

Public Consultation – Summary of Comments and Staff Responses		
Guideline	Comment	Staff Response
Affordable Housing Report/Rental Conversion Assessment	<p>Affordable Housing is often unclearly defined, and affordable housing and rental housing are not synonymous.</p> <p>For certain vacant units information about the last rents charged may not be available. As such, the following addition is suggested:</p> <p>“For vacant units, the last rents charged for each unit, categorized by unit type, if available”.</p>	<p>The title of this document reflects that assessments of the impacts of rental conversion and demolition applications are directly related to a review of the affordability of rent levels being charged for the units. Urban Hamilton Official Plan (UHOP) contains a definition of affordable housing. The UHOP policies for rental conversions and demolitions have specific defined criteria for rent levels to determine if a conversion or demolition should be permitted.</p> <p>This requirement is a standard request for condominium conversion applications. Adding “if available” may lead to applicants not making best efforts to obtain this information. As such, Staff do not support the suggested change. Instead the following sentence has been added (refer to Appendix “B1” to Report PED22112(d)):</p> <p>“In cases where the information available is limited, the applicant must follow-up with the City after the Formal Consultation Meeting to confirm the appropriate scope.”</p>
Agricultural Impact Assessment	<p>A pre-study should be incorporated into the FC process, particularly if the study is known to be required based on the AIA criteria noted in the Terms of Reference as being “<i>normally</i> required for larger greenfield developments adjacent to the rural area.”</p>	<p>The scope of work required for an Agricultural Impact Assessment will be provided as part of the Formal Consultation.</p> <p>Should an applicant want to modify the scope outlined or confirm that their methodology is sufficient, a pre-study consultation with staff may be required to confirm a detailed term of reference prior to initiating the assessment.</p>

		As this wording is within the existing interim document, a revision is not required.
Archaeological Assessment	<p>Criteria of what needs to be submitted at the time of submission should be provided.</p> <p>Clarification on whether the City reviews the report prior to filing with the Ministry or if the submission to the City is a formality should be provided.</p>	<p>A note has been added to the guideline summary stating that reports can be submitted to the City and the Ministry at the same time.</p> <p>A revision has been made to the guideline summary to add reference to the City's Archaeology Master Plan, which includes information about the City's authority to review Archaeological Assessments. Other minor text edits were also made to the guideline summary to ensure clear and concise language (refer to Appendix "B4" to Report PED22112(d)).</p>
Concept Plan	<p>Concept Plans should also be permitted to be prepared by Certified Planning Technicians (CPT) in addition to the professions noted.</p> <p>Please detail the exact information that should be communicated in the Site Statistics table.</p>	Staff agree with both suggestions regarding the Concept Plan guidelines and have amended the guideline to include Certified Planning Technicians and the details of what should be included in the Site Statistics table (refer to Appendix "B5" to Report PED22112(d)).
Construction Management Plan	The sentence "Construction Management Plans are not normally required for the submission of a complete Planning Act application." should be removed from the document. Details required within a Construction Management Plan 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.	Staff reserve the right to ask for a Construction Management Plan as part of a complete <i>Planning Act</i> application in circumstances where the site is confined or has limited access that requires an understanding of the Construction Management Plan in advance to granting Conditional Site Plan approval. This would be determined in the Formal Consultation document. As such, no change has been made.

