

From: [Ralph Bouwmeester](#)
To: [Singh, Tiffany](#)
Subject: Draft Sun-Shadow Study Guidelines for Hamilton
Date: Tuesday, October 25, 2022 1:12:19 PM

Hi Tiffany -

Thank you for entertaining direct comments via email. My comments below relate to the proposed modifications to the City's Sun-Shadow Study Guidelines as posted on the City's web site.

The proposed draft appears to be very similar to the requirements spelled out in "Terms of Reference: Shadow Impact Study for Downtown Hamilton" (Appendix "F" to Report PED18074) which I understand apply to only the Downtown Secondary Plan Area.

It is also my understanding that areas outside the Downtown rely upon Policies 6.1.4.34 through 6.1.4.38 of the City's Official Plan, and that Section 4.12, Shadow Impacts, of the 2012 City-Wide Corridor Design Guidelines apply where applicable.

The above has been our guide in the past when preparing shadow studies in Hamilton.

Is it the City's intent to have the draft guidelines apply City-wide? And do away with the OP and Corridor requirements? In other words, is the intent to have one guideline for the entire City?

On a separate note I would suggest that the requirement for Mar 21 be deleted since it is essentially the same as Sep 21 save for a time shift of about 14 minutes. A more meaningful alternative to Mar 21 would be Jun 21. Then the whole period Mar 21 to Sep 21 is effectively covered. Just my two cents worth...

The following comments/questions are more of a technical nature.

In the Purpose section, mention is made of the impacts on "surrounding buildings" and "building facades" yet no further mention is made of these. No 'Impact Criteria and Considerations' are provided. The guidelines focus on at-grade amenity areas and the public realm which is consistent with other jurisdictions. I would suggest 1) that references to buildings be deleted, or 2) that criteria be added.

In the Technical Criteria section, specific Geographical Coordinates are provided. Why not allow the actual site coordinates to be used? This would yield more accurate results.

In the Study Format - Shadow Model section, mention is made of shadows from as-of-right on the subject and adjacent lands. What is meant by 'adjacent lands'? Immediately next door, or the entire study area?

This section also requires "3D mapping showing the shadows from proposed buildings and all buildings within the study area". Where can 3D info for existing buildings be found? It does not appear to be available on the City's Open Data portal. This info is critical for the generation of shadows from existing buildings and for the determination of new net shadows (see below).

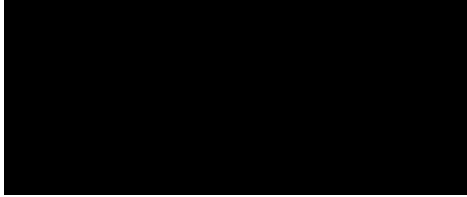
In the Glossary section, a definition for 'new net shadow' is provided. This assumes that 3D massing models for existing buildings are available. My comments are the same as those in the previous paragraph.

Looking forward to your reply.

Thank you.

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Regards -
Ralph



From: [Joseph Liberatore](#)
To: [Singh, Tiffany](#)
Subject: RE: Phase 1 - Draft ToRs/Guidelines in Preparation for Bill 109
Date: Tuesday, October 25, 2022 1:45:01 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

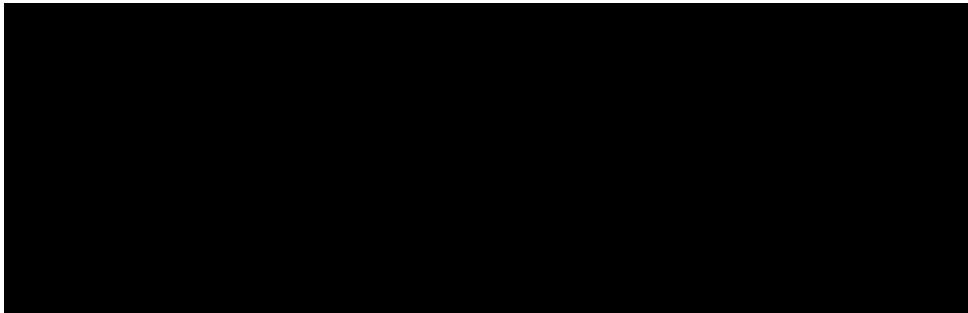
Hi Tiffany,

Thank you for sending these materials for review, I appreciate it.

