

559 Garner Road East, Hamilton
OPA/ZBA Resubmission Comment Response Chart

Commenting Agency	Comment	Responsible Consultant	Response
Development Planning (Michael Fiorino)	Draft Zoning By-law -Revise draft By-law to ensure heights noted align -Clarify if rear yard projection for balcony is needed if eastern property line is considered rear lot line	UrbanSolutions	Draft Zoning By-law updated to address comments
	Site Plan Second level of underground parking has not been shown, please provide plan to ensure conformity -It is unclear if the 'Storm Tank Redundant Room' extends to the second level of underground parking	SRM	SRM: P2 Parking Plan provided.
	Noise Impact Study -Further detail at Site Plan Control stage will be required and evaluated including; -->Building Material -->Noise Barrier Material -->HVAC System details -->Expansion of Southcote Road --> Warning Clauses -->Details on 0.91 m noise wall to be installed at 5th and 7th floor terraces	N/A	Noted.

	<p>Tree Protection Plan</p> <p>- An Arborist Report has been prepared by Davey Resource Group (Joseph Steinfeld; certified arborist) February 10, 2023. Based on this Plan, 71 trees have been inventoried. Of these trees, 63 have been proposed to be removed. Five (5) trees have also been identified to be injured. As per previous comments (November 12, 2021; June 30, 2022), there is concern with this approach.</p> <p>a) The decision to retain trees is to be based on condition, aesthetics, age, and species. There are trees proposed to be removed that are in fair to good health.</p> <p>b) Trees provide a variety of functions (i.e., canopy cover, energy conservation, mental health benefits) to the overall community and are integral to minimizing the impacts of air pollution and climate change (Provincial Policy Statement policies 1.1.1 h, i; 1.1.3.2 c, d and 1.8.1 f, g).</p> <p>c) City-wide initiatives such as the Climate Change Action Strategy and draft Urban Forest Strategy recognize the important role trees play in a livable community. The preservation of mature trees is essential in maintaining the urban forest canopy. The removal of most of the trees on this property does not meet the intent of these initiatives.</p> <p>d) To ensure that the existing tree cover is maintained, compensation of 1 for 1 is required for any tree (10 cm DBH or greater) on private property that will be removed. On the Landscape Plan (drawing L1-01) prepared by Marton Smith Landscape Architects (Lucien Marton; landscape architect) February 16, 2023, quantities of species have not been provided.</p> <p>As a result, it is unclear if adequate compensation can be accommodated on site. Enhancing vegetation cover has not been taken into consideration. It is recommended that more trees on site be retained.</p>	<p>Davey Resource Group</p>	<p>The Arborist Report and Tree Preservation Plan has been updated accordingly.</p>
	<p>Landscape Plan</p> <p>- As a general principle, Natural Heritage Planning staff recommends that where possible, native species representative of the area should be planted on site. The use of native species contributes to the overall quality and diversity within the City. Since the proposed plant list includes several non-native species, it is recommended that more native species should be integrated into the site. This can in the form of trees, shrubs, and perennials.</p> <ul style="list-style-type: none"> • Two species of trees (Jeffersred Freeman Maple and Greenspire Linden) have been proposed. To enhance species diversity, additional species are to be considered. • ‘Gro-Low Fragrant Sumac’ (<i>Rhus aromatica</i> ‘gro-low’) and Northwind Switch Grass (<i>Panicum virgatum</i> “Northwind”) are cultivars of locally rare species. The planting of these species from non-native plant stock may pose a threat to the locally adapted gene pool. These species are to be replaced with more common species. • This Plan is conceptual and does not provide the quantities of trees. It is unclear if adequate compensation has been provided. <p>g) Figure 3 within the Arborist Report indicates that Japanese Knotweed has been found beside tree #1 (Manitoba Maple). Japanese Knotweed is a highly invasive species that can damage infrastructure. There is concern that appropriate measures to remove this species has not been discussed. Further discussion is required.</p>	<p>MSLA</p>	<p>Addressed in revised Landscape Plan</p>

Natural Heritage
(Melissa Kiddie)

