



Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5  
Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202  
E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

# NOTICE OF PUBLIC HEARING

## Application for Consent/Land Severance

APPLICATION NUMBER: HM/B-21:98

SUBJECT PROPERTY: 386 Wilcox St., Hamilton

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You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
  - Applicant/agent on file, or
  - Person likely to be interested in this application
- 

**APPLICANT(S):** Owner Stelco Inc. c/o Paul Simon  
Applicant MHBC Planning c/o Dana Anderson

**PURPOSE OF APPLICATION:** To permit the conveyance of a parcel of land for a manufacturing industrial use and to retain a parcel of land for industrial and employment uses. Existing buildings on retained lands to be demolished and redeveloped.

**Severed lands:**  
189.94m<sup>±</sup> x 1,007.08m<sup>±</sup> and an area of 31.78 per ha<sup>±</sup>

**Retained lands:**  
840.18m<sup>±</sup> x 2,233.21m<sup>±</sup> and an area of 287.12 per ha<sup>±</sup>

**This application will be heard in conjunction with Application No. HM/B-21:97.**

The Committee of Adjustment will hear this application on:

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**DATE:** Thursday, November 25th , 2021  
**TIME:** 3:45 p.m.  
**PLACE:** Via video link or call in (see attached sheet for details)

To be streamed at  
[www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)  
for viewing purposes only

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### PUBLIC INPUT

**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

**Orally:** If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

## **MORE INFORMATION**

For more information on this matter, including access to drawings illustrating this request:

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: November 9th, 2021

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

***Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.***



# CONSENT SKETCH

## LEGEND

- Lands to be Severed\*  
**Area:** 31.78 ha  
**Frontage:** 182.94 m  
**Depth:** 1007.08 m
- Lands to be Retained\*
- Lands to be Subject to Long Term Lease

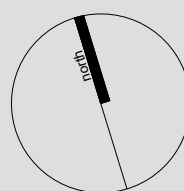
- Lands to be Retained\*  
**Area:** 287.12 ha  
**Frontage:** 840.18 m  
**Depth:** 2233.21 m  
**Outdoor Storage:** 75.03 ha  
**% of Lands for Outdoor Storage:** 26.2%

## Notes:

\* Severed and retained lands subject to reciprocal blanket easements for purposes of access and servicing.

**DATE:** October 20, 2021

**SCALE:** 1:10,000



**386 Wilcox St  
Hamilton, Ontario**

N:\17370\B - Stelco Property\MHBC Documents\Maping, Drawings, Info\Severance Sketch (2021-10-14).dwg

  
**PLANNING  
URBAN DESIGN  
& LANDSCAPE  
ARCHITECTURE**  
 204-442 BRANT STREET BURLINGTON, ON, L7R 2G4  
 P: 905 639 8686 F: 905 761 5589 | WWW.MHBCPLAN.COM



Hamilton

Committee of Adjustment

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71 Main St. W.,  
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

## APPLICATION FOR CONSENT TO SEVER LAND UNDER SECTION 53 OF THE PLANNING ACT

Office Use Only

Date Application Received:	Date Application Deemed Complete:	Submission No.:	File No.:
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### 1 APPLICANT INFORMATION

1.1, 1.2	NAME	ADDRESS
Registered Owners(s)		
Applicant(s)*		
Agent or Solicitor		

\* Owner's authorisation required if the applicant is not the owner.