	Utility contact information should be provided at the Formal Consultation stage from the City.	Relevant utility contact information will be provided in the Formal Consultation document. This notation has been added (refer to Appendix "B6" to Report PED22112(d)).
Cultural Heritage Impact Assessment – Documentation and Salvage Plan	<p>Clarification should be provided on whether the following statement is in reference to the professional practitioner or the actual firm that is retained:</p> <p>"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."</p>	<p>Staff have revised the guideline summary as follows:</p> <p>"All CHIAs and related plans or studies must be prepared by a qualified professional with demonstrated experience in the heritage field, typically demonstrated by membership and good standing in the Canadian Association of Heritage Professionals (CAHP) and/or the Ontario Professional Planners Institute (OPPI)."</p> <p>Additional edits were made to the 'purpose' section of the guideline summary to better reflect when and why this plan may be needed. Clarification was also added with regards to the review role of the Hamilton Municipal Heritage Committee and Heritage Permit Review Subcommittee (refer to Appendix "B8" to Report PED22112(d)).</p>
Cultural Heritage Impact Assessment	Neither the Urban Hamilton Official Plan nor the Cultural Heritage Assessment Terms of Reference defines what "High Archaeological Potential" means or where it is located. The only reference is Appendix F-4 – Archaeological Potential (UHOP), which shows nearly the entire City as an area of archaeological potential. As such, the reference to "or areas of high archaeological potential" should be removed.	<p>The reference to "areas of high archaeological potential" is directly from Urban Hamilton Official Plan Policy Vol 2. B.3.4.2.12 (iii). As such, a revision has not been made with regards to the reference to high archaeological potential. Staff will determine the need for this assessment during the Formal Consultation process.</p> <p>In this case, the reference to the qualified consultant not having a stake in the project is to address issues where there has been conflict of interest when a firm is hired to both act as the architect and the heritage consultant conducting the CHIA.</p>

	<p>Again, clarification should be provided on whether the following statement is in reference to the professional practitioner or the actual firm that is retained:</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>	<p>Staff have made the following revisions to the section describing who should prepare a Cultural Heritage Impact Assessment:</p> <p>“All CHIAs and related plans or studies must be prepared by a qualified professional with demonstrated experience in the heritage field, typically demonstrated by membership and good standing in the Canadian Association of Heritage Professionals (CAHP) and/or the Ontario Professional Planners Institute (OPPI). The qualified professional should not be the project architect or any other professional with a stake in the proposed development.”</p> <p>Other minor revisions have also been made to correct specific terms and references and to clarify the review role of the Hamilton Municipal Heritage Committee and Heritage Permit Review Subcommittee (refer to Appendix “B9” to Report PED22112(d)).</p>
Cycling Route Analysis	<p>The guideline should provide clear direction on circumstances in which Transportation Planning staff may require this analysis.</p> <p>Can pre-study consultation determining the terms of reference with Transportation Planning staff be included in the Formal Consultation meeting?</p>	<p>Staff have added text under the Other Information section of the interim Cycling Route Analysis to provide clarity on when an analysis will be requested (refer to Appendix “B10” to Report PED22112(d)).</p> <p>While every attempt will be made at the Formal Consultation stage to provide this scoping, a separate discussion with Transportation Planning staff may be required.</p>
Housing Report	<p>At what stage or type of application would the Housing Report be required? Submission of this information prior to the submission of an application may be inaccurate as many</p>	<p>As per UHOPA No. 175 and RHOPA No. 36, Table F.1.19.1 indicates that a Housing Report may be required as part of an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Site Plan Control application.</p>