Regarding the Phase 1 implementation, is that planned to come into effect on January 1, 2023 and apply only to materials submitted after that date?

If not, what is the target date that the Phase 1 Implementation for the Terms of References/Guidelines is to take effect?

Thank you,



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West End Home Builders' Association
 1112 Rymal Road East, Hamilton
Serving members in Hamilton and Halton Region

November 7, 2022

To: Tiffany Singh, Senior Planner, City of Hamilton
 77 Main Street West, Hamilton, Ontario

West End Home Builders' Association | Submission on City of Hamilton's Response to Bill 13 & Bill 109

The West End Home Builders' Association (WE HBA) appreciates the transparent and consultative approach the City of Hamilton is taking towards implementing Bill 13 and Bill 109. This submission provides high level commentary about the process currently underway, and detailed commentary on the forty-seven Terms of References and Guidelines shared in Phase 1 of the implementation process. We are looking forward to participating in continued fulsome discussions and would like to keep lines of communication open to facilitate a collaborative approach to building the required 1.5 million homes for Ontarians.

WE HBA appreciates the City of Hamilton seizing the opportunity presented through Bill 109 to implement streamlining and transparency measures such this development of guidelines for all the studies and technical documents that may be required as part of a complete application. We wish to caution the City of Hamilton that it is important to be judicious in determining which studies are truly necessary and required on a site-by-site basis. The number of required reports and studies has an impact on the timelines and affordability of new housing, and as such, sound judgement about which studies are truly necessary for each application is imperative. WE HBA is appreciative of the City's approach to ensuring each requirement has a key City Department responsible, this will be very important to understand who is responsible for what and should help with breaking down departmental silos. The development of these Terms of Reference represents a shift in how Hamilton approaches planning. As we navigate a significant housing shortage, collaboration, flexibility, and regular revisions of processes to determine what's necessary will be important. With that, below is our commentary and suggestions for each of the 47 draft terms of reference shared for consultation.

Study #	Commentary
1	<p><u>Affordable Housing/Rental Conversion Assessment</u></p> <p>WE HBA appreciates the overall intent of the Affordable Housing and Rental Conversion Assessment. We'd like to caution the City that the term <i>Affordable Housing</i> is often unclearly defined, and that affordable housing and rental housing are not synonymous. In terms of specifics, WE HBA would recommend the City require "For vacant units, the last rents charged for each unit, categorized by unit type, if available". For certain vacant units information about the last rents charged may not be available.</p> <p>Furthermore, should it be known at the Formal Consultation (FC) stage that this requirement is necessary for the proposed development, why can the following not be incorporated within the FC process?</p>