1.3 All correspondence should be sent to  Owner  Applicant  Agent/Solicitor

### 2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality	Lot	Concession	Former Township
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 386 Wilcox Street			Assessment Roll N°. 251803027202600

2.2 Are there any easements or restrictive covenants affecting the subject land?

Yes  No

If YES, describe the easement or covenant and its effect:

Please see attached easement information

### 3 PURPOSE OF THE APPLICATION

3.1 Type and purpose of proposed transaction: (check appropriate box)

a) Urban Area Transfer (do not complete Section 10):

creation of a new lot

Other:  a charge

- addition to a lot  
 an easement

- a lease  
 a correction of title

b) **Rural Area / Rural Settlement Area Transfer (Section 10 must be completed):**

- creation of a new lot  
 creation of a new non-farm parcel  
 ( i.e. a lot containing a surplus farm dwelling  
 resulting from a farm consolidation)  
 addition to a lot

- Other:  a charge  
 a lease  
 a correction of title  
 an easement

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

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3.3 If a lot addition, identify the lands to which the parcel will be added:

N/A

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**4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION**

4.1 Description of land intended to be **Severed**:

Frontage (m) ±189.94 m	Depth (m) ±1,007.08 m (Irregular)	Area (m <sup>2</sup> or ha) ±31.78 ha
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Existing Use of Property to be severed:

- Residential  
 Agriculture (includes a farm dwelling)  
 Other (specify) \_\_\_\_\_
- Industrial  
 Agricultural-Related
- Commercial  
 Vacant
- 

Proposed Use of Property to be severed:

- Residential  
 Agriculture (includes a farm dwelling)  
 Other (specify) \_\_\_\_\_
- Industrial  
 Agricultural-Related
- Commercial  
 Vacant
- 

Building(s) or Structure(s):

Existing: Industrial buildings currently operating as a cold steel rolling plant.

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Proposed: No change is proposed to the existing buildings or use.

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Type of access: (check appropriate box)

- provincial highway  
 municipal road, seasonally maintained  
 municipal road, maintained all year
- right of way  
 other public road

Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system  
 privately owned and operated individual well
- lake or other water body  
 other means (specify) \_\_\_\_\_

Type of sewage disposal proposed: (check appropriate box)

- publicly owned and operated sanitary sewage system  
 privately owned and operated individual septic system  
 other means (specify) \_\_\_\_\_

4.2 Description of land intended to be **Retained**:

Frontage (m) ± 840.18 m	Depth (m) ± 2,233.21 m (Irregular)	Area (m <sup>2</sup> or ha) ± 287.12 ha
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Existing Use of Property to be retained:

- Residential  
 Agriculture (includes a farm dwelling)  
 Other (specify) \_\_\_\_\_
- Industrial  
 Agricultural-Related
- Commercial  
 Vacant
-

Proposed Use of Property to be retained:

- Residential
  Industrial
  Commercial  
 Agriculture (includes a farm dwelling)
  Agricultural-Related
  Vacant  
 Other (specify) \_\_\_\_\_

Building(s) or Structure(s):

Existing: A number of vacant industrial buildings

Proposed: The retained lands will eventually be demolished and redeveloped for industrial and employment uses.

Type of access: (check appropriate box)

- provincial highway
  right of way  
 municipal road, seasonally maintained
  other public road  
 municipal road, maintained all year

Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system
  lake or other water body  
 privately owned and operated individual well
  other means (specify) \_\_\_\_\_

Type of sewage disposal proposed: (check appropriate box)

- publicly owned and operated sanitary sewage system  
 privately owned and operated individual septic system  
 other means (specify) \_\_\_\_\_

4.3 Other Services: (check if the service is available)

- electricity
  telephone
  school bussing
  garbage collection

## 5 CURRENT LAND USE

5.1 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): N/A

Urban Hamilton Official Plan designation (if applicable): Industrial Lands

Please provide an explanation of how the application conforms with a City of Hamilton Official Plan.

Please refer to attached justification letter.