	<p>variables are impacted during the development process. This may have the unfortunate potential of putting the consultant in a conflicting situation and also binding a builder to certain prices that may no longer be economical by the time they have permits to build.</p>	<p>The content outlined in the Housing Report guidelines is requested to better understand the type of housing, size and anticipated price or rental ranges to assist staff in better understanding the proposal. This information is not intended to bind an applicant.</p> <p>Staff have made a revision to the following text regarding anticipated price range (refer to Appendix "B15" to Report PED22112(d)):</p> <ul style="list-style-type: none"> • Anticipated price range or rent level range of units, for each building type and unit type (only required for Site Plan Control and Draft Plan of Subdivision applications).
<p>Landscape Plan</p>	<p>There is concern with the requirement of detailed grading information on Landscape Plans. This information takes time to produce and is part of a grading plan, required later in the process.</p> <p>The statement requesting an "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" should be revised, to remove "responds to the streetscape and the character of the surrounding area" as there is no evaluation criteria demonstrating the need for a response to surrounding landscaping and how it relates to landscaping plan.</p>	<p>Staff agree with this comment and the interim Landscape Plan guidelines have been revised removing reference to detailed grading information.</p> <p>Staff agree with this comment and the reference to surrounding streetscapes and character has been removed.</p> <p>The City cannot assume the responsibility for the maintenance of any plantings within the Municipal right-of-way other than trees.</p> <p>The following wording has been included in the interim Landscape Plan guidelines:</p> <p>"The following standard label should be used on all trees to be planted by the City within the municipal right-of-way on landscape plans:</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.</p> <p>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, as this may cause overlapping information that renders portions of the Landscape Plan illegible.</p>	<p>“Trees to be planted by the City of Hamilton Forestry Section – City of Hamilton Forestry Department to determine the species”.</p> <p>The following text has been added for clarity:</p> <p>“Any existing vegetation to be removed may be shown on a separate Landscape Plan sheet if the details cause the primary landscape drawing to be illegible. In addition, a notation for any trees proposed to be removed is only needed on Landscape Plans if a Tree Management or Tree Protection Plan is not required.”</p> <p>Refer to Appendix “B17” to Report PED22112(d) for the noted revisions.</p>
Materials Palette or Imagery	A Materials Palette or Imagery should not be required as part of a complete application, as materials and imagery are selected towards the end of the planning process. This level of detail would not be possible at such an early stage.	As per UHOPA No. 175 and RHOPA No. 36, Table F.1.19.1 indicates that a Materials Palette or Imagery may be required as part of a Draft Plan of Subdivision or Site Plan Control application and assists staff in evaluating the suitability of façade materials to the conditions of the site and surroundings. As such no change has been made.
Modern Roundabout and Neighbourhood	Guideline should provide clear direction on circumstances in which Transportation Planning staff may require this analysis.	Staff have revised the interim guideline to provide clarity on when an analysis will be requested (refer to Appendix “B21” to Report PED22112(d)).

Roundabout Analysis	Can pre-study consultation determining the terms of reference with Transportation Planning staff be included in the Formal Consultation meeting?	While every attempt will be made at the Formal Consultation stage to provide this scoping, a separate discussion with Transportation Planning staff may be required.
Neighbourhood Traffic Calming Options Report	<p>Guideline should provide clear direction on circumstances in which Transportation Planning staff may require this analysis.</p> <p>Can pre-study consultation determining the terms of reference with Transportation Planning staff be included in the Formal Consultation meeting?</p>	<p>Staff have revised the interim guideline to provide clarity on when an analysis will be requested (refer to Appendix "B22" to Report PED22112(d)).</p> <p>While every attempt will be made at the Formal Consultation stage to provide this scoping, a separate discussion with Transportation Planning staff may be required.</p>
Parking Analysis/ Study	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.	The requested change is not being contemplated through this report given that the City is comprised of urban and rural areas with differing degrees of transit service, and does not reflect the current Zoning By-law requirements.
Pedestrian Route and Sidewalk Analysis	<p>Guidelines should provide clear direction on circumstances in which Transportation Planning staff may require this analysis.</p> <p>Can pre-study consultation determining the terms of reference with Transportation Planning staff be included in the Formal Consultation meeting?</p>	<p>Staff have revised the interim guideline to provide clarity on when an analysis will be requested (refer to Appendix "B24" to Report PED22112(d)).</p> <p>While every attempt will be made at the Formal Consultation stage to provide this scoping, a separate discussion with Transportation Planning staff may be required.</p>

