

June 4, 2024

370-20

**Via Email**

Mr. Michael Fiorino,  
Planner II, Development Planning, Heritage and Design

City of Hamilton,  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

Dear Mr. Fiorino:

**RE: 559 Garner Road East, Hamilton  
Official Plan & Zoning By-law Amendment Resubmission No. 4 (UHOPA-21-022 / ZAC-21-047)**

As you know, UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions), is the authorized planning consultant for Garner South M.D. Developments Inc. (Owner) and is pleased to provide the following Official Plan & Zoning By-law Amendment resubmission for the lands known municipally as 559 Garner Road East, in the City of Hamilton, on their behalf.

Since our last submission, Development Planning staff, Urban Design staff and our team have been in discussions surrounding the proposed retaining wall which runs along the northern property line. Urban Design noted in their most recent comments that “Staff recognize the attempt to match grades along Garner Road East”. Further, Urban Design Staff encouraged the applicant to review if there were any additional measures to minimize the height of the retaining wall, with the realization that there are unconfirmed engineering constraints due to the extension of services to the site – and this limits the ability to lower grade. Accordingly, our team conducted one final review of the proposed retaining wall and opportunities to reduce the height. Through our review, it was verified that the unconfirmed engineering constraints, and existing unknowns related to the municipal works surrounding the subject lands result in an inability to accommodate an alternate iteration of the proposed retaining wall.

The Natural Heritage comments provided note that a Holding Provision is recommended to be implemented requiring the applicant to obtain permission from the adjacent landowner to the north, authorizing the removal of trees which are located on abutting lands. While UrbanSolutions has no objection to the need for landowner permission to be obtained for neighbouring trees proposed for removal, we do disagree with the necessity of a Holding Provision to secure this permission. Tree Protection Plan standards already require a landowner to obtain written permission from abutting neighbours if a tree is proposed to be injured or removed. As a Tree Protection Plan is always required as a standard condition of Site Plan approval, permission from abutting landowners is already secured through the Site Plan process. Adding a Holding Provision requirement represents an unnecessary layering of obligation for an action which will inherently be required through the natural Site Plan process. For the reasons outlined above, we believe the Tree Protection Plan should be considered acceptable from a re-

zoning perspective in acknowledgement of the additional detailed review to occur during the Site Plan phase.

In support of the Official Plan Amendment and Zoning By-law Amendment resubmission, please find enclosed the following:

- One (1) copy of the Architectural Drawing Set prepared by SRM Architects;
- One (1) copy of the SRM Comment Response Chart prepared by SRM Architects;
- One (1) copy of the draft Zoning By-law prepared by UrbanSolutions;
- One (1) copy of the Landscape Plan prepared by MSLA; and,
- One (1) copy of the Transportation Technical Memorandum prepared by RJ Burnside.

We look forward to working with you and your staff in the review of this application. Should you have any questions or require anything further, please do not hesitate to contact the undersigned.

Kind Regards,  
**UrbanSolutions**



Matt Johnston, MCIP, RPP  
*Principal*



Scott Beedie, MCIP, RPP  
*Planner*

cc: Garner South M.D. Developments Inc.