	<i>"Prior to initiating an Affordable Housing Report or Rental Conversion Assessment the applicant should confirm the terms of reference through a pre-study consultation with Development Planning and Investment in Affordable Housing staff."</i>
2/3	<u>Aggregate Resource Assessment/Aggregate Mineral Resource Analysis</u> No Comments
4	<u>Agricultural Impact Assessment</u> It's unclear why the pre-study consultation cannot happen during the FC process. It should be incorporated into the FC Processing, particularly if the study is known to be required based on the AIA criteria noted in the Terms of Reference as being <i>"normally required for larger greenfield developments adjacent to the rural area."</i>
5	<u>Archaeological Assessment</u> Established criteria of what needs to be submitted at time of submission should be provided in the Terms of Reference, such as: <ul style="list-style-type: none"> • Draft Stage 1-2 Report • MTCS Acknowledgement of Stage 1-2 Report • Draft Stage 3 Report, if required • MTCS Acknowledgement of Stage 3 Report • Stage 4 Report, etc.... Also, clarification on whether the City reviews the report prior to filing with the Ministry, should be noted or if the submission of the Report to the City is more so a formality for record keeping.
6	<u>Concept Plan</u> Concept Plans should also be permitted to be prepared by Certified Planning Technicians (CPT) in addition to the professions noted. Please detail the exact information that should be communicated in the Site Statistics table (by low-rise residential, high-rise/mixed use, commercial, industrial or institutional development types). This could perhaps be done through a sample site statistics chart, similar to the Site Plan Undertaking Notes.
7	<u>Construction Management Plan</u> It is unclear why the City of Hamilton's Construction Management Plan Guidelines (2022) are not more prominently featured in the terms of reference/development application guidelines. It appears that there is a duplication of requirements that could be streamlined. Furthermore, we'd like to offer the following commentary. The sentence <i>"Construction Management Plans are not normally required for the submission of a complete Planning Act application."</i> should be removed from the document. Details required within a CMP are not typically known at the time of an application, and should not be required in any detailed manner so early in the application process. Utility contact information should be provided at the Formal Consultation stage from the City on the specific companies and contacts that need to be engaged for sign-off, particularly if it involves tiebacks beneath a municipal right-of-way.
8	<u>Cost Recovery Agreement</u> No Comment
9	<u>Cultural Heritage Assessment - Documentation and Salvage Plan</u>

	<p>Clarification should be provided on whether this is in reference to the professional practitioner or the actual firm that is retained, since many architecture firms offer Architecture and Cultural Heritage Services (e.g., mCS and ERA Architects):</p> <p><i>“All Plans must be prepared by a qualified heritage specialist that is a member in good standing of the Canadian Association of Heritage Professionals (CAHP). The qualified consultant should not be the project architect or any other professional with a stake in the proposed development.”</i></p>
10	<p><u>Cultural Heritage Impact Assessment</u></p> <p>Since based on Appendix F-4 of the UHOP, nearly the entire City is an area of archaeological potential and neither the UHOP or Terms of Reference identifies exactly what “High Archaeological Potential” means, the following text is recommended to be modified from:</p> <p><i>“If a proposal affects a known archaeological site or area of high archaeological potential;”</i></p> <p>In addition, clarification should be provided on whether this is in reference to the professional practitioner or the actual firm that is retained, since many architecture firms offer Architecture and Cultural Heritage Services (e.g., mCS and ERA Architects):</p> <p><i>“All CHIAs and related plans or studies must be prepared by a qualified heritage specialist that is a member in good standing of the Canadian Association of Heritage Professionals (CAHP). The qualified consultant should not be the project architect or any other professional with a stake in the proposed development.”</i></p>
11	<p><u>Cycling Route Analysis</u></p> <p>Guideline should provide clear direction on circumstances in which Transportation Planning staff may require this analysis. Given this is a new study required by the City of Hamilton and represents a change in planning approach, flexibility and adjustments to the Terms of Reference should remain an option.</p> <p>Furthermore, should it be known at the FC stage that this requirement is necessary for the proposed development, why can the following, not be enrolled within the FC process? <i>“The need for a Cycling Route Analysis and the terms of reference are to be confirmed through a pre-study consultation with Transportation Planning staff.”</i></p>
12	<p><u>Environmental Impact Statement and Summary of Environmentally Significant Areas Impact Evaluation Group Comments</u></p> <p>No Comment</p>
13	<p><u>Environmental Site Assessment and/or Record of Site Condition</u></p> <p>No Comment</p>
14	<p><u>Farm Economics Report</u></p> <p>No Comment</p>
15	<p><u>General Vegetation Inventory</u></p> <p>No Comment</p>
16	<p><u>Housing Report</u></p> <p>WE HBA is supportive of a renewed focus on housing in Hamilton’s planning process, and how proposed developments will contribute to meeting provincial housing targets as</p>