Pre-Technical Conservation Authority Review	<p>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>	<p>The requirement for a Pre-Technical Conservation Authority Review would be identified at the Formal Consultation meeting and confirmed in the Formal Consultation document.</p> <p>A Pre-Technical review is a type of comprehensive review of detailed drawings/materials that several Conservation Authorities offer. This may be needed for complex applications where the City requires a general confirmation from the Conservation Authority that the proposal can work in advance of an application being submitted.</p> <p>While every attempt will be made at the Formal Consultation stage to provide this scoping, a separate discussion may be required.</p> <p>A revision has not been made to the interim Pre-Technical Conservation Authority Review.</p>
Public Consultation Summary and Comment Response	<p>There may be privacy concerns with regards to the conveyance of information such as meeting participants information, photographs and recordings of any public consultations prior to submitting an application.</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</p>	<p>Staff note these concerns and have revised the interim Public Consultation Summary and Comment Response guideline, removing reference to photos and recordings from the list of contents.</p> <p>In addition, clarification has been added with regards to personal identification (to be blacklined or redacted from any submitted comments).</p> <p>Summaries of comments received, and responses are appropriate contents to include, but staff require the full comments verbatim or as submitted by the participant be included in the record of consultation material.</p>

	meeting. This Terms of Reference should be revised accordingly.	Refer to Appendix "B27" to Report PED22112(d) for the noted revisions.
Site Lighting Plan	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.	The interim Site Lighting Plan guideline has been revised noting the following (refer to Appendix B30): "A Site Lighting Plan may be required as a condition of Site Plan Approval."
Sun Shadow Study	<p>Can we change the sun/shadow impact study dates and times to June 21st and September 21st ? <u>OR</u> remove the word "and" and use "to" instead? The Downtown Hamilton Secondary Plan policy states "as measured on March 21st to September 21st...", whereas the former Sun/Shadow Terms of Reference stated "March 21st and September 21st".</p> <p>Under the Purpose section of the new guideline we kept the reference to the proposed development not causing undue shade on "building facades". There is no further evaluation of building facades though. Should this be removed?</p>	<p>The policies suggest that the applicant needs to make sure the most critical sun-shadow conditions (March and September) meet the 3 hour threshold. However, shadows on March 21 generally reflect a similar condition on September 21. As such, only March 21st must be measured, and the interim Sun Shadow Study Guidelines have been revised to reflect this change.</p> <p>Staff understand that clarity is needed and are working on developing criteria for assessing shade on building facades. This work will be completed at a future date. Staff will maintain the language as is for now until the criteria has been developed and vetted appropriately.</p> <p>Term has been changed to "site coordinates".</p> <p>The word "adjacent" was used three times in the document. It has been removed or reworded in all cases as the study should reflect the study area (4.0 times the building height to</p>

	<p>Could we use site coordinates instead of geographical coordinates?</p> <p>With regards to the shadow model it states, "The as-of-right height and massing – identify the shadow outline which would be cast if the as-of-right height and massing were constructed on the subject and adjacent lands;" what is meant by adjacent?</p> <p>How would one access 3D massing models for existing buildings? Can this be made publicly available?</p> <p>The requirement for a Sun Shadow Study should be for proposals greater than 10 storeys in height only.</p> <p>Mitigation measures should remove the notation regarding "reduced height".</p>	<p>the north, east and west; 1.5 times the building height to the south).</p> <p>Bullet added to the "other information" section stating:</p> <p>"To create 3D mapping showing shadow impacts, existing building information and building footprints generated from air photos are available on the Hamilton Open Data portal and LiDAR tiles are available on the Ontario Open Data portal. Applicants will need to create their own models of the existing built form."</p> <p>A Sun Shadow Study may be required for developments that are 6 storeys in height or greater. This threshold has been picked as it represents a predominant as-of-right condition. However, for clarity purposes staff have revised the wording to state:</p> <p>"A Sun Shadow Study may be required in support of a development application comprised of buildings greater than 6 storeys in height;"</p> <p>The example provided of reduced height as an option may be appropriate where a component of a multi-tower development could reduce shadow impacts by reducing the height of one tower element. This is provided as an example and not necessarily a required mitigation method. As such, no change to this example is required.</p> <p>Refer to Appendix "B31" to Report PED22112(d) for the noted revisions.</p>
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Survey Plan	Many of the requirements within the guidelines refer to or suggest a Topographic Survey, or a Real Surveyor's Report Plan.	<p>The interim guidelines for a Survey Plan do not contain any requirements for contour lines and grading information that is typical of a topographic survey.</p> <p>A Real Surveyors Report is also not contemplated in the guideline criteria. The confusion may be regarding the wording requiring the survey to be deposited with the Land Registry Office. Reference to this has been removed from the interim Survey Plan guideline (refer to Appendix "B33" to Report PED22112(d)).</p>
Transit Assessment	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.	Staff have revised the interim guideline to provide clarity on when an analysis will be requested (refer to Appendix "B34" to Report PED22112(d)).
Tree Management Plan	<p>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.</p> <p>A full Tree Management Plan would be premature for a complete application. It would be possible to survey the existing trees,</p>	<p>To clarify, Tree Management Plans (which this Guideline addresses) are under the purview of the Forestry Division. Tree Protection Plans and General Vegetation Inventories are under the purview of the Planning Division. Each Plan has specific requirements and different fee schedules that need to be considered.</p> <p>Tree health and their protection should be assessed as early on in the process as possible. As such, no changes to the interim Tree Management Plan summary guideline has been made.</p>