5.2 What is the existing zoning of the subject land?

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? General Industrial (M5) with site specific Exception 433

5.3 Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard	<input type="checkbox"/>	
A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	

<b>A provincially significant wetland within 120 metres</b>	<input type="checkbox"/>	
<b>A flood plain</b>	<input type="checkbox"/>	
<b>An industrial or commercial use, and specify the use(s)</b>	<input checked="" type="checkbox"/>	Steel Manufacturing
<b>An active railway line</b>	<input checked="" type="checkbox"/>	Active Spur Lines
<b>A municipal or federal airport</b>	<input type="checkbox"/>	

**6 PREVIOUS USE OF PROPERTY**

- Residential                       Industrial                       Commercial  
 Agriculture                       Vacant                       Other (specify)

- 6.1 If Industrial or Commercial, specify use Steel Manufacturing
- 6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?  
 Yes       No       Unknown
- 6.3 Has a gas station been located on the subject land or adjacent lands at any time?  
 Yes       No       Unknown
- 6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?  
 Yes       No       Unknown
- 6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?  
 Yes       No       Unknown
- 6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?  
 Yes       No       Unknown
- 6.7 Have the lands or adjacent lands ever been used as a weapons firing range?  
 Yes       No       Unknown
- 6.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?  
 Yes       No       Unknown
- 6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?  
 Yes       No       Unknown
- 6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?  
 Yes       No       Unknown
- 6.11 What information did you use to determine the answers to 6.1 to 6.10 above?  
Reports of professional consultants and over 100 years of operating history on the Lands
- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.  
Is the previous use inventory attached?  
 Yes       No

**7 PROVINCIAL POLICY**

- 7.1 a) Is this application consistent with the Policy Statements issued under subsection of the *Planning Act*? (Provide explanation)
- Yes       No

Please refer to attached justification letter.

- b) Is this application consistent with the Provincial Policy Statement (PPS)?  
 Yes       No      (Provide explanation)  
 Please refer to attached justification letter.
- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?  
 Yes       No      (Provide explanation)  
 Please refer to attached justification letter.
- d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)  
 Yes       No  
 Growth Plan for the Greater Golden Horseshoe (see question c) above).
- e) Are the subject lands subject to the Niagara Escarpment Plan?  
 Yes       No  
 If yes, is the proposal in conformity with the Niagara Escarpment Plan?  
 Yes       No  
 (Provide Explanation)
- f) Are the subject lands subject to the Parkway Belt West Plan?  
 Yes       No  
 If yes, is the proposal in conformity with the Parkway Belt West Plan?  
 Yes       No      (Provide Explanation)
- g) Are the subject lands subject to the Greenbelt Plan?  
 Yes       No  
 If yes, does this application conform with the Greenbelt Plan?  
 Yes       No      (Provide Explanation)

## 8 HISTORY OF THE SUBJECT LAND

- 8.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or a consent under sections 51 or 53 of the *Planning Act*?  
 Yes       No       Unknown

If YES, and known, indicate the appropriate application file number and the decision made on the application.

HM/B - 10/56, HM/B - 10/57, HM/B-19:94 to HM/B-19:97

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- 8.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.

N/A

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- 8.3 Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land?  Yes       No

If YES, and if known, provide for each parcel severed, the date of transfer, the name of



the transferee and the land use.

Max Aicher (North America Inc.) - November 2010

8.4 How long has the applicant owned the subject land?  
over 100 years- through various predecessor entities

8.5 Does the applicant own any other land in the City?  Yes  No  
If YES, describe the lands in "11 - Other Information" or attach a separate page.

386 Wilcox St (south of Industrial Dr) is a separate property. See Section 11 below.

**9 OTHER APPLICATIONS**

9.1 Is the subject land currently the subject of a proposed official plan amendment that has been submitted for approval?  Yes  No  Unknown

If YES, and if known, specify file number and status of the application.

9.2 Is the subject land the subject of any other application for a Minister's zoning order, zoning by-law amendment, minor variance, consent or approval of a plan of subdivision?  Yes  No  Unknown

If YES, and if known, specify file number and status of the application(s).

File number Consent submitted concurrently

Status See Section 11 below.

**10 RURAL APPLICATIONS**

**10.1 Rural Hamilton Official Plan Designation(s)**

- Agricultural  Rural  Specialty Crop
- Mineral Aggregate Resource Extraction  Open Space  Utilities
- Rural Settlement Area (specify) \_\_\_\_\_  

Settlement Area
Designation

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate the existing land use designation of the abutting or non-abutting farm operation.