	<p>expressed in the Urban Hamilton Official Plan. We'd like clarification on at what stage would the Housing Report be required, and which type of applications would require this (OPA, ZBA and DPS, or SPA and DPC).</p> <p>We also have concerns about how this report would be required and that it might set false expectations. The requirement to specify the <i>"Anticipated price range or rent level range of units, for each building type and unit type."</i> prior to the submission of application may be difficult or highly inaccurate as many variables during the development process will impact the numbers that need to be included in the report. This could provide a falsehood as well to any readers of the report (City staff, politicians, public) if and when the actual sale / rental prices vary from the numbers initially communicated. This may have the unfortunate potential of putting the Authoring RPP or CPT in a conflicting situation and also public-faced binding a builder to certain prices that may not be economical.</p>
17	<p><u>Impact Assessment for New Private Waste Disposal Sites</u> No Comment</p>
18	<p><u>Landscape Plan</u></p> <p>We have a concern with the requirement of detailed grading information on Landscape Plans. Having specific grading information shown on multiple consultant drawings greatly increases the likelihood of errors and conflicts. All of the grading information identified in the landscape guidelines under 'Proposed' would be shown on a grading plan which would be prepared and certified by a qualified engineer.</p> <p>The bullet point stating "Proposed grades, finished first floor elevations, existing grades along the property lines and elevations at the base of retained existing trees" should be removed. This should be a requirement on grading plans during detailed design. However, it is important to note that this level of detail is not appropriate for a complete application. Proposed grading takes several months of design and revisions to work out a grading plan that could show this level of detail for existing trees.</p> <p>Furthermore, the following section of the Terms of Reference should be removed as it places a heavy emphasis on "Character" without elaborating exactly how this relates to a Landscape Plan: "Effort should be made to demonstrate how the proposed development enhances the site, and responds to the streetscape and the character of the surrounding area."</p> <p>The Terms of Reference should specify the types of ornamental shrubs/grasses/perennials permitted to be placed on any publicly owned components of the public right-of-way. A list should be provided as an attachment to this document.</p> <p>Additionally, the wording to be included on the Landscape Plans for municipal street trees should be provided in the Terms of Reference to ensure consistency City-wide and complete transparency with different Landscape Architecture firms.</p> <p>Clarification on whether Existing Vegetation that is proposed for removal should be on the landscape plan should be provided, as this may cause overlap information that renders portions of the Landscape illegible.</p>

19	<p><u>Linkage Assessment</u> No Comment</p>
20	<p><u>Materials Palette or Imagery</u> A Materials Palette or Imagery study should not be required as part of a complete application, as materials and imagery is selected towards the end of the planning process. This level of detail would not be possible at such an early stage and should be a requirement of detailed design stage.</p>
21	<p><u>Minimum Distance Separation Calculation</u> No Comment</p>
22	<p><u>Modern Roundabout and Neighbourhood Roundabout Analysis</u> Similar to WE HBA's comments on the Cycling Route Analysis, adjustments to this terms of reference may be required upon implementation.</p>
23	<p><u>Neighbourhood Traffic Calming Options Report</u> Similar to WE HBA's comments on the Cycling Route Analysis and the Roundabout Analysis, adjustments to this terms of reference may be required upon implementation.</p>
24	<p><u>Parking Analysis/Study</u> A Parking Analysis should not be required for the submission of an application under the Planning Act, given the City of Hamilton should proceed with the full removal of minimum parking requirements from the zoning by-law and allow the applicant to determine how much parking is required on a site. Minimum parking requirements have been identified as a significant barrier to both affordable and market housing development. Furthermore, minimum parking requirements are a costly disincentive to transit oriented communities and intensification. WE HBA would also suggest the deletion of "The purpose of a Parking Analysis / Study is to determine the parking supply required to support a proposed development as per the City of Hamilton Zoning By laws."</p>
25	<p><u>Pedestrian Route and Sidewalk Analysis</u> Guideline should provide clear direction on circumstances in which Transportation Planning staff may require this analysis. Adjustments to this terms of reference may be required upon implementation.</p>
26	<p><u>Planning Justification Report</u> No Comments</p>
27	<p><u>Pre-Technical Conservation Authority Review</u> The Formal Consultation Meeting should be scheduled to allow for the Pre-Technical Conservation Authority Review to take place at the same time, as all aspects of the proposed development are being considered. Therefore, this Guideline should be revised to include a paragraph/section that clarifies the Pre-Technical Conservation Authority Review will take place at the same time as the Formal Consultation Meeting.</p>
28	<p><u>Public Consultation Summary and Comment Response</u> The front-ending of the required public consultation prior to submitting an application will likely encounter some challenges in terms of implementation. Continued dialogue through the formal consultation process and a willingness to adjust this Terms of Reference document is recommended.</p> <p>Discussion regarding the conveyance of information such as meeting participants information, photographs and recordings should be further clarified as much of this information may be outside of the provisions of the <i>Municipal Act</i> and <i>Planning Act</i>, as this</p>