<p>Landscape Plan - TPP Figure</p> <p>i. The trees on the figure have been numbered, however, a tree inventory table is missing. The figure is to be revised to include this information.</p> <p>ii. It has been identified that the Ancaster By-law (2000-118) applies to the subject property. It is important to note that this by-law does not apply if there is an approved TPP in place.</p> <p>iii. Tree inspection after construction has been identified. It is unclear how this will be implemented. Further clarification is required</p> <p>- Since the proposed plant list includes several non-native species, it is recommended that more native species be integrated into the site. This can be in the form of trees, shrubs, and perennials.</p> <p>- This plan is conceptual and does not provide quantities of trees. Adequate compensation has not been provided.</p> <p>- The TPP is to include the development proposal. This is missing from drawing TPP1.0. The drawing is to be revised to include this information.</p>	<p>MSLA</p>	<p>Addressed in revised Landscape Plan</p>
<p>TPP</p> <p>- A TPP review fee is to be submitted to the City. At this time, it is unclear if this fee has been provided. Further clarification is required. The 2023 fee is \$635.00.</p> <p>- The decision to retain trees is to be based on condition, aesthetics, age, and species. Opportunities to retain more trees on site are to be explored. This includes trees #6 (Black Walnut), 15 (White Oak), 23 (Black Walnut), 30 (Sugar Maple), 40 (Black Walnut), and 43 (Black Walnut).</p> <p>-Trees #50 (White Spruce), 51 (White Spruce), 52 (White Spruce), 53 (White Spruce), 54 (White Spruce), 55 (White Spruce), 57 (White Spruce), 58 (White Spruce), 59 (White Spruce), 60 (White Spruce), 61 (White Spruce), 62 (White Spruce), 63 (White Spruce), 64 (White Spruce), 65 (White Spruce), and 69 (Manitoba Maple) have been proposed to be removed. Since these trees have been identified as boundary trees, it is unclear if permission has been provided from the adjacent landowner. Further clarification is required.</p> <p>-Trees #48 (White Cedar), 49 (White Spruce), 56 (Silver Maple), 66 (Silver Maple), and 70 (White Spruce) have been proposed to be injured. Since these trees are located on the neighbouring property, it is unclear if permission has been provided from the adjacent landowner. Further clarification is required.</p> <p>-It is important to note that the arborist removing trees on site is to have a tree cutting license with the City of Hamilton. It is advised that the City's Municipal Law Enforcement (MLE) section (mletrees@hamilton.ca) be contacted. In addition, a notation is to be provided on the TPP figure.</p>	<p>Davey Resource Group</p>	<p>The Arborist Report and Tree Preservation Plan has been updated accordingly.</p>

	<p>TPP cont.</p> <p>-In order to ensure existing tree cover is maintained, 1 for 1 compensation is required for any tree (10 cm DBH or greater) that is proposed to be removed from private property. Within the Arborist Report, it has been noted that compensation is not required for poor or undesirable species. This is not accurate. Compensation is required for all private trees 10 cm DBH or greater except for dead trees. The number of trees required for compensation is to be clearly identified on the TPP figure</p>	Davey Resource Group	The Arborist Report and Tree Preservation Plan has been updated accordingly.
<p>Urban Design (Edward Winter)</p>	<p>Site Plan: The proposed submission includes a large retaining wall along north property line which is between 1.5 and 2.0m high along the entire length of the property line. When considering the addition of a 1.8m privacy fence, the adjacent yards will have a 3.3m – 3.8m high wall approximately 0.7m – 1.0m outside the property line. This will cause a shaded area, as well as create an unusable space on the subject property which will be difficult to maintain or access – having the potential to collect debris.</p> <p>Staff continue to request revisions to improve the section condition with the adjacent property to the north. Items to improve are (in combination, or individually):</p> <ul style="list-style-type: none"> -->Decrease height of retaining wall, -->Do the parking levels need to be 3m in height or could that be decreased? -->Could the parking garage be sloped to achieve a lower retaining wall while maintaining ceiling heights in the parking garage? <p>Increase the set-back of the retaining wall to the property line such that access and landscaping are made possible.</p>	SRM	SRM: Addressed in updated Architectural package and Architectural Comment Response Letter
<p>Cultural Heritage (Stacey Kursikowski)</p>	<p>Staff have reviewed the application and are of the opinion that the cultural heritage value or interest of the property will be conserved. Staff have no further comments.</p>	N/A	Noted.
	<p>The provided information is satisfactory to support the Official Plan and Zoning Bylaw Amendment applications. We have no concerns from a water servicing perspective at this time. Updated domestic water usage and RFF calculations, based on the final design of the proposed building, will be required at the time of detailed design and site plan approval application.</p>	N/A	Noted.