**10.2 Type of Application** (select type and complete appropriate sections)

- Agricultural Severance or Lot Addition
  - Agricultural Related Severance or Lot Addition
  - Rural Resource-based Commercial Severance or Lot Addition
  - Rural Institutional Severance or Lot Addition
  - Rural Settlement Area Severance or Lot Addition
- } (Complete Section 10.3)
- Surplus Farm Dwelling Severance from an Abutting Farm Consolidation (Complete Section 10.4)
  - Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation (Complete Section 10.5)

**10.3 Description of Lands**

a) Lands to be Severed:

Frontage (m): (from Section 4.1)	Area (m <sup>2</sup> or ha): (from in Section 4.1)
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Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

b) Lands to be Retained:

Frontage (m): (from Section 4.2)	Area (m <sup>2</sup> or ha): (from Section 4.2)
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Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

#### 10.4 Description of Lands (Abutting Farm Consolidation)

a) Location of abutting farm:

\_\_\_\_\_  
(Street) (Municipality) (Postal Code)

b) Description abutting farm:

Frontage (m):	Area (m <sup>2</sup> or ha):
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Existing Land Use(s): \_\_\_\_\_ Proposed Land Use(s): \_\_\_\_\_

c) Description of consolidated farm (excluding lands intended to be severed for the surplus dwelling):

Frontage (m):	Area (m <sup>2</sup> or ha):
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Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

d) Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1)	Area (m <sup>2</sup> or ha): (from Section 4.1)
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Front yard set back: \_\_\_\_\_

e) Surplus farm dwelling date of construction:

Prior to December 16, 2004  After December 16, 2004

f) Condition of surplus farm dwelling:

Habitable  Non-Habitable

g) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m <sup>2</sup> or ha): (from Section 4.2)
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Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

#### 10.5 Description of Lands (Non-Abutting Farm Consolidation)

a) Location of non-abutting farm

\_\_\_\_\_  
(Street) (Municipality) (Postal Code)

b) Description of non-abutting farm

Frontage (m):	Area (m <sup>2</sup> or ha):
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Existing Land Use(s): \_\_\_\_\_ Proposed Land Use(s): \_\_\_\_\_

c) Description of surplus dwelling lands intended to be severed:

Frontage (m): (from Section 4.1)	Area (m <sup>2</sup> or ha): (from Section 4.1)
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Front yard set back: \_\_\_\_\_

d) Surplus farm dwelling date of construction:

Prior to December 16, 2004  After December 16, 2004

e) Condition of surplus farm dwelling:

October 21, 2021

Jamila Sheffield, Secretary Treasurer  
Committee of Adjustment  
City of Hamilton  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, Ontario  
L8P 4Y5

Dear Ms. Sheffield:

**RE: Application for Consent  
386 Wilcox Street, City of Hamilton  
17370B**

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We are pleased to submit two applications on behalf Stelco Inc. ("**Stelco**") for consent to sever a parcel of land to create a new lot, which will have the benefit and burden of certain reciprocal blanket easements. The first application is for consent to create a new lot for conveyancing purposes, including transfers and mortgages. The second application is for consent to create a new lot for long-term lease purposes. The new lot in both cases is the same parcel of land.

The subject lands are located at Industrial Drive and Depew Street and are municipally known as 386 Wilcox Street (the "**Subject Lands**"). The Subject Lands are currently owned by and registered in the name of Stelco. This letter sets out the purpose of the proposed consent and provides justification based on an assessment of the current provincial and municipal policy and regulatory framework.

The following materials are also provided in support of the application:

- 1) Consent Application Forms;
- 2) Consent Application fees in the amount of \$5,720 (Payment by Credit Card);
- 3) Draft Consent Conditions in respect of the severance portion of the Applications (Attached to this letter as Appendix 1); and,
- 4) Consent Sketch.

