

February 3, 2025

City of Hamilton

Planning and Economic Development Department
71 Main Street West, 4th Floor
Hamilton, Ontario L8P 4Y7

Attention: Mr. Dave Heyworth, Acting Director & Senior Advisor, Strategic Growth Initiatives

Dear Mr. Heyworth

**RE: Notice of Incomplete Application – Official Plan Amendment, Zoning By-law
Amendment, and Draft Plan of Condominium Applications
159 and 163 Sulphur Springs Road, Ancaster
TBG Project Number 24218**

We have received your letter dated January 15, 2025 outlining the City's opinion regarding the completeness of the above noted applications. We can provide the following response in the chart below, in addition to the following: a number of the studies and reports requested are done so in reference to the "Draft Framework". We acknowledge that this has been endorsed by Council, but at this time, this has not met the requirements of the Planning Act so they do not constitute a policy within the Official Plan and are merely guidelines. Although guidelines are intended to direct studies and reports, they are not Official Plan policies and therefore do not carry the same weight or requirement for adherence when reviewing for conformity.

No.	Comment	Response
1.	In the absence of a Formal Consultation Application, please provide a Complete Application Compliance Summary identifying how the application addresses the submission requirements of the applicable Urban and Rural Hamilton Official Plan policies.	Substance already provided. This information is reviewed throughout the Planning Rationale Report (PRR) which was submitted in support of the applications. It is unclear the benefit of this document as this is reviewed in great detail in the PRR.
2.	Complete application forms including all required signatures.	Not relevant to a complete application. This will be updated and signatures provided.
3.	Agreement of purchase and sale authorizing the purchaser to make application on the subject lands.	Not relevant to a complete application. The request for copies of the purchase and sale agreement is not a request that the City has authority to make. Further to this, the Planning Act does not require the owner to submit the

		application. We can advise that the Agreement of Purchase and Sale contains the following provision: <i>"The seller agrees to consent and fully cooperate with the Buyer and Buyers' consultants/affiliates in the redevelopment process...and further acknowledges that the Buyer has purchased the property for redevelopment purposes, so the time is of the essence."</i>
4.	Signed Cost Acknowledgement Agreement	Not relevant to a complete application. Regardless, this will be provided.
5.	Agricultural Impact Assessment	Not relevant to a complete application. The lands are currently not used for agricultural purposes, nor are any of the surrounding properties due to the proximity to the City's existing urban boundary. In addition to this, the City's guidelines also speak to Agricultural Impact Assessments being completed for larger greenfield applications. Given the size of the proposed development, I would not anticipate that this is considered a larger development.
6.	Cycling Route Analysis	Complete. Although the City's Official Plan policies do not include this as a required report, the Traffic Impact Study has been updated to include a section which speaks to cycling infrastructure.
7.	Cultural Heritage Impact Assessment	The property is not listed on the City's Heritage Register, but is rather an inventoried property which does not carry the same status of a designated or listed property. A Heritage Impact Assessment is being completed, however, we are of the opinion that this exceeds the minimum requirements.
8.	Draft Plan of Condominium prepared in accordance with Section 6 of the Draft Plan of Condominium Application form, and the requirements of the Planning Act.	Not relevant to a complete application. This will be provided at the appropriate time in the approval process.
9.	Elevations (conceptual)	Not relevant to a complete application. Although there are no policies in place which require these to be submitted, they will be provided.
10.	Energy and Environmental Assessment Report.	Substance already provided. Policy 3.2.9 of Chapter F in the UHOP identifies that this may be required for applications. The components of this study outlined in the above noted section are reviewed in both the PRR and the Functional

		Servicing and Stormwater Management Report completed by Crozier Engineering.
11.	Financial Impact Analysis and Financial Strategy	Not relevant to a complete application. Policy 1.2.9 j) iv) of Chapter F in the UHOP identifies that this study may be required in support of applications for urban boundary expansion, as does the Draft Framework, however, there is no corresponding policy or criteria outlined as to when this report is required. The subject lands are immediately adjacent to the existing urban boundary and will not require the expansion of City services, but have identified improvements to the safety and security of the system which will be implemented through the proposed development.
12.	Functional Servicing Report and Engineering Drawings are missing an engineer's stamp.	Not relevant to a complete application. Although it is atypical to include an engineer's stamp at first submission for an OPA/ZBA application, we will provide the stamped Functional Servicing Report and stamped supporting plans as requested.
13.	Karst Assessment	Substance already provided. Although Policy 1.19.16 of Chapter F in UHOP identifies that this requirement can be waived, and that a Geotechnical Investigation was completed on the site to confirm the soils and bedrock composition, this study will be provided.
14.	Fish Habitat Assessment.	Substance already provided. A summary of the aquatic environment, including fish habitat, has been included as part of the EIS report submission. This includes a detailed description of the various ponds, and segment of Sulphur Creek that drains through the property.
15	Species Habitat Assessment.	Substance already provided. An initial characterization of each vegetation community and wildlife habitat potential was provided as part of the EIS report submission. As part of the proposed 2025 field investigations, detailed surveys will be completed to finalize the Species at Risk and Significant Wildlife Habitat screening.
16	Landscape Plan	Not relevant to a complete application. Although this is not listed as a required study in any of the UHOP policies, this will be provided.
17.	Limit of Core Areas or Limit of Conservation Authority Regulated Area.	Already complete. This information has been provided in the EIS report.

18	Noise Impact Assessment	Not relevant to a complete application. The Draft Framework identifies that this is primarily used in relation to proximity to the airport. The UHOP policy 3.6.3.7 of Chapter B state that this is required where the property is in 100 metres of a minor arterial, 400 metres of a major arterial, truck route, highway, or railway line. This property does not meet any of those criteria.
19	School and City Recreational Facility and Outdoor Recreation/Parks Issues Assessment	Not relevant to a complete application. This study is part of the overall circulation process. Unclear why this is being requested as this should be completed by the City and local school boards through the circulation of the applications. Development Charges and fees cover this investigation by applicable agencies. Further, this study is intended to apply for major expansions which will require the expansion of community facilities, not for developments of this size.
20.	Sub-watershed Plan	Not relevant to a complete application. We respectfully suggest that the request for a Sub-Watershed Plan may not be warranted for a development site of this scale. All stormwater will be effectively managed on-site, and there is no major waterway present on the property. Typically, Sub-Watershed Plans are more appropriate for larger areas where cumulative impacts and broader hydrological systems need to be assessed. For this specific site, the necessary information can be comprehensively addressed through the Stormwater Management Plan and Environmental Impact Study (EIS).
21.	Pedestrian Route and Sidewalk Analysis	Complete. Although this is not identified in any UHOP policies as a required study, the Traffic Impact Study has been updated to include this information.
22.	Public Consultation Summary and Comment Response Report	Not relevant to a complete application. We will engage with the public once the application has been deemed complete. There is nothing within the Planning Act which requires us to meet with the public before-hand.
23.	Transportation Impact Study/Assessment is missing a signed and dated engineer's stamp as well as the associated Synchro	Complete. The traffic brief has been updated to include a P.Eng stamp and associated Synchro analysis electronic files will be submitted with the report.

	Analysis Files as required in the Terms of Reference.	
24.	Zoning Compliance Review	Not relevant to a complete application. Unclear why this is required for complete application submission when the application is for a Zoning By-law Amendment Application.

We look forward to discussing this further with you.

Sincerely,
The Biglieri Group Ltd.



Rachelle Larocque, BES, M.Sc., MCIP, RPP
Partner