Development Engineering
(Matthew Gula)

<p>Hydrogeological Report - Source Water Protection Comments While the hydrogeology report by exp Services Inc. (dated Oct 6, 2022) confirmed that long-term dewatering will not be carried out by constructing the below-grade P2 structure to be watertight, we had previously requested that these details also be reflected in the servicing plans and comment response matrix. We note that this comment has not been fully addressed. Once this comment has been addressed, Source Protection Planning can support the OPA/rezoning application</p>	<p>Odan Detech</p>	<p>A note has been added to Servicing Drawings 1 and 2 stating "The proposed below-grade parking structure is to be constructed as water-tight". Page 12 of the FSR notes that the below-grade structure will be water-tight and no long-term dewatering is required.</p>
<p>Stormwater Management 1. Section C (site servicing plan; drawing no: 3 of 4): Servicing plan shows that a 300 mm storm lateral proposed to Garner Road East crossing a 700 mm existing watermain. In this connection staff recommends that prior zoning approval proposed design should demonstrate proposed 300 mm lateral to Garner Road East can be constructed by confirming adequate separation distance between the above water main and the proposed 300 mm storm lateral by considering inverts of the existing 800 mm culvert on Garner Road East and confirming invert of the proposed storm sewer at MH7A (including inverts of all manholes on Garner Road and at above watermain crossing location). As per City's records of the invert information of the existing culvert on Garner Road East, it appears that currently proposed inverts on the servicing plan may not work at the above watermain crossing of the proposed 300 mm storm lateral. Please review and confirm. 2. As per the Garner Road EA (SNC-Lavalin, 2014) recommendation, servicing plan for the subject development shows 525 mm and 600 mm storm sewers proposed on Garner Road East including the upgrade of the existing 800 mm culvert with 1000 mm culvert on Garner Road to convey the proposed storm release (32 l/s controlled flow and 6 l/s uncontrolled flow for 100 year storm event to Garner Road storm outlet) from the proposed development. However, please note that above infrastructure recommendations in Garner Road EA did not consider the proposed storm release from the subject site. Therefore, please confirm that proposed 100-year release to the Garner Road storm outlet can be conveyed through the proposed storm sewer and culvert upgrade on Garner Road East considering all contributing upstream drainage areas. Please note that as per the Garner Road EA Table 3.3, existing 800 mm culvert on Garner Road East does not have capacity to convey 100-year flows from upstream drainage areas.</p>	<p>Odan Detech</p>	<p>1. The 750mm watermain has been daylighted, which is noted on page 21 of the FSR. The daylighting results can be found in Appendix C of the FR. 2. The future Garner Road storm sewers have been designed were designed for the 5-year storm and an assessment has been done on these sewers to ensure they can accept the additional flows from the subject development. Refer to Page 21 of the FSR and Appendix D. Refer to Page 21 of the FSR for an assessment of the future 1000mm diameter culverts ability to accept the 100-year flow from the subject development.</p>
<p>Stormwater Management cont. 3. Emergency flow from the subject site proposed through the private lands on the west of South Cote Road through the existing low spot at the existing culvert on South Cote Road. In this connection, the proponent acknowledges that the proponent will be responsible for mitigating any future impact in the downstream due to the design proposal</p>	<p>Odan Detech</p>	<p>Verbiage has been added on page 17 and 23 of the FSR to explain how the subject development has mitigated future impacts to the downstream culvert.</p>
<p>Development engineering has no objection to the rezoning application moving forward subject to the following Holding Provision: 1. Submit to the Director of Growth Management for review and acceptance, prior to lifting the Holding Provision, a revised Functional Servicing Report with updated Servicing Plans, to demonstrate that an adequate storm outlet is feasible in accordance with City standards to accommodate the proposed development</p>	<p>N/A</p>	<p>Noted.</p>

