



City of Hamilton
PLANNING COMMITTEE REVISED

Meeting #: 18-004
Date: March 20, 2018
Time: 9:30 a.m.
Location: Council Chambers, Hamilton City Hall
71 Main Street West

Ida Bedioui, Legislative Coordinator (905) 546-2424 ext. 4605

	Pages
1. APPROVAL OF AGENDA (Added Items, if applicable, will be noted with *)	
2. DECLARATIONS OF INTEREST	
3. APPROVAL OF MINUTES OF PREVIOUS MEETING	
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11. GENERAL INFORMATION / OTHER BUSINESS

11.1 Outstanding Business List

11.1.a Items requiring new due dates:

Item "D" – (OMB) Decision re: 121 Augusta Street, Staff to review the RCF's in the context of the Prov. Policy, as it relates to special needs, and the Human Rights Code and report back

Due date: March 20, 2018

New due date: January, 2019

Item "G" – Deferral of Item 5 of HMHC Report 15-005 proposing inclusion of 1021 Garner Rd E on register of properties of cultural heritage value or interest to allow consultation with property owner and to correct wording.

Due date: March 20, 2018

New due date: July 10, 2018

Item "J" – ACPD Report 16-002 – Re: financial incentives for taxi operators to make replacement vehicles accessible

Due date: March 20, 2018

New due date: April 17, 2018

Item "W" - That the appropriate City of Hamilton staff be requested to address the issue of declining establishments paying into the Paid Duty program in Hess Village and report back to the Planning Committee 45 days before the start of the 2018 Paid Duty season with solutions.

Due date: March 20, 2018

New due date: April 17, 2018

- 11.1.b Item identified as complete to be removed:
Item “A” – Redevelopment in Ancaster “ER-Zone”
Neighbourhoods (Ancaster) (PED14132) / (Monster Homes)
(former report PED11196)

(Item 6.5 on this agenda)

12. PRIVATE AND CONFIDENTIAL

13. ADJOURNMENT



PLANNING COMMITTEE

MINUTES 18-003

9:30 a.m.

Tuesday, February 20, 2018

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillors A. Johnson (Chair), J. Farr (1st Vice-Chair), M. Green, C. Collins, M. Pearson, D. Skelly, R. Pasuta and J. Partridge

Absent with

Regrets: Councillor B. Johnson, City Business
Councillor D. Conley (2nd Vice-Chair) Personal

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

- 1. Appeal to the Ontario Municipal Board (OMB) for Lack of Decision on Urban Hamilton Official Plan Amendment Application UHOPA-13-008, Town of Flamborough Zoning By-law No. 90-145-Z Amendment Application ZAC-13-039 and Draft Plan of Subdivision Application 25T-201306 for Lands Located at 111 Parkside Drive (Flamborough) (Ward 15) (PED18037) (Item 5.1)**

(Farr/Collins)

That Report PED18037 respecting Appeal to the Ontario Municipal Board (OMB) for Lack of Decision on Urban Hamilton Official Plan Amendment Application UHOPA-13-008, Town of Flamborough Zoning By-law No. 90-145-Z Amendment Application ZAC-13-039 and Draft Plan of Subdivision Application 25T-201306 for Lands Located at 111 Parkside Drive (Flamborough), be received.

CARRIED

- 2. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (City Wide) (PED18039) (Item 5.2)**

(Pearson/Green)

That Report PED18039 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

CARRIED

3. One Year Pilot Program for Yard Maintenance Related By-laws in the McMaster Neighbourhoods (PED16260(a)) (Ward 1) (Outstanding Business List Item) (Item 5.3)

(Farr/Skelly)

That Report PED16260(a) respecting One Year Pilot Program for Yard Maintenance Related By-laws in the McMaster Neighbourhoods, be received.

CARRIED

4. Expanding Administrative Penalty System (APS) to Include Business Licensing By-law 07-170 and Noise Control By-law 11-285 (PED18047) (City Wide) (Item 5.4)

(Pearson/Pasuta)

(a) That the Administrative Penalty By-law 17-225 (APS) be amended to include the General Provisions of the Business Licensing By-law 07-170 (Licensing By-law) by adding Table 10 to Schedule A, and that the amending by-law attached as Appendix "A", which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;

(b) That the Administrative Penalty By-law 17-225 (APS) be amended to include the Noise Control By-law 11-285 (Noise By-law) by adding Table 11 to Schedule A, and that the amending by-law attached as Appendix "B", which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

CARRIED

5. Application for Approval of a Draft Plan of Condominium (Vacant Land) for Lands Located at 231 York Road, Dundas (Ward 13) (PED18043) (Item 6.1)

(Collins/Pearson)

