clerk@hamilton.ca;
[mailto:clerk@hamilton.ca]
Subject: FrostMECH's application for a by-law amendment to operate at 119-123 Princess Street (files OHOPA-17-034, ZAC -17-024)

I wish to express my opposition to FrostMech's application for a by-law amendment to operate a waste processing facility at 119-123 Princess Street in Hamilton.

It is inappropriate for businesses such as FrostMech to situate their operations in this residential area of Hamilton. The north area of the city, where FrostMech wishes to open its facility, already has a high incidence of cancer. It is important that we reduce the number of facilities in Hamilton which deal with and produce toxic substances - such as FrostMech - to reduce the cumulative effect of these substances on children and adults in our city. With this in mind, we most certainly should not approve any applications for amendments to current environmental requirements for businesses in this city. If anything we need to strengthen requirements and enforcement.

I am also deeply troubled by FrostMech's claim that they have consulted the community on this facility. As a homeowner in the Gage Park area of the city, I have yet to meet anyone who is aware of any meaningful consultation which has taken place with representatives of this facility.

It is time for Hamilton to phase out the highly toxic industries along its waterfront and in its residential areas - and make the transition to a city made up of businesses which respect the environment, health, and safety of its people.

Businesses dealing with and producing highly toxic substances should not be located in residential settings in Hamilton or near the waterfront - where millions of people in Ontario (including Hamiltonians) get their drinking water every day.

Regards,
Cathy McPherson
151 Rothsay Ave.
Hamilton, ON

Nheiley, Brynn

From: dianna gillespie <[REDACTED]>
Sent: December-07-17 5:43 PM
To: Lucas, Adam; Green, Matthew
Subject: Waste transfer station

Good evening

I am emailing you to inform you that my family of 6 are opposed to the waste transfer station on princess st and Sherman ave in Hamilton ont. this neighbourhood is already dealing with the ramifications of an other waste transfer station here In ward 3. There has been many many problems with the other waste transfer station in a residential neighbourhood.

We are opposed!!!!!!

There should never be a waste transfer station in a residential neighbourhood NEVER !!!

Thanks
Dianna gillespie
Sent from my iPhone

Nheiley, Brynn

From: Liz Tobin [REDACTED]
Sent: December-01-17 3:30 PM
To: Lucas, Adam
Cc: Kerry Bear; Green, Matthew
Subject: Proposed use of 119- 123 Prospect Street

Good day Adam I am adding my name to the growing list of concerned residents and neighbours who are opposed to any amendment of the existing zoning by-law for 119-123 Princess Street in the City of Hamilton. I fully support the development of suitable and sustainable businesses in the buffer zone between North End residents and the "Industrial Area", but in my view this is not an appropriate business for Princess Street. I know that many residents have already pointed out the flaws in the Planning Justification Report provided on behalf of 9021159 Canada Corp and have eloquently imparted their personal reasons for opposing the amendment. I want to touch upon the most human side of the issue. The people most adversely affected by this proposed amendment live on Clinton Street and have worked hard to create a shining example of how good neighbours can make their street a better place. Situated on the north side of the street is Lucy Day Park, a tiny breath of fresh air and green space where preschoolers have morning hours to themselves and children of all ages play after school and on weekends. During July and August there are weekday programs with water activities, organised games and art projects. Neighbours from nearby streets and surrounding communities drop by as well particularly for annual events such as winterfests and corn roasts All this against a backdrop (hidden thankfully from the children's eyes) of an existing conventional waste management facility which consistently flouts MOE regulations and City of Hamilton by laws. The residents of Clinton Street, their neighbours and friends from other communities are already frustrated by this situation. To add yet another unproven and even more potentially harmful waste management facility to the area is NOT acceptable, and is a retrograde step in neighbourhood efforts to improve the "quality of life" for all of us. Nearby Lottridge Street is also already affected by drag out, dust, noise and idling commercial traffic. The prospect of additional 53 foot tractor trailers in the vicinity is disturbing. On occasion commercial traffic already proceeds north and southbound past Prince of Wales School raising safety issues and exposing the school population to noise, and dust. I'll be commenting on the additional documents provided to us once I have a chance to read them more thoroughly. Sincerely Liz Tobin 183 Lottridge Street Community representative Lucy Day Neighbours/Sherman Hub- Bayfront Industrial Area Strategy Focus Group

Nheiley, Brynn

From: Lucas, Adam
Sent: December-01-17 1:10 PM
To: 'Brenda Duke'
Subject: RE: 119-123 Princess Street Zoning Change