	however, it is not until detailed grading design stage would it be known if a tree can be saved.	
Tree Protection Plan	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>To clarify, Tree Management Plans are under the purview of the Forestry Division. Tree Protection Plans and General Vegetation Inventories (which this Guideline addresses) are under the purview of the Planning Division. Each Plan has specific requirements that need to be addressed.</p> <p>The requirement for Tree Protection Plans to be included in a complete application is not premature. It is the current practice to require these Plans early in the process as outlined within the Tree Protection Guidelines (revised October 2010).</p> <p>As such, no change to the interim Tree Protection Plan summary guideline has been made.</p>
Urban Design and Architectural Guidelines	Registered Professional Planner should be a listed qualified design professional.	Professionals trained in design and with a scope of practice that includes implementation of building including an understanding of the Ontario Building Code and construction limitations on design should be undertaking this work. As such, no change to the guideline has been made.
Urban Design Report and Design Review Panel Summary and Response	There is concern the Urban Design Review Panel may not have the capacity to keep up with the volume of applications. Where and when DRP applies to a project should be included in this Terms of Reference.	For clarity staff have revised the guideline to include the DRP Design Priority Areas (refer to Appendix "B40" to Report PED22112(d)).

Visual Impact Assessment	The added 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.	For clarification staff have removed the last paragraph within the written analysis section, requiring digital models.
Wildland Fire Assessment	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.	Staff have revised the interim guideline to provide clarity on when an analysis will be requested (refer to Appendix "B42" to Report PED22112(d)).
Wind Study	The requirement should be revised to apply to buildings greater than 10 storeys in height (not six).	<p>A Wind Study may be required for developments that are 20 m in height or more. This threshold has been picked as it represents a predominant as-of-right condition.</p> <p>A change to the interim Wind Study guidelines has not been made.</p>
Zoning Compliance Review	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.	A Zoning Compliance Review may be required for all types of <i>Planning Act</i> applications. This ensures a more efficient processing of applications and will not add redundancy. Zoning Examiners would have the review that was completed for an applicant on file and would compare it to what has been submitted. If no changes to the application material have been made, the same review can be used. In addition, this requirement will assist applicants in preparing a draft zoning by-law which will be required as part of a complete <i>Planning Act</i> application for a Zoning By-law Amendment application.

<p>3D Model</p>	<p>A requirement for 3D modeling should not be a requirement for a complete application. 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.</p>	<p>Staff rely on the 3D model to further evaluate the proposal individually and in relation to other proposals. The proposal's contextual fit and cumulative changes with other applications or recent developments can be evaluated. As such, it should be part of the Complete Application.</p> <p>Staff are working on completing the City's baseline 3D model, but it is not yet available for public access. In the interim applicants and their consultants can create 3D modelling using air photos that are available on the Hamilton Open Data portal and LiDAR tiles which are available on the Ontario Open Data portal. Applicants will need to create their own models of the existing built form.</p> <p>Once the City's baseline 3D mapping has been completed the guidelines will be updated to reflect how that information may be accessed for use by applicants.</p>
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