## **BACKGROUND**

### **Existing Site**

The Subject Lands are located on the north side of Burlington Street East/Industrial Drive, between Sherman Avenue North and Ottawa Street North. These lands are approximately 318.9 hectares (788 acres) in area and have 1,023.12 metres of frontage along Burlington Street East/Industrial Drive. The lands are bounded by Hamilton Harbour along the west and north property line and Stipes Inlet along the east property line.

The Subject Lands are currently occupied by a number of heavy industrial uses associated with steel production by Stelco. There are four groups of existing industrial structures, two of which are currently in operation for steel manufacturing and related uses. Stelco requires the long-term use of approximately 32 hectares (the "**Severed Lands**" described further below) for the purposes of continuing to operate its cold steel rolling plant, leaving the remaining 287 hectares (the "**Retained Lands**") available for future redevelopment for employment purposes. Some of the retained lands will temporarily be devoted to Stelco's coke battery operation and head office use.

The Subject Lands contain an internal network of private roads, rail spurs, water mains, sewers and other utilities which service the existing buildings and operations on site.

There are also lands identified as MANA (North) and MANA (South) shown on the severance sketch that have been previously severed in 2010 pursuant to application numbers B-57/10 and B-56/10, respectively. MANA (South) has direct access to Industrial Drive while MANA (North) is accessed via the existing private road network.

### **Surrounding Land Uses**

- North:** The Subject Lands abut Hamilton Harbour along the north property line.
- South:** The area immediately south to Barton Street East is predominantly industrial. South of Barton Street East are a mix of commercial and residential uses.
- East:** A number of heavy industrial uses operate to the east of the Subject Lands, i.e. steel production and asphalt production, carbon by-product plant, paper plant. Stipes Inlet separates the Subject Lands from the abutting steel manufacturing facility operated by AncelorMittal Dofasco.
- West:** The west property line of the Subject Lands abuts Hamilton Harbour. Lands west of the Subject Lands include a mix of shipping and navigation operations along the waterfront and industrial uses along Burlington Street.

## PROPOSED CONSENTS

Two related consents are requested with respect to the Severed Lands. First, consent is requested to create a new parcel for conveyancing purposes, including transfers and mortgages. A second consent, with respect to the same Severed Lands, is requested to create a new parcel for long-term lease purposes in excess of 21 years. In both cases, the Severed Lands will contain Stelco's cold steel rolling plant. Subject to consent being obtained, it is intended that the Severed Parcel will be transferred to new ownership and that a long-term lease will be entered into with Stelco for Stelco's cold steel rolling plant. The consent to the conveyance and long-term lease of the Severed Lands will facilitate appropriate financial and risk management measures required by the nature of Stelco's steel manufacturing operations. Table 1 below sets out relevant statistics for the proposed Severed Lands and Retained Lands.

**Table 1: Proposed lots**

	<b>Retained Lands</b>	<b>Severed Lands</b>
<b>Lot Area</b>	287.12 hectares	31.78 hectares
<b>Lot Frontage</b>	840.18 metres (cumulative)	182.94 metres
<b>Proposed Use</b>	Coke battery and Stelco head office which is expected to wind down over time. Balance of the lands are available for future redevelopment.	Stelco cold steel rolling plant.

The proposed consents will facilitate Stelco's continued presence on its historic Hamilton Works by making the Retained Lands available for future redevelopment and maintaining the Severed Lands for Stelco's continued operations. Stelco's cold steel rolling plant is expected to be maintained on site for the long term. Given the complex network of services which traverse the Subject Lands, blanket reciprocal easements will be established for the Severed Lands and the Retained Lands for the purposes of maintaining all existing access and servicing.