Hi Brenda,
Thank you for your e-mail. Your comments will form part of the public record and we'll be asking the applicant to respond to all comments/concerns in relation to the application.
If you have any further questions, please let me know.
Regards,

Adam Lucas, MCIP, RPP
Senior Planner

Development Planning, Heritage and Design, Urban Team
Planning Division
Planning and Economic Development Department
City of Hamilton
71 Main Street West, 5th floor
Hamilton, ON
L8P 4Y5
t. 905.546.2424 ext. 7856
f. 905.546.4202
e. adam.lucas@hamilton.ca

From: Brenda Duke [REDACTED]
Sent: December-01-17 1:09 PM
To: Lucas, Adam
Subject: Fw: 119-123 Princess Street Zoning Change

here it is

Brenda

From: Brenda Duke [REDACTED]
Sent: November 20, 2017 8:12 PM
To: adam.lucas@hamilton.ca
Cc: [REDACTED]
Subject: 119-123 Princess Street Zoning Change

Good evening Adam. I read the amendment to the Zoning for the above noted address. I would like to be kept aware of any Community Consultations that you have regarding the property.

I live in the nearby neighbourhood and have a few questions regarding some of the proposed changes. It appears to be beneficial but I just need to assure myself and the community that policies will be in place and procedures set up around certain aspects.

Please let me know when that might be happening. My number is 289-933-4810 if you have any questions.

I am cc'ing the joint chair of our Community Planning Team, Pat Poore.

Thank you for your attention to this.

Brenda Duke
Joint Chair
Gibson and Landsdale Area (GALA)
Community Planning Team

Nheiley, Brynn

From: [REDACTED]
Sent: December-01-17 11:56 AM
To: Lucas, Adam; Green, Matthew; Lynda Lukasik
Subject: Zoning by-law amendment application; UHOPA-17-034, ZAC-17-024

Hello Adam,

I would like to express my strong opposition to the application for zoning by-law amendment by FrostMech, 119-123 Princess Street (files UHOPA-17-034, ZAC-17-024). The area is zoned M6 for a reason, to provide some measure of protection to the neighbouring residents. By allowing this amendment, the City would further erode any such protection. We are already dealing with encroachments by local businesses into the daily lives of area residents in matters such as excessive noise, foul odours, heavy truck traffic, air pollution including dust and dragout and litter.

Here are a few of my chief concerns:

Waste processing facilities and sensitive land use

-A cursory look at the industrial sector bordering the site for this proposed facility shows that there are *already* a number of nearby waste processing and/or transfer facilities located just metres from private residences. This area should not be considered the repository for all waste-related facilities: it is too close to our homes. This is not an appropriate use of the land in relation to its surroundings, nor does it in any way mitigate the potential impacts to sensitive land uses (read: people) or the natural environment. The closest residence is a fewer than 30m from this facility. Whether or not the facility's processing takes place indoors, the proximity is too close.

-The description of a Class 1 Industrial facility includes a) daytime operation only [note FrostMech's hours of operation will be up to 9pm on weekdays: not daytime] b) infrequent movement of products or heavy trucks [with a 14 hour day, a successful business could not possibly expect 'infrequent movement']. This Class 1 distinction is claimed as a valid reason for a minimal 20m distance from sensitive land use.

-Where are the existing MOECC permits for this facility? The report states that no *additional* permits for air emissions, odour or dust are required. In addition to what? A search on the MOECC's website reveal no existing permit.

Hazardous waste

-The Planning justification report contains misleading wording concerning e-waste materials which will be received, processed and shipped from this facility. Electronic devices [may] contain toxic heavy metals such as lead, mercury, cadmium and beryllium, as well as hazardous chemicals, such as brominated flame retardants. Polluting PVC plastic is also frequently used. These dangerous substances cause serious pollution and put workers at risk when the products are [...] thrown out. How does this equate to the assertion that "no hazardous waste will be processed". E-waste by its very nature is hazardous. A facility processing such materials should not be anywhere near residences.

-There is a discrepancy between stating that 'no hazardous waste will be processed' and also stating hazardous materials will be present during the manual dismantling processes. If hazardous materials are being handled in *any* way, FrostMech should be obligated to state this unequivocally and the application for zoning amendment should be weighed accordingly.

Traffic

-Sherman Avenue is a one way street and a major truck route. The surrounding streets are residential and should not be burdened with the *additional* congestion that could be created by trucks lined up with waste to drop off.

