



A Healthy Watershed for Everyone

BY E-MAIL

November 9, 2023

ZAC-22-044

Lisa Kelsey
Legislative Coordinator
Planning Committee
City of Hamilton
City Hall, 71 Main Street West, 1st Floor
Hamilton, ON L8P 4Y5

Dear Ms. Kelsey:

**Re: Notice of Public Meeting of the Planning Committee
Zoning By-law Amendment Application by 64 Hatt St Investments Inc. (c/o
Forge & Foster) for Lands Located at 64 Hatt Street, Dundas (Ward 13)**

The Hamilton Conservation Authority (HCA) is in receipt of the Notice of Public Meeting of the Planning Committee on November 14, 2023 in regards to the Zoning By-law Amendment (ZBA) application by 64 Hatt St Investments Inc. (c/o Forge & Foster) for Lands Located at 64 Hatt Street, Dundas. HCA understands the purpose of this application is to rezone the subject lands from the General Industrial (I.G) Zone to a modified Mixed Use Medium Density (C5, H156) Zone and from Open Space – Conservation Zone (OS), and Open Space – Conservation Zone (OS/S-7) to the Conservation/Hazard Land (P5, 863) Zone. The effect of this zoning change would allow the adaptive reuse of the existing building by permitting commercial uses within the existing industrial building.

HCA has provided earlier comments on the proposed ZBA application in a letter dated August 26, 2022. In those comments HCA identified concerns with the proposed change in land use given the property is affected by flooding and erosion hazards associated with Spencer Creek. Provincial policy (PPS) generally directs *development* to areas outside of hazardous lands, but does provide for flexibility in some cases, including where a Special Policy Area (SPA) has been approved. The subject property is located within the Dundas Two Zone Floodplain Area (UD-1) SPA. The policies of the SPA allow for limited development and redevelopment within the flood fringe portion of the floodplain subject to providing protection from flooding through the placement of fill and/or floodproofing.

In HCA staff's opinion the proposed development (change in land use) would have to meet the requirements of the SPA to be consistent with provincial policy related to natural hazards. Given no floodproofing of the existing building has been completed, HCA suggests the proposed change in land use to allow for commercial uses in the building would be inappropriate. The floodproofing requirements should be addressed now through the land use planning process to ensure compliance with the SPA policies of the City's Official Plan and the PPS. As such, HCA requests that consideration of the ZBA application for approval be deferred until such time as this issue has been resolved.

HCA kindly requests to be notified of the decision on the proposed ZBA application.

Yours truly,



Mike Stone MA, MCIP, RPP
Manager, Watershed Planning Services

Cc: Steve Robichaud, Chief Planner and Director of Planning, Planning & Economic Development
Jennifer Catarino, Area Planning Manager, West Team, Planning & Economic Development
Shaival Gajjar, Development Planner II, Planning & Economic Development