(a) That Draft Plan of Condominium Application 25CDM-201615, by Recchia Developments, Owner, to establish a Draft Plan of Condominium (Vacant Land) to create a vacant land condominium for six (6) single detached dwellings and a common element road with five (5) visitor parking spaces, sidewalks and landscaping, on lands located at 231 York Road (Dundas), as shown on Appendix "A" to Report PED18043, be APPROVED, subject to the following conditions:

(i) That the approval for Draft Plan of Condominium (Vacant Land) application, 25CDM-201615, prepared by Mathews, Cameron, Heywood – Kerry T. Howe Surveying Limited, certified by Dasha Page O.L.S, dated December 4, 2017, and consisting of six (6) single detached dwellings, a common element condominium road and five (5) visitor parking spaces, sidewalks and landscaping, attached as Appendix "B" to Report PED18043; and,

(ii) That the conditions of Draft Plan of Condominium Approval attached as Appendix "C" to Report PED18043 **be amended** to include the following:

(1) ***That the Owner shall agree in the Condominium Agreement, in words satisfactory to Union Gas Limited, to grant to Union Gas Limited any easements that may be required for gas services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Union Gas Limited facilities or easements, the Owner / Developer shall be responsible for the relocation of such facilities or easements.***

(2) ***That the Owner shall agree to include the following notices in the Condominium Agreement to the satisfaction of the Senior Director, Growth Management:***

(aa) **NOTICE REGARDING MAINTENANCE OF THE STORMWATER MANAGEMENT TANK**

A private underground stormwater management tank has been shown on the servicing drawing for this property prepared by Amec Foster Wheeler. The Owner is advised to follow the tank manufacturer's maintenance recommendations.

(bb) **NOTICE REGARDING MAINTENANCE OF THE OIL/GRIT SEPARATOR**

The private oil/grit separator is depicted as storm manhole 4 (STC300) on the servicing drawing prepared by Amec Foster Wheeler. The Owner is advised to follow the manufacturer's maintenance recommendations for this unit. Typically, the unit should be inspected once per year or immediately after an oil, fuel or chemical spill. The long term maintenance frequency can be established based on the maintenance requirements during the first several years of operation if site conditions do not change. The unit is typically maintained using a "vactor" truck. A licensed waste management company should remove captured petroleum waste products from any oil, chemical or fuel spills and dispose responsibly.

and be approved;

- (b) *That the public submissions received regarding this matter did not affect the decision.*

Main Motion, as Amended. CARRIED

6. Applications to Amend the City of Stoney Creek Zoning By-law No. 3692-92, the City of Hamilton Zoning By-law No. 05-200, and for Approval of a Draft Plan of Subdivision for Lands Located at 2 Glover Mountain Road, Stoney Creek (Ward 9) (PED18018) (Item 6.2)

(Pearson/Green)

- (a) That Zoning By-law Amendment Application ZAC-16-001 by Empire (Red Hill) Ltd., (Owner), for a change in zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R4-34 (H1, H2, H3)” Zone, Modified (Blocks 1 – 4) in order to permit the creation of six (6) lots for single detached dwellings for lands located at 2 Glover Mountain Road (Stoney Creek), as shown on Appendix “A” to Report PED18018 be APPROVED, on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED18018, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow) and complies with the Urban Hamilton Official Plan.
- (b) That Zoning By-law Amendment Application ZAC-16-001 by Empire (Red Hill) Ltd., (Owner), for a change in zoning from the Neighbourhood Development “ND” Zone to the Conservation / Hazard Land (P5-679) Zone, Modified (Blocks 5 – 8) in order to recognize the Natural Heritage System and provide land for a required pond outfall / spillway for lands located at 2 Glover Mountain Road (Stoney Creek) and to create a specific exception to permit a reduced special setback from any building or structure to the Conservation / Hazard Land (P5-679) Zone, Modified, as shown on Appendix “A” to Report PED18018, be APPROVED, on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED18018, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow) and complies with the Urban Hamilton Official Plan.