-Waiting vehicle traffic will add to idling emissions.

Hours of operation

-This site's proposed operating times are 365 days a year (except stat hols), weekdays from 7:00am to 9:00pm for receiving materials. With residences only 27m away, it is unreasonable to expect neighbours to endure the adverse impact up to 14 hours a day.

-FrostMech states it will '*not encourage materials being left outside*' during non-operating hours. If we can't keep illegal dumping from occurring in any other part of the city, what is the likelihood that it won't occur at a facility actually designed to accept waste materials?? Security systems and signage are not deterrents.

Public consultation

-According to the Planning Justification report, there was a public information meeting. As not a single community member seems to have heard about this, I am curious to know who was in attendance and how much effort, beyond the meagre requirements, was made to notify neighbouring residents.

-I strongly urge the company to hold another public information meeting about which we are reasonably notified in order for concerned residents to meet qualified staff and ask questions.

M6 zoning

-It is unsafe for residents if the City is to allow any further concessions to the existing zoning by-laws. As it is, we are constantly dealing with by-law infractions from companies which the City cannot or does not address in an impactful way. Any exceptions will only cause more hardships to area residents. Instead, the City should be developing best practices for sensitive uses and communicating clear, enforceable restrictions to new and existing businesses.

I have further comments to provide, however I will send this on to you now as a start.

Best regards,



Nheiley, Brynn

From: Patti Encinas [REDACTED]
Sent: December-01-17 11:02 AM
To: Lucas, Adam
Cc: Green, Matthew; Lyndon George; contactus@environmenthamilton.org;
clerk@hamilton.ca; [REDACTED]
Subject: FrostMECH Application re: 119-123 Princess Street

Greetings Adam,

I reside at 5 Clinton Street and recently became aware of an application for a zoning change from FrostMECH for the property known as 119-123 Princess Street. Please be advised that I am vehemently opposed to this change.

I live close enough to this site to clearly see the proposed facility from the rear windows of my home and am aware that other residential homes are even closer; some are directly across the street, in fact. While I fully support recycling facilities of any kind I do not believe it is in the best interest of the health, well-being and expectation of comfortable living for any Hamilton resident to have to literally live so close to waste of any kind. It strikes me as very odd that we have strict by-laws concerning how residents store their garbage, for example not within view of public sidewalks, yet private companies can even consider requests to receive, store, process and transfer waste materials directly adjacent to our residential homes.

I have taken the time to review the entire application from this company and have been left with many unanswered questions and grave concerns of the proposal. I sincerely hope that the City's Planning Committee decides to not approve this request. Hamilton is in the midst of great transformation and I hope the decision makers of my city have much higher aspirations than operating garbage facilities in residential areas. I'm fully aware of this particular area's current K Zoning classification but would note that such zoning is from a bygone era and change for the better needs to be seriously considered. Denying this proposal is a good place to start.

Best regards,

Patti Encinas
Resident, Ward 3

Nheiley, Brynn

From: ALVIN CLARKE [REDACTED]
Sent: December-01-17 10:01 AM
To: Lucas, Adam
Cc: Green, Matthew; Thorne, Jason; Robichaud, Steve
Subject: Princess Street waste processing facility

November 30th 2017

In regards to the Waste Processing Site at 119 to 123 Princess Street:

As a resident I am asking for more time to provide comment on the site development as I would like to present or have a delegate(s) present to council on this matter.

I/we DO NOT want the zoning changed from 40 meters to 27 meters that the company is asking for as there is no justification in this zoning change.

Also, I am asking for a conversation (public Meeting) with the company to have questions answered and information in paper form given out about the company and their procedures to gauge the impact that it may have on the community that they are requesting to build and operate in.

I base this request on -

#1 The notification letter provided to residents lacked the detail required to understand what is being proposed for this location. The letter simply indicated that a "waste processing Site" has been proposed.

#2 The company proposing to build this facility has not reached out to the community - no meeting was held and no information provided

#3 Community members want the opportunity to ask the city planner more questions about the proposal and community would like to ask the company questions also.

#4 We request that more time be provided for the community to submit concerns and comments to the city's planning department. The December 1st deadline is to soon, community members want to provide informed and educated input.

#5 Ideally the community would like to see a meeting organized with both the city planner and the company present to answer questions and provide an overview of what is being proposed for this site.

I/we are looking forward to the complete consideration of all involved.