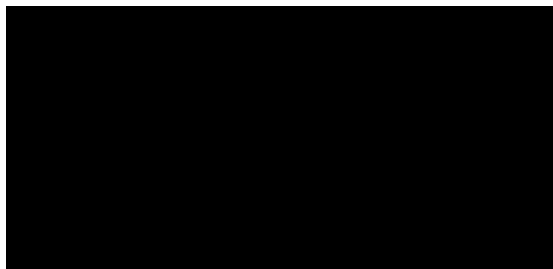
	<p>consultation will be done prior to the submission of the <i>Planning Act</i> application. Conveying this information may not be possible due to privacy concerns.</p> <p>“Generalized” summaries of comments provided and any written comments received, that do not include any personal identifiable information for attendees, may be a more appropriate form of conveying feedback from the applicant led public meeting. This Terms of Reference should be revised accordingly.</p>
29	<p><u>Right Of Way Impact Assessment</u> No Comments</p>
30	<p><u>Roadway Development Safety Audit</u> No Comments</p>
31	<p><u>Site Lighting Plan</u></p> <p>While there is no concern with the details of the Site Lighting Plan Guideline, this level of detailed design is too intensive for a complete application. The site design is not far enough along to allow an accurate lighting design to be prepared without it becoming irrelevant come time for detailed site design. These plans are typically prepared towards the end of the detailed site design stage.</p>
32	<p><u>Sun Shadow Study</u></p> <p>This requirement should only be made for buildings greater than 10 storeys in height and directly abut the privacy areas of ground-related housing forms. In no circumstance should they be required for buildings less than 10 storeys in height. Mitigation Measures text should be revised to remove the note “reduced height”.</p> <p>For a consistent base plan and shadow sourcing, the City should make publicly available base modeling for each of the neighbourhoods, or at least the priority intensification areas (Downtown, BLAST Network, Community Nodes, etc.). As 3D models may be requested as part of the submission requirements for future applications, having this data available would be a logical benefit to both the City staff and applicants.</p>
33	<p><u>Summary Response To Formal Consultation Comments</u> No Comments</p>
34	<p><u>Survey Plan</u></p> <p>There are 2 different main types of Surveys; Legal and Topographic. Many of the requirements within the guidelines refer to or suggest Topographic Survey, however, these guidelines appear to be more of a Real Surveyor’s Report Plan which is neither Legal or Topographic, but a generalized combination not showing the detail necessary to address requirements of other guidelines proposed by the City. Typically a Legal Survey would be required to be prepared by an O.L.S where as a Topographic Survey can be prepared by a number of different types of consultants.</p>
35	<p><u>Traffic Impact Study</u> No Terms of Reference provided for review.</p>
36	<p><u>Transit Assessment</u></p> <p>More clarity should be provided as to when a Transit Assessment will be required. New housing development will require sustained transit investment from the City of Hamilton to ensure existing and future routes can support new growth. It is important that investment in transit remain a Council and City priority. Information gleaned from Transit Assessment reports should be used to further transit investments.</p>