- (c) That Draft Plan of Subdivision Application 25T-201601 by Empire (Red Hill) Ltd., (Owner), to establish a Draft Plan of Subdivision on lands located at 2 Glover Mountain Road (Stoney Creek), as shown in Appendix “A” to Report PED18018 be APPROVED, subject to the following:
- (i) That this approval apply to the Draft Plan of Subdivision “2 Glover Mountain Road” 25T-201601, prepared by Armstrong Planning and Project Management, and certified by Douglas E. Hunt, O.L.S., dated November 6, 2015, showing one block for a maximum of four (4) single detached dwellings (Block 1), three (3) blocks for future residential purposes in conjunction with the abutting lands which will yield a maximum of two (2) single detached dwellings (Blocks 2 – 4), one (1) block for the required 30.0 m buffer from the top of the Niagara Escarpment (Block 5), two (2) blocks for open space purposes (Blocks 6 – 7), one (1) block for a pond outfall / spillway easement (Block 8), and one proposed street, shown as Street “A”, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions, attached as Appendix “D” to Report PED18018.
 - (ii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit. Parkland Credits may be applied on a land value basis to the abutting Draft Plan of Subdivision 25T-2013005R, known as “Red Hill – Phase 3 / 4” in the event of any over-dedication of parkland from the registration of the Draft Plan of Subdivision (25T-201601).
 - (iii) There is no City Share for the costs of the servicing works within the draft plan lands.
- (d) ***That the public submissions received regarding this matter did not affect the decision.***

Main Motion, as Amended, CARRIED

7. Equitable Access to City's Taxi System for All Persons with Disabilities (PED16232(b)) (City Wide) (Item 7.1)

(Skelly/Pasuta)

- (a) That 18 accessible taxi plates (ATP) be issued in 2018;
- (b) That, subject to the approval of Recommendation (a) of Report PED16232(b) respecting 18 accessible tax plates (ATP) being issued in 2018, the following be approved:
 - (i) That an accessible priority list (APL) be created;

- (ii) That an annual fee of \$57 (including applicable HST) to be placed on the APL be approved and added to the User Fee and Charges By-law 17-137;
- (iii) That amendments in the form attached as Appendix "A" to Report PED16232(b), respecting amendments to Schedule 25 (Taxicabs) of the By-law to License and Regulate Various Business, being By-law No. 07-170, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
- (iv) That the implementation schedule as outlined in Report PED16232 which was approved by Council on December 14, 2016, Item 2(b) of the Planning Committee Report 16-021, be amended to permit the release of an additional 18 accessible tax plates (ATP) to qualified licensed drivers within the Hamilton Taxicab Industry, in accordance with the criteria outlined in Appendix "B" attached to Report PED16232(b);
- (v) That the current complaint process be enhanced to include a direct phone line option and solid web complaint portal;
- (vi) That to achieve compliance with the *Accessibility for Ontarians with Disabilities Act, 2005, S.O, 2005, c.11 (AODA)* standards and to support the Advisory Committee for Persons with Disabilities (ACPD) with the on-demand accessible taxicab initiative, any future issuance of accessible taxi plates (ATP) be at the discretion of the Director of Licensing and By-law Services;
- (vii) That Report PED16232(b) respecting Equitable Access to City's Taxi System for All Persons with Disabilities be brought to the next Advisory Committee for Persons with Disabilities (ACPD) Committee Meeting as information only;
- (viii) That 0.25 full-time equivalent (FTE) be approved for program administration and increased enforcement of accessible complaints, to be fully funded from the revenues generated from annual renewals of the accessible plates and Personal Transportation Providers (PTP) revenue;
- (ix) ***That staff be directed to report back in six months on the status of the accessible taxi plate applications including the number applied for and the number in service.***

Main Motion, as Amended, CARRIED

8. Business Licensing By-law 07-170 – Replacement of Taxicab Tariff / Fares (Appendix 1 of Schedule 25) (PED18045) (City Wide) (Item 7.2)

(Skelly/Partridge)

That the Business Licensing By-law 07-170 be amended by replacing Taxicab Tariff/Fares Meter and By Agreement Rates (Appendix 1 of Schedule 25), and that the amending By-law, attached as Appendix “A” to Report PED18045, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

CARRIED

9. Business Licensing By-law 07-170, Payday Loans Businesses (Schedule 11) (PED16039(a)) (City Wide) (Outstanding Business List Item) (Item 7.3)

(Green/Farr)

That the Business Licensing By-law 07-170 (Licensing By-law) be amended by replacing Payday Loans (Schedule 11) with the draft By-law attached as Appendix “A” to Report PED16039(a), which has been prepared in a form satisfactory to the City Solicitor, and that the draft by-law, be enacted by Council;

CARRIED

10. Comprehensive Review of Discharge of Firearms By-law 05-114 (PED16107(a)) (City Wide) (Outstanding Business List Item) (Item 8.1)

(Pasuta/Pearson)

That the Licensing and By-law Services staff be directed to consult with Legal Services to develop and bring forward to the Planning Committee an updated By-law to repeal and replace City of Hamilton Discharge of Firearms By-law 05-114 that incorporates the recent and future urban developments in the City and includes the key aspects generated by the public engagement process as contained in Report PED16107(a).