Due to the size of the Subject Lands, a master planning process in consultation with City staff will be undertaken to create a conceptual development plan, servicing strategy and implementation strategy to guide the future redevelopment of the lands. To ensure this process occurs prior to the approval of any development applications, Stelco is proposing the establishment of a Holding Provision through an amendment to the current zoning for the Retained Lands. Proposed conditions to the application for consent to sever to implement the Holding Provision are attached as Appendix 1.

## PLANNING ANALYSIS AND JUSTIFICATION

### Planning Act

Section 51(24) of the *Planning Act* requires that, in considering an application for consent, regard shall be had among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality, as well as a number of additional requirements. The proposed consents have been assessed in accordance with these requirements as follows:

- ***“(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;”***

The proposed consents are consistent with the matters of provincial interest listed in Section 2 of the *Planning Act*, including the orderly development of safe and healthy communities, adequate provision of employment opportunities and the protection of the financial and economic well-being of the Province.

- ***“(b) whether the proposed subdivision is premature or in the public interest;”***

The Subject Lands are located within the built up area of the City and have access to existing services. The proposed consent would allow for the redevelopment of the Retained Lands for employment uses located in a prime location with direct access to road, rail and harbour infrastructure. As such, the consent is not premature and is in the public interest.

- ***“(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;”***

The Retained Lands and the Severed Lands conform to the Urban Hamilton Official Plan (UHOP) policies, as discussed below.

- ***“(d) the suitability of the land for the purposes for which it is to be subdivided;”***

The Retained Lands and the Severed Lands will each be of an appropriate size consistent with the requirements of the City’s Zoning By-law. Future redevelopment of the Retained Lands will be for employment uses, and thus conversion to more sensitive land uses that may cause a concern with respect to the suitability of the land is not being contemplated. Further study of the Retained Lands will be undertaken through a master planning exercise and implemented through specific planning and development applications for the Retained Lands.

- ***“(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;”***

This criterion is not directly engaged given the land uses contemplated.

- ***“(e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;”***

The Subject Lands have existing access to the surrounding road network via Industrial Drive and Burlington Street to which no changes are proposed.

- ***“(f) the dimensions and shapes of the proposed lots;”***

The Retained Lands and the Severed Lands will each be of an appropriate size consistent with the requirements of the Zoning By-law. Any further lot creation on the Retained Lands that may be proposed in the future as part of a future redevelopment will be addressed through future applications, including a potential future Draft Plan of Subdivision application.

- ***“(g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;”***

Blanket reciprocal easements are proposed to maintain all of the existing access and servicing for the Retained Lands and the Severed Lands. A summary of easements affecting the Subject Lands is included in the accompanying application form.

- ***“(h) conservation of natural resources and flood control”***

There are no proposed changes to any grading or elevations and no proposed new buildings or structures are associated with the consents.

- ***“(i) the adequacy of utilities and municipal services;”***

Utilities and municipal services are not proposed to be altered on either the Retained Lands or the Severed Lands. Any changes to utilities and municipal services will be addressed through a future master planning exercise and implementing planning and/or development applications.

- ***“(j) the adequacy of school sites”***

This criterion is not directly engaged given the land uses contemplated.

- ***“(k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;”***

Land dedications are not proposed through the consent applications.

- ***“(l) the extent to which the plan’s design optimizes the available supply, means of supplying, efficient use and conservation of energy”***

There are no proposed changes to the existing development on the Retained Lands or the Severed Lands that will affect the use and/or conservation of energy.

- ***“(m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).”***

The existing development on the Severed Lands will remain. The interrelationship with site plan control matters for the Retained Lands and the Severed Lands will be addressed as part of a future development proposal.

Overall, the proposed consents will not impact the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality. The proposed Severed Lands contain an occupied industrial building associated with steel manufacturing which will continue to operate in the same manner as it is presently operated. The proposed Retained Lands contain existing vacant industrial buildings as well as active occupied industrial buildings associated with the manufacturing of steel. It is intended that the Retained Lands will eventually be redeveloped; however, no new development is proposed with these applications. These issues will be addressed on the Retained Lands through a future Draft Plan of Subdivision application and future Site Plan applications.