37	<p><u>Transportation Demand Management Options Report</u> No Comments</p>
38	<p><u>Transportation Impact Study</u> No Comments</p>
39	<p><u>Tree Management Plan</u> The Tree Management Plan reporting may be able to be combined with other reports into one report including the Tree Protection Plan and the General Vegetation Inventory. This could be done in a similar way to how transportation studies may be done together if required. A full Tree Management Plan would be pre-mature for a complete application. It would be possible to survey the existing trees, however, it is not until detailed grading design stage would it be known if a tree can be saved. Too much soil added or removed can be detrimental to a tree's health and chance of survival, but this couldn't be known at such an early stage in the site's design.</p>
40	<p><u>Tree Protection Plan</u> Similar to Tree Management Plans, Tree Protection Plans would be pre-mature for a complete application. It is not until detailed grading design stage would it be known if a tree can be saved. Too much soil added or removed can be detrimental to a tree's health and chance of survival, but this couldn't be known at such an early stage in the site's design.</p>
41	<p><u>Urban Design Guidelines</u> Registered Professional Planner should be a listed qualified design professional.</p>
42	<p><u>Urban Design Report and Design Review Panel Summary and Response</u> WE HBA members have identified some challenges with this proposed approach, namely that the Urban Design Review Panel may not have the capacity to keep up with the volume of applications. Reiteration where and when DRP applies to a project should be included in this Terms of Reference to assist with scoping the requirements of content for the Urban Design Report as early in the process as possible.</p>
43	<p><u>Visual Impact Assessment</u> The Niagara Escarpment Commission provides guidance about when Visual Impact Assessments are required. The additional request for a digital model to confirm the findings of the report should be further clarified. Particularly clarification in regard to why the written report with all graphics, plans and visualizations provided, is not sufficient for staff's review.</p>
44	<p><u>Wildland Fire Assessment</u> There are only a few areas within the Rural Area of the City of Hamilton that are at risk for wildland fire, yet this guideline suggests it may be anywhere development is proposed adjacent to a forest. Guideline should be revised in first sentence of second paragraph within the Contents section to clarify that "Development proposals in or adjacent lands identified by the MNRF to be at risk for wildland fire hazard..."</p>
45	<p><u>Wind Study</u> The requirement should be revised to apply to buildings greater than 10 storeys in height (not six).</p>
46	<p><u>Zoning Compliance Review</u> WE HBA is concerned that this will create an additional review process prior to the submission of a Zoning By-law Amendment Application, which results in additional time and costs for development.</p>

	<p>During the FC process, the submissions are circulated to Zoning staff for review and comments that are incorporated as part of the FC document. Implementing this Zoning Compliance review adds an additional Zoning review, on top of the FC review, at additional cost to applicants (both in time and money for fees) and inefficiently using valuable city staff time to duplicate review processes PRIOR to an actual Planning Act application being submitted. With limited staff resources currently in the Zoning Department, this requirement is requested to be reviewed for modification as part of the FC process.</p>
47	<p>3D Model</p> <p>A requirement for 3-D modeling should not be a part the requirements for a Complete Application. While WE HBA appreciates the intent the City has to build a 3D Model of the City, this work is yet to be completed. Digital models of proposed buildings at the application stage will be changed throughout the application review process. The timing of this requirement should be revisited.</p> <p>If the model is to be submitted, an updated City of Hamilton 3D baseline mapping should be available for all applicants to access to ensure consistency of information and transparency of public data.</p> <p>Clarification should also be provided as to exactly which types of developments would require a 3D model to be submitted and what their criteria is (i.e., 12 storey buildings or taller, Downtown UGC only, BLAST Network + Downtown, etc.).</p>

The WE HBA appreciates the time taken to review our recommendations, and we look forward to continued dialogue with the City of Hamilton during Phase 2 of the project. Additionally, we are requesting an industry workshop to bring City Staff and WE HBA members together to discuss how to collaborate under a new planning framework.

Kind Regards,



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