

CONSULTATION – DEPARTMENTS AND AGENCIES

Department/Agency	Comment	Staff Response
Alectra.	Standard comments.	Noted.
Bell Canada.	Standard comments.	Noted.
Enbridge.	Standard Comments.	Noted.
Commercial District and Small Business Section, Economic Development Division, Planning and Economic Development Department.	The subject site and proposed development are located within the Downtown Hamilton Community Improvement Project Area and as such we are supportive of the proposed zoning amendment in terms of facilitating development that will increase the downtown residential population, further support demand for existing and new commercial amenities in the core and generally represent a positive contribution to the on going revitalization of Downtown as a vibrant, attractive and livable commercial district.	Noted.
CN Rail.	Thank you for consulting CN on the application mentioned in subject. It is noted that the subject site is located within 400 meters of CN Rail Yard and main line operations. CN has concerns of developing/densifying residential uses in proximity to railway operations. Development of sensitive uses in proximity to railway operations cultivates an environment in which land use incompatibility issues are exacerbated. Please refer to Federation of Canadian Municipalities/Railway Association of Canada (FCM/RAC) guidelines for the development of sensitive uses in proximity to railways developed by the Railway Association of Canada and the Federation of Canadian Municipalities.	The concerns expressed by CN are limited to Site Plan matters that will be addressed through a future Site Plan Control application.

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CN Rail. (Continued)	<p>CN encourages the municipality to pursue the implementation of the following criteria as conditions of an eventual application approval:</p> <ol style="list-style-type: none"> 1. The Owner shall engage a consultant to undertake an analysis of noise. Subject to the review of the noise report, CN may consider other measures recommended by an approved Noise Consultant. 2. The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 1000m of the railway right-of-way: <p>“Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of way within 1000 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”</p>	

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<p>CN Rail. (Continued)</p>	<p>3. The Owner shall, through restrictive covenants to be registered on title and all agreements of purchase and sale or lease, provide notice to the public that the noise isolation measures implemented are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of CN.</p> <p>4. The Owner shall enter into an Agreement with CN stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.</p> <p>5. The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.</p>	
<p>Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department.</p>	<p>Development Engineering has reviewed the Functional Servicing Report (FSR), Stormwater Management (SWM) Brief, Grading Plan, and Servicing Plan submitted by Mantecon Partners Inc., dated December 14, 2023.</p> <p>The applicant is required to revise the Functional Servicing Report and Stormwater Management Brief to demonstrate feasibility of on-site quantity control measures within the subject lands and provide updated hydrant flow tests to demonstrate that the required domestic and fire flows are available within the appropriate pressure range such that the surrounding areas are not adversely impacted, in order to support the proposed development.</p> <p>The City has no issues with the proposed storm and sanitary release rate to the municipal sewers.</p>	<p>A Holding ‘H’ Provision is required to ensure submission and acceptance of a revised Functional Servicing Report and Stormwater Management Brief to identify all required site servicing requirements and upgrades to municipal infrastructure. Any necessary updates are required before the Holding ‘H’ Provision can be removed.</p>

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<p>Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department. (Continued)</p>	<p>However, there are no details in the FSR/SWM brief to clarify the required on-site storage volume and feasibility of the required stormwater management control features within the subject lands. Therefore, Development Engineering supports the proposed Zoning By-law amendments, subject to a Holding Provision to address staff comments and the submission of a revised Functional Servicing Report and Stormwater Management brief to identify all required site servicing requirements and upgrades to municipal infrastructure (if required) to the satisfaction of the Director of Development Engineering:</p> <p>1.1 Submit to the City's Director of Development Engineering for review and acceptance, prior to lifting the Hold Provision,</p> <p>1.1.1. A revised Functional Servicing Report and Stormwater Management Brief to demonstrate feasibility of on-site quantity control measures within the subject lands.</p> <p>1.1.2. Updated hydrant flow tests to demonstrate that the required domestic and fire flows are available within the appropriate pressure range and that the surrounding areas are not adversely impacted, otherwise a Watermain Hydraulic Analysis Report (WHAR) will be required at the pressure district level PD2.</p>	<p>These matters are included in Appendix "B" attached to Report PED24042.</p>

Department/Agency	Comment	Staff Response
<p>Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department. (Continued)</p>	<p>1.2. Make satisfactory arrangements with the City’s Growth Management Division and enter into and register on title of the lands, an External Works Agreement with the City for the design and construction of any required improvements to the municipal infrastructure at the Owner’s cost, should it be determined that upgrades are required to the infrastructure to support this development, according to the FSR and WHAR accepted by the City’s Director of Development Engineering.</p>	
<p>Forestry and Horticulture Section, Environmental Services Division, Public Works Department.</p>	<p>The tree management plan requires minor amendments and additional information as it relates to tree numbering and their locations.</p> <p>No landscape plan was circulated.</p> <p>Payment for street trees at a rate of \$695.79 plus HST per tree for road allowance street trees is required.</p>	<p>Revisions to the Tree Management Plan and submission of a Landscape Plan will be required through a future Site Plan Control application.</p>
<p>Transit Strategy, Hamilton Street Railway (HSR).</p>	<p>HSR operates significant service past this site, but the nearest stop is located at Colborne / West Harbour. The site is not expected to affect service.</p> <p>With (Re), the number of buses passing will increase to 10 routes. Two routes, 2 Barton and 71 Ancaster, will stop on the northwest corner of Barton and James. The proponent should protect for or provide for a transit shelter at this stop. Our infrastructure team can provide full details.</p> <p>Applicant is proposing minimal parking spaces.</p>	<p>During the Site Plan Control phase, the applicant will be required to coordinate with our infrastructure team to accommodate a transit shelter on the northwest corner of Barton Street West and James Street North.</p>

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Transit Strategy, Hamilton Street Railway (HSR). (Continued)	The site is in the top 4% of sites by transit access and HSR recommends supporting minimal or even further reduced parking requirements.	
Legislative Approvals, Growth Planning Section, Growth Management Division, Planning and Economic Development Department.	<p>The submitted materials state that the subject proposal will be rental units. If in the future, it is decided that the proposal will be condominium tenure, please note a PIN Abstract would be required with the submission of a future Draft Plan of Condominium application. If the intent is to phase the Condominium, Schedules “G” and “K” as per the Condominium Act, would be required for future phases. If condominium, it should also be confirmed if multiple condominium corporations are proposed and if the proposed parking and any proposed storage lockers will be unitized. Staff defer to Development Planning for further comment;</p> <p>It should be determined if any easements are required for access, servicing and / or maintenance purposes. Staff defer to Development Planning and / or Engineering Approvals for further comment; and,</p> <p>The Owner and Agent should be made aware that the municipal addressing for the proposed development will be determined after conditional Site Plan approval is granted.</p>	Noted.
Metrolinx.	Metrolinx has reviewed the Noise and Vibration Study prepared by dBA Acoustical Consultants Inc. dated February 2024.	A revised warning clause will be required to be added to the site plan through a future Site Plan Control application.

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Metrolinx. (Continued)	<p>It is noted that noise control measures such as the implementation of central air conditioning, specific building components (i.e., windows, walls, etc) and the inclusion of warning clause have been identified as mitigation measures.</p> <p>In review of the warning clause included in Section 4.3 (pg. 11/89), it is noted the language identifies both Canadian National Railway and Metrolinx. Metrolinx notes this wording was not provided or identified to the proponent. Warning clause language regarding Metrolinx should not identify other private rail operators (i.e., CN). Metrolinx requests that its warning clause language below be identified separately and that reference to Metrolinx as part of any other warning clause language be removed. Please submit a revised Noise and Vibration Study containing the Metrolinx warning clause below:</p> <p>Warning: Metrolinx and its assigns and successors in interest operate commuter transit service within 300 metres from the subject land. In addition to the current use of these lands, there may be alterations to or expansions of the rail and other facilities on such lands in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx or any railway assigns or successors as aforesaid may expand their operations, which expansion may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual units.</p>	<p>Additionally, the Owner will be required to grant Metrolinx an environmental easement for operational emissions during a future Site Plan Control application.</p>

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Metrolinx. (Continued)	<p>Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under these lands.</p> <p>The Owner shall grant Metrolinx an environmental easement for operational emissions, which is to be registered on title for all uses within 300 metres of the rail right-of-way. Included is a copy of the form of easement for the Proponent’s information. The Proponent may contact Luka.Medved@metrolinx.com with questions and to initiate the registration process. Registration of the easement will be required prior to clearance of Site Plan Approval (It should be noted that the registration process can take up to 6 weeks).</p> <p>The Owner shall be responsible for all costs for the preparation and registration of agreements/undertakings/easements/warning clauses as determined appropriate by Metrolinx, to the satisfaction of Metrolinx. They shall also consider the timelines required to advance such agreements and reviews in their schedule accordingly.</p>	
Natural Heritage, Planning Division, Planning and Economic Development Department.	<p>No components of the Natural Heritage System (Core Areas or Linkages) have been identified within or adjacent to the subject property. As a result, it is anticipated that the proposed development will not further negatively impact the features and functions of the City’s Natural Heritage System.</p> <p>A Tree Protection Plan prepared by Adesso Design Inc. identified that all trees are within the municipal right of way.</p>	Noted.

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Natural Heritage, Planning Division, Planning and Economic Development Department. (Continued)	Natural Heritage Planning staff defers any further review of this TPP to the City’s Forestry Department.	
Chronic Disease Prevention, Healthy & Safe Communities, Public Health Services.	<p>The following information provided by Public Health Services at the Formal Consultation stage is intended to help educate and inform the Applicant about required studies, applicable policies, and key issues in advance of submitting a formal Planning Act application. These comments do not address all public health issues and/or details that may affect final approval of the site, and which may be identified at the next stage of Planning Act approvals. It is the Applicant’s responsibility to review all relevant City plans and guidelines.</p> <ol style="list-style-type: none"> 1. Bicycle Parking <ol style="list-style-type: none"> a. We recommend that visitor bicycle parking (short-term bicycle parking) being located by front entrances in accessible and well-lit areas. b. We recommend that secure long-term bicycle parking be located inside on the first floor of the building and visible from the front entrance. Additionally, video cameras should be on visitor and secure bike parking lots. Space should be provided for bikes of various sizes and attachments (e.g., trailer). c. We recommend conforming to section 5.7e of Hamilton Zoning By-law regarding bicycle parking rates for both short-term bicycle parking and long-term bicycle parking. We recommend a total of 14 short-term bicycle parking spaces and 90 long-term bicycle parking spaces. 	<p>Short and long term bicycle parking locations will be finalised through a Site Plan Control application. The applicant has requested modifications to reduce the required amount of short and long term bicycle parking. This matter is addressed in Appendix “D” attached to Report PED24064. The proposal will be required to conform to the requirements of the <i>Accessibility for Ontarians with Disabilities Act</i> as it relates to barrier free parking through a future Site Plan Control application.</p>

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<p>Chronic Disease Prevention, Healthy & Safe Communities, Public Health Services. (Continued)</p>	<p>2. Vehicle Parking d. We recommend that the parking requirements for barrier-free parking conform to the parking requirements as per section 5.6a of Hamilton Zoning By-law 05-200. In a PRA 1, no parking spaces are required for residents, and two visitor parking spaces, plus 0.05 visitor parking spaces are required per unit (127 units x .05 = 6.35, thus 7 visitor parking spaces).</p>	
<p>Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department.</p>	<p>Transportation Planning supports the proposed Zoning By-law Amendment, however, the proposed vehicular access location and zoning modifications to reduce short and long term bicycle parking requirements are not supported. No additional right-of-way dedications or daylight triangle dedications are required.</p>	<p>An Addendum to the Transportation Assessment is required to explore alternative access locations through a Site Plan Control application.</p> <p>The applicant's modifications to reduce short and long term bicycle parking requirements are not supported by staff and have been removed from the implementing Zoning By-law Amendment.</p>
<p>Waste Policy and Planning Section, Waste Management Division, Public Works Department.</p>	<p>This application has been reviewed for municipal waste collection service.</p>	<p>Acknowledgement that the site will be serviced by private waste collection will be required through a future site plan application.</p>

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Waste Policy and Planning Section, Waste Management Division, Public Works Department. (Continued)	<p>A private waste hauler will be required to collect the waste materials from the commercial units as the commercial portion of this property is not eligible for municipal waste collection.</p> <p>This residential portion of the development is eligible for municipal waste collection, however, as currently designed, is not serviceable. Revisions to the waste chute configuration, waste storage, loading and staging area, and access route will be required to satisfy the requirements of Waste Management System By-law No. 20-221.</p>	In addition, revisions to the Site Plan will be required through a future Site Plan Control application.
Real Estate, Planning and Economic Development Department.	No comments.	Noted.