## **Provincial Policy Statement 2020**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development with the goal of enhancing the quality of life for all Ontarians. The *Planning Act* requires that decisions affecting a planning matter “be consistent with” the policies of the PPS. The proposed consents are consistent with the PPS in that they will serve to support long-term economic prosperity by facilitating the future redevelopment of the Retained Lands and will support employment generation in a Provincially Significant Employment Zone.

## **Growth Plan for the Greater Golden Horseshoe 2020**

The Growth Plan for the Greater Golden Horseshoe (Growth Plan) provides a framework for implementing the provincial government’s vision for building stronger, prosperous communities by better managing growth in the Greater Golden Horseshoe. The *Planning Act* also requires that decisions affecting a planning matter “conform with” the Growth Plan”. Similar to the analysis above, the proposed consents conform with the Growth Plan as they serve to support long-term job creation and economic prosperity by maintaining and protecting industrial lands and facilitating the future redevelopment and employment generation in a Provincially Significant Employment Zone.

## **Urban Hamilton Official Plan**

The Subject Lands are identified as “Employment Areas” on Schedule E – Urban Structure and designated “Industrial Land” on Schedule E-1 – Urban Land Use Designations of the Urban Hamilton Official Plan (“UHOP”).

Employment Areas are considered the City’s primary employment generators and are intended to provide a diverse range of employment uses next to the City’s major transportation infrastructure. Land use policies support the redevelopment of brownfield sites, recognize the importance of the Port of Hamilton and encourage transit supportive development. The Industrial Land designation generally applies to the City’s older industrial areas which tend to accommodate traditional, heavy industrial uses. The Industrial Land designation permits industrial and employment activities such as manufacturing, research and development, transportation terminals, building supply establishments, warehousing, limited office use and communication establishments. There are no proposed land use changes with the current proposed consent applications. The proposed consents will facilitate the longer term, future redevelopment of the Subject Lands through a master planning exercise while ensuring that Stelco is able to continue its cold steel rolling operations over the long term.

The UHOP contains policies that outline conditions which must be met when creating new lots. The following specific policies are provided for Employment Areas:

***“F.1.14.3.5 Consents for new lot creation for both the severed and retained lands for employment uses in the Employment designation shall be permitted provided the following conditions are met:***

***a) The lots comply with the policies of this Plan including secondary plans, where one exists;”***



The proposed lots comply with the policies of the UHOP. As described above, the proposed severance of the Severed Lands will allow the continued operation of Stelco’s steel manufacturing. The proposed severance of the Severed Lands maintains a future economic development opportunity for the City of Hamilton, consistent with the policies of the UHOP.

***“b) The lots are in conformity with the Zoning By-law or a minor variance is approved;”***

The in-effect M5 zone applicable to the Severed Lands and the Retained Lands permits a wide variety of industrial and employment uses. As per the table below, the Severed Lands and the Retained Lands conform with the lot frontage and area requirements of the in-effect zoning. There are no proposed changes to land uses, buildings or structures with the proposed consents.

	<b>Required</b>	<b>Provided (Severed)</b>	<b>Provided (Retained)</b>
<b>Minimum Lot Area</b>	4000 m <sup>2</sup>	321,900 m <sup>2</sup> (31.78 ha)	2,871,200 m <sup>2</sup> (287.12 ha)
<b>Minimum Lot Frontage</b>	4.5 m	182.94 m	840.18 m

***“c) the lots are fully serviced by municipal water and wastewater systems; and,”***

The Subject Lands are fully serviced. No changes are being proposed to the existing services. Blanket reciprocal easements are proposed for the Severed Lands and the Retained Lands to maintain all of the existing access and servicing. Any changes to services would be addressed through future master planning, Draft Plan of Subdivision and Site Plan applications.

