



A Healthy Watershed for Everyone

BY E-MAIL

April 18, 2024

DN/A-24:44
Related file: DA-18-018

Ms. Jamila Sheffield
Committee of Adjustment
City of Hamilton
City Hall, 71 Main Street West, 5th Floor
Hamilton, Ontario L8P 4Y5

Dear Ms. Sheffield,

**Re: Application for Consent/Land Severance, File No. DN/A-24:44
By Agent GSP Group Inc. c/o Nancy Frieday on behalf of Owner 7612737 Canada Corp. for 51-55 Cootes Drive and 110 King Street West, Dundas.**

HCA staff have reviewed the information provided according to HCA's responsibilities under the *Conservation Authorities Act*, the Memorandum of Understanding between the Ontario Ministry of Natural Resources (MNR), the Ontario Ministry of Municipal Affairs and Housing (MMAH) and Conservation Authorities (CA) relating to provincial interests for natural hazards.

Proposal

The purpose of the minor variance application is to allow an increased maximum setback of 7.6 m to street line instead of the maximum required 4.5 m to street line. The HCA has been providing comments on the related site plan application (DA-18-018) to permit a 6-storey multiple residential dwelling.

Ontario Regulation 41/24 and the Conservation Authorities Act

The subject property is regulated by HCA pursuant to the *Conservation Authorities Act, R.S.O. 1990* and *Ontario Regulation 41/24 (Prohibited Activities, Exemptions, and Permits)*. The lands are regulated because they are entirely within the Regulatory (Regional) Floodplain of Lower Spencer Creek. Written permission is required from the HCA for any proposed development or site alteration on site.

The site is within Special Policy Area (SPA) 3 of the former Town of Dundas Official Plan. Any proposed development on the property must comply with all policies of Special Policy Area 3, which includes requirements for floodproofing, demonstrating the structural integrity of the building during the regulatory flood, and safe parking and access for residential development.

Through review of site plan application DA-18-018, the HCA has raised concerns related to safe access. Residential development proposed within Dundas SPA 3 must demonstrate safe access and this issue has not been addressed to HCA's satisfaction during the site plan application.

Although the HCA has no objection to the minor variance proposed, there are outstanding concerns related to the development of the site from a safe access perspective. Please contact me at (905) 525-2181 Extension 132 or by email at cplosz@conservationhamilton.ca if you have any questions about these comments.

Yours truly,

A handwritten signature in black ink, appearing to read 'Cathy Plosz', is written over a horizontal line.

Cathy Plosz, M.Sc., R.P.P.
Senior Planner, Watershed Management Services.

cc: Nancy Frieday, GSP Group