Transportation (Bart Brosseau)	Scoped Transportation Impact Study required to be prepared	RJ Burnside	Transportation Impact Study to be included in future resubmission
	<p>Bicycle Parking Spaces:</p> <ul style="list-style-type: none"> - Per the Zoning By-law, the Applicant is to provide five (5) short-term bicycle parking spaces within the property limits. The Owner/Applicant has indicated eight (8) short-term bicycle parking spaces will be provided, which exceeds the requirement as per the City of Hamilton Comprehensive Zoning By-law 05-200. - Site Plan shows 60 bicycle parking spaces on P1 Level, this exceeds the 49 required for the site 	SRM/ATM	<p>Site Plan to ensure 5 short-term bicycle parking spaces are provided at grade <i>(We currently have 6 short-term)</i></p> <p>Able to reduce bicycle parking spaces in P1 by 11 spaces if desired <i>(49 long-term at P1)</i></p>
	<p>Daylight & Visibility Triangles:</p> <ul style="list-style-type: none"> - 12.19 m x 12.19 m daylight triangle must be provided at the corner of Garner Road East and Southcote Road - 5.0m x 5.0m visibility triangles must be provided at all driveway accesses 	SRM/ATM	SRM: Noted and reflected on Site Plan
	<p>Site Plan Underground level 1 and Underground Level 2 must be illustrated on two separate drawings as they have different amounts of parking stalls (60 Parking Stalls in Underground level 1 and 70 Parking Stalls in Underground Level 2). The Applicant shall clarify and confirm the total number of parking stalls accordingly.</p> <p>Transportation Planning notes that a maximum grade percentage of 10% is required per the City of Hamilton Comprehensive Development Guidelines for parking garage ramps. The site plan indicates ramp grades greater than 10%. The ramp grades do not conform to City Development Guidelines; therefore, as a Special Condition of Site Plan Approval, prior to application for any building permits, a letter certifying the design of the ramp will be required to be provided and signed by a Licenced Architect or Engineer, to the satisfaction of the Manager, Transportation Planning.</p> <p>a. The Applicant/Owner provided a letter certifying the ramp, but the plan they are referencing (Site Plan A1.1) does not illustrate the ramp to the underground parking. A copy of the plan they certify must be attached to the letter, clearly illustrating the ramp grades and transitions. The letter will have to be updated referencing the correct plan.</p> <p>The Applicant/Owner has provided a turning plan illustrating that vehicles will conflict with the building when maneuvering down the parking ramp and into parking spaces as illustrated in Figure 1 of Transportation comments.</p> <p>In the absence of existing sidewalks along Garner Road East, 2-metre-wide sidewalks are to be provided along the full length of the property adjacent to Garner Road's public right-of-way. Securities may be required to ensure the future construction of sidewalks along Garner Road East subject to Development Engineering Approvals additional comments</p>	SRM	<p>Total number of parking spaces on each level and across whole site to be confirmed</p> <p>Updated Letter certifying 10% grade on parking ramp to be provided <i>(Updated letter showing the ramp drawings and slopes needed)</i></p> <p>Turning Plan to be revised to address conflicts with building SRM: (i) P2 Parking Plan provided. (ii) Updated Ramp certification letter provided. (reattached). Ramp slopes are indicated on the site plan. (iii) 2m wide sidewalk has been provided along Garner Road.</p>

<p>Forestry (Sam Brush)</p>	<p>Landscape Plan -Forestry approves the tree management plan -Payment of \$7,076.18 Street Tree Planting Fees is to be made to City of Hamilton</p>	<p>Owner</p>	<p>Street Tree Planting Fee to be paid by owner at Site Plan stage</p>
<p>Zoning (Liam Tapp)</p>	<p>Refer to detailed Zoning comments for necessary revisions to draft Zoning By-law Amendment</p>	<p>UrbanSolutions</p>	<p>Outstanding zoning inconformities addressed in revised draft Zoning By-law</p>
	<p>Details on Second Floor of Underground Parking to be clarified on Site Plan (refer to Dev. Planning comments)</p>	<p>SRM</p>	<p>SRM: P2 Parking Plan has been provided.</p>
<p>Waste (Ryan Kent)</p>	<p>Refer to detailed Waste comments for outline of exact revisions required to Site Plan in order to comply with municipal waste collection guidelines</p>	<p>SRM</p>	<p>SRM: [1] The loading area resides outside the building footprint; therefore the 7m overhead clearance is provided. [2] A note has been added to the site plan indicating the structural slab will be designed to support the specified loads.</p>