***“d) the lots have frontage on a public road.”***

The proposed Severed lands and Retained Lands have the required frontage on Burlington Street and Industrial Drive (182.94 m for the Severed Lands and 840.18 m for the Retained Lands).

As per the above analysis, the proposed consent applications conform with the consent policies of the UHOP.

**Zoning By-Law 05-200**

The Subject Lands are zoned General Industrial (M5) with site specific Exception 433. The M5 zone permits a variety of employment uses, including manufacturing, office, and warehouse uses. Site specific Exception 433 removes all requirements for minimum parking spaces, minimum yards abutting a street and minimum planting strip requirements abutting a street.

There are no proposed changes to land uses, buildings or structures through the consents. All existing conditions will remain. Based on a zoning compliance review, the proposed consents meet all applicable zoning regulations that are relevant to the proposed severance applications, including lot frontage and lot area provisions.

**CONCLUSION**

Based on the above analysis, the proposed consents conform with the current policy and regulatory requirements. The proposed consents will preserve Stelco’s existing cold steel rolling plant operations on the Severed Lands while providing for the potential future redevelopment of the Retained Lands. In order to ensure that the future redevelopment of the Retained Lands is appropriately addressed in respect of the severance portion of the applications, draft conditions are being proposed for the application for consent to sever, as provided in Appendix 1 that include a holding provision to be applied to the Retained Lands that will require the creation of a conceptual development plan, servicing strategy and implementation strategy to guide the future redevelopment of the Retained Lands.

The proposed draft conditions of consent are provided for consideration by staff and the Committee. The proposed draft conditions are reasonable and appropriate to facilitate the proposed consent to sever and to secure the City’s interest in facilitating a master planning exercise for the Retained Lands.

Please do not hesitate to contact us should you have any questions or require additional information.

Yours truly,

**MHBC**



Dana Anderson, MA, FCIP, RPP  
Partner



Gerry Tchisler, M.Pl., MCIP, RPP  
Associate

## APPENDIX 1: PROPOSED DRAFT CONDITIONS OF CONSENT FOR SEVERANCE

1. That the owner provides adequate reciprocal access and servicing easements between the severed and retained lands to the satisfaction of the Manager Engineering Approvals Section, if required.
2. That the owner register on the title of the lands an adequate storm drainage easement in the City of Hamilton's favour centred over the existing 2850mm x 2100mm storm outfall to the satisfaction of, and if required by, the Manager of Engineering Approvals.
3. The owner shall enter into an Agreement with the City under section 53(12) of the *Planning Act* to secure the following:
  - a. The owner filing and obtaining approval of a Zoning By-law Amendment Application that proposes an "H" holding provision for the retained lands and requires the following to be satisfied prior to lifting:
    - i. The owner submitting a Concept Plan for the retained lands to the satisfaction of the Director of Planning. The Concept Plan shall include guidance on:
      1. Precincts and the distribution of land uses and buildings within each precinct;
      2. Road and rail network; and
      3. Phasing.
    - ii. The owner submitting a Site Servicing Strategy for the retained lands to the satisfaction of the Senior Director of Growth Management.
    - iii. The owner providing an Implementation Strategy to illustrate how the Concept Plan and Site Servicing Strategy may be implemented through additional *Planning Act* approvals such as Draft Plan of Subdivision, Draft Plan of Condominium and/or applications for Site Plan Approval.
4. The owner shall provide evidence confirming that the retained and conveyed lands, including existing uses and buildings or structures thereon, will comply with the requirements of the Zoning By-law, or otherwise demonstrate that such uses, buildings or structures continue to be legal; or, alternatively, apply for and receive final approval of any variances that may be required to the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
5. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The Reference Plan must be submitted in hard copy and in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.

6. The owner shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development (Building Division – Building Engineering Section).
7. The owner shall submit to the Committee of Adjustment office an administration fee of \$108.00 payable to the City of Hamilton to cover the costs of setting up new tax accounts for the newly created lots.
8. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer in respect of the retained and conveyed lands.