CARRIED

11. Animal Adoptions for the City of Hamilton (PED18004) (City Wide) (Outstanding Business List Item) (Item 8.2)

(Collins/Skelly)

(a) That staff be directed to commence an Animal Adoption Pilot Program and report back to the Planning Committee at the end of an 18 month term regarding the impact on current operations and the City’s animal rescue partners;

(b) That the General Manager of Planning and Economic Development be authorized to execute all necessary documents to implement

Recommendation (a), as outlined above, in a form satisfactory to the City Solicitor.

CARRIED

12. Response to the Ministry of Municipal Affairs and Ministry of Housing - Consultation on the Regulatory Content of Bill 7 (Inclusionary Zoning) (PED18063) (City Wide) (Added Item 8.3)

(Green/Pearson)

- (a) That Council endorse the comments and recommendations contained in Report PED18063 and that the City Clerk be directed to forward Report PED18063 and Appendix "A" to the Ministry of Municipal Affairs and the Ministry of Housing as formal comments in response to the proposed regulatory content concerning Inclusionary Zoning; and,
- (b) That following the proclamation of Bill 7, the *Promoting Affordable Housing Act*, staff be directed to consult with the community and report back to Planning Committee with a proposed framework for inclusionary zoning in Hamilton.

CARRIED

13. Reduced Road Widening for 84 and 88-96 Lakeview Drive, Stoney Creek (Added Item 10.1)

(Pearson/Farr)

WHEREAS, the Planning Act and the Urban Hamilton Official Plan state that the City shall reserve or obtain road widenings for rights-of-way as described in Schedule C-2 – Future Road Widenings and daylight triangles;

WHEREAS, Official Plan Amendment and Zoning By-law Amendment applications (UHOPA-17-009 and ZAC-17-020) have been submitted for 84 and 88-96 Lakeview Drive, Stoney Creek, for the development of maisonette and stacked townhouse units; and

WHEREAS, a road widening for North Service Road and a daylight triangle at the intersection at North Service Road and Lakeview Avenue have been identified;

THEREFORE BE IT RESOLVED:

That staff be directed to accept a reduced road widening dedication of 0.99 metres for the northerly portion of the subject lands where there is currently an uneven right-of-way, and an irregular daylight triangle having minimum dimensions of 10 metres by 2.2 metres by 35 metres for 84 and 88-96 Lakeview Drive, Stoney Creek (UHOPA-17-009 and ZAC-17-020).

CARRIED

14. **Ontario Municipal Board Appeals of the Commercial Mixed Use Zones (UHOPA 69 and Zoning By-law 17-240) (LS18008/PED18050) (City Wide) (Distributed under separate cover.) (Item 12.2)**

(Collins/Skelly)

That Report LS18008/PED18050 respecting Ontario Municipal Board Appeals of the Commercial Mixed Use Zones (UHOPA 69 and Zoning By-law 17-240) be received and remain confidential.

CARRIED

15. **Ontario Municipal Board Appeals of the Commercial Mixed Use Zones (UHOPA 69 and Zoning By-law 17-240) (LS18008(a)) (City Wide) (Distributed under separate cover.) (Item 12.3)**

(Pearson/Pasuta)

(a) That the City Solicitor be authorized to retain outside experts as described in Report LS18008(a), to be funded through the Tax Stabilization Reserve (110046);

(b) That Report LS18008(a) be received and remain confidential.

CARRIED

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes to the agenda:

1. ADDED DELEGATION REQUEST

4.1 Marion Emo, Hamilton/Burlington SPCA respecting animal adoptions for the City of Hamilton, Item 8.2 (For today's meeting.)

2. REPLACEMENT OF APPENDIX TO ITEM 6.2

6.2 Appendix "B" attached to Item 6.2 respecting Applications to Amend the City of Stoney Creek Zoning By-law No. 3692-92, the City of Hamilton Zoning By-law No. 05-200, and for Approval of a Draft Plan of Subdivision for Lands Located at 2 Glover Mountain Road, Stoney Creek (Ward 9) (PED18018) is deleted and replaced.

3. DELEGATION WITHDRAWN

- 8.1 Comprehensive Review of Discharge of Firearms By-law 05-114 (PED16107(a)) (City Wide) (Outstanding Business List Item)

Delegation

1. Edmond Rose (**Withdrawn**)

4. ADDED DISCUSSION ITEM

- 8.3 Response to the Ministry of Municipal Affairs and Ministry of Housing - Consultation on the Regulatory Content of Bill 7 (Inclusionary Zoning) (PED18063) (City Wide)

5. REMOVAL OF ITEM 12.4

- 12.4 Appeal to the Ontario Municipal Board (OMB) – Appeal of Non-Decision of Proposed Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, 609 and 615 Hamilton Street North, 3 Nisbet Boulevard and 129-137 Truedell Circle, Waterdown, City of Hamilton – UHOPA-17-03, ZