



April 4, 2025

City of Hamilton Planning Committee
Hamilton City Hall
71 Main Street West
Hamilton, ON, L8P 4Y5

Attention: Lisa Kelsey, Legislative Coordinator

RE: Item 9.1 - Implementation of Changes to Section 41 of the of the *Planning Act* - Site Plan Approval, in Response to Provincial Bill 185

We are the planning consultants for 11096800 Canada Inc, the owners of the properties known municipally known as 166-190 Main Street West in the City of Hamilton (the "Subject Lands"). We are writing to express our client's general support for the draft Site Plan Control By-law and reintroduction of the Phasing Condition for Standard Conditions of Approval for Site Plan, which is the subject of the above-noted item.

An application for Site Plan Approval for 166-190 Main Street was filed July 3, 2020. Conditional approval was issued January 29 2024, but did not account for the phasing of the project, which we had been discussing with staff for several years prior.

In October 2024, we expressed significant concerns with the initial draft of the Site Plan Control By-law presented to Planning Committee. At that time we requested that the Committee refer the matter back to City staff for further consultation, specifically to address the recognition of existing Conditionally Approved Site Plan Applications and the phasing of Conditional Approvals.

Following additional consultation with City staff, we are pleased to see that the current draft Site Plan Control By-law includes special provisions for applications submitted between January 1, 2020 and the date of the passing of the By-law. These provisions grant a six-year window before Conditional Site Plan Approvals lapse. This approach acknowledges the unique circumstances which apply to many active Conditionally Approved Site Plan Applications across the City and helps ensure that well-intended policy updates do not jeopardize housing projects already in progress.

We are also pleased that City staff recommend reintroducing the Phasing Condition for Standard Conditions of Approval for Site Plans. This condition is essential for large development sites, as it allows for a comprehensive approach to Site Plan Approval and ensures that developments progress in line with market demand. Often, subsequent phases of a project follow 1 year or more from the completion of the first phase. For a 3-phase project, construction and occupancy of all phases could take 12 or more years.

While we appreciate the extended lapsing profile and the reintroduction of phasing to the Conditional Site Plan Approval process, we request that the lapsing provisions recommended in

the Draft Site Plan Control By-law only apply to the initial phase of phased Site Plan Approvals. Large, phased development projects are impacted by a variety of factors, including market demand, economic conditions, and construction schedules. While lapsing provisions can encourage timely development of the initial phase, applying them to subsequent phases creates significant time constraints, potentially jeopardizing the viability of large-scale developments. This could ultimately hinder the delivery of housing units across the City. We recommend the introduction of sequential lapsing provisions, which would only take effect after the final approval of the initial and each subsequent phase. This would allow subsequent phases the time to align with market conditions.

We appreciate the work that City staff have done in preparing the draft Site Plan Control By-law and the consultations that have taken place with industry stakeholders. Should you require any additional information, please do not hesitate to contact us. Thank you for your consideration.

Sincerely,
MHBC

A handwritten signature in black ink, appearing to read 'Dana Anderson', with a stylized, flowing script.

Dana Anderson, MA, RPP, FCIP
Partner

A handwritten signature in black ink, appearing to read 'Andrew Hannaford', with a stylized, flowing script.

Andrew Hannaford, BES, MCIP, RPP
Associate

Cc: Ryan Moore, BGO