Sincerely Heather Clarke

copies sent to: Adam Lucas, Steve Robichaud, Jason Thorne, Matthew Green

Nov 30, 2017

Alexis West
16 Ruth St., Hamilton, ON

Adam Lucas, City of Hamilton
Planning and Economic Development Department
Development Planning, Heritage and Design – Urban Team
71 Main St. W. 5th Floor, Hamilton, ON L8P 4Y5
F: 905-546-4202 E: adam.lucas@hamilton.ca

Regarding : Notice of Application and Preliminary Circulation for the Application by Metropolitan Consulting Inc. for an Official Plan Amendment for Lands Located at 119-123 Princess St. Hamilton (Ward 3) UHOPA-17-034

To Whom It May Concern,

I am writing to express my concerns over proposed changes to allow the opening of another Waste Treatment Facility in my neighbourhood. There are already 2 waste facilities in the immediate vicinity, located north of the intersection of Lottridge St and Barton St. Many days in the Spring, Summer and Fall the heavy, sour odour of rotting garbage is in the air. On the strongest smelling days it is impossible to enjoy time outdoors in my back yard, neighbourhood parks or have a window open in my home for fresh air.

It is difficult to address the existing odour concerns with the City of Hamilton or the Ministry of Environment as you must be able to report where the odour is coming from. It saturates the neighbourhood for blocks in any direction, depending on how the wind blows. The odour is extremely potent when a truck dumps a load and for several minutes afterwards.

I feel adding another facility would only exacerbate these problems of odour and reporting.

Additionally, this is an "up and coming" and changing neighbourhood that is hoping to capitalize on the city's efforts to revitalize the downtown core and Barton corridor. I don't believe another waste facility in this neighbourhood would contribute to these efforts of revitalization. Aren't there other locations in the City of Hamilton that are more suitable for this land use? That are already designated for this specific land use? I have concerns for my neighbours as well. While our demographics in this neighbourhood are changing, there is still a lot of poverty here. If a family can't afford air conditioning what do they do in the hot summer months when windows can't be opened due to the smell? Some in our city may think of this area for industrial uses, but it is now mostly utilized for residential and retail use. While it's the last thing I'm mentioning, the environment and climate change is at the top of my considerations. Many days this summer I did not want to run my air conditioning, but felt I had little choice as opening the windows would let this foul odour into my home. If this facility is allowed to operate I fear that "many times" will turn into "most times" as there will be waste facilities now located to the West as well as the East of my home, my hopes for the wind to blow in the right direction will be more desperate. Winds from the East, West, or North will bring the odour of rotting garbage to my home.

I wish to be kept informed of all progress on this application, decisions and any future public meetings.

Regards,

Alexis West
Born and raised Hamiltonian, concerned home owner

Nheiley, Brynn

From: Terry Mote [REDACTED]
Sent: November-30-17 6:32 PM
To: Lucas, Adam
Subject: Application for Zoning Amendment FrostMECH Inc

I am writing to oppose the Zoning By-Law Amendment for the facility at 119-123 Princess Street. The application has been made by FrostMECH Inc.

As with all other proposals for the use of vacant lands, this community has reviewed the information provided in the application by FrostMECH, then we did our homework to make sure that our opinion was well reasoned and based on the facts.

My main concern is the presence of toxic materials (such as lead and mercury) in a residential area, close to elementary schools and a neighbourhood park. In addition, we were disappointed that this company has not engaged the community in a meaningful way beyond the minimum, nor provided any specific information on any environmental licences or permits, or potential effects on air and water. Of particular interest was a statement on the application for re-zoning that the third floor would be only accessible by cargo lift, and be used for materials that require additional security during handling. Besides being quite vague, this statement creates some serious concerns, and raises some obvious questions.

Hope this information is helpful.

Terry Mote

Nheiley, Brynn

From: Shoana Beattie [REDACTED]
Sent: November-30-17 5:11 PM
To: Lucas, Adam; Green, Matthew
Cc: [REDACTED]
Subject: Letter of Opposition RE: FrostMECH

Greetings Adam,

My Family and I have lived in the Stiple Area for almost 20+ years now. We have endured over the last 7 yrs (approximately) the inconvenience of a Transfer Facility located on our street. We would like to express how it has impacted our family life. We have endured unbearable living enjoyment within our home such as, Rats, Smells, Noise from on going machinery, trucks backing up, 18 wheelers parked behind our home, excavators running consistently banging, where you literally feel the vibrations within your living room, not to mention when they change bins, or drop them off it has scared us within the evening hours as well. We as a family feel confined to indoors, having a child who lost outdoor enjoyment with his family is heartbreaking to share. We have lost our right to enjoy our lifestyle. Have you ever explained to your family members or friends who would like to visit, and enjoy the outdoors bbq'ing because of Vermin's running in your yard? Or trying to explain why there is an excavator traveling up and down behind our property line consistently? Even better, Why is there an 18 wheelers full of stuff parked behind our home, roll off bins, un used excavators, fuel tank, no water run off that floods our back yard, and Privacy? We have None. Sleep what's that anymore, If you work shifts, I can guarantee there won't be much of that happening. The dust that accumulates during operation, and the emissions of running equipment, and haulers is unhealthy to our exposure, as well to the safety of our residential Street of trucks travelling, when it's not a truck route. We are consistently washing the exterior of our home, and our vehicles, and we don't dare to open our windows. This is only a few of our concerns that is ongoing with our experience as homeowners, and dealing with an un neighbourly company within our neighbourhood. No one, or a family should go through any of this, and we are honestly speaking about this. Yes, it was supposed to be a green company, good for the environment, keeps items out of our landfills, follow the Ministry Guidelines, along with Guidelines set throughout the City by laws of Hamilton, and the Ministry of Environment, if that was all true, we wouldn't be writing this letter. Seeing all of this first hand, what it truly has done was torn a neighbourhood that once was full of greenery, full of life, into feeling of shackles within your home, and questioning should we all just put our homes up for sale. What quality of life is that to live? Or cross that option? It's unbearable to even question why would we allow another Waste Transfer Facility in our area? We as a family, and a member of our community are adamantly opposed to allowing FrostMECH to start up another such Facility, located 119-123 Princess Street, Hamilton, Ontario in our neighbourhood.

Sincerely,

Mrs. Shoana Beattie & Tim Rattray
87 Clinton Street, Hamilton Ontario
L8L3K1
Sent from my iPad

Nheiley, Brynn

From: Nicole Catenazzi [REDACTED]
Sent: November-25-17 8:41 AM
To: Lucas, Adam
Subject: community consultation - waste processing facility

Hi Adam,

Please add me to the list of names to stay informed on the community consultation for a waste processing facility at 119-123 Princess Street. As a nearby resident, I am strongly opposed to the Application for Zoning By-law Amendment & Official Plan Amendment by FrostMECH Inc.

Thanks,
Nicole

Nheiley, Brynn

From: Lorna [REDACTED] >
Sent: April-17-17 8:41 PM
To: Thomas, Cameron
Subject: Zoning by-law amendment File No. ZAC-17-024

Importance: High

We have many concerns with this zoning amendment as it is around the corner from where we live.

The main issues are as follows:

1. What will the impact on the property values in the area be?
2. Will this mean that there will be an increase in traffic from Birch Street to Sherman Ave along Princess Street? Increased traffic along these routes will disrupt a quiet family area.
3. Does a waste processing, waster transfer; salvage yard, brewery and 185 sq metres of office space to be contained in a 1/2 ha, seem adequate? Is this even feasible?

It seems that this area of the city is getting hit with all of these types of businesses. It is time for the city to look beyond waste companies to set up here. This company is in Toronto - they have a large enough area to handle any of this type of waste at the Toronto facility. Hamilton missed the boat on recycling waste - that was over ten years ago when Stewardship Ontario was first formed. It is time to move in a new direction.

We do not need them here and we do not want them here.

Sincerely

Lorna Bryan and Phillip Shanks
8 Clinton Street
Hamilton, Ontario
L8L 3J8

Thomas, Cameron

From: [REDACTED]
Sent: April-17-17 9:35 AM
To: Thomas, Cameron
Cc: Green, Matthew
Subject: File : ZAC-17-024 Zoning amendment application - ADL Process, Princess Street

I would like to express my concern regarding the application by ADL Process Inc. for a zoning by-law amendment.

As a resident who lives nearby to this property and others currently zoned for M6, I have seen the unchecked negative impacts on residents. The City's M6 zoning by-laws don't go far enough to protect residents, and M5 rezoning will make it worse.

By allowing ADL Process to operate under the far less restrictive M5 guidelines, the City would be demonstrating even less concern for the health and welfare of its citizens.

Please omit my personal information prior to publication

[REDACTED]
[REDACTED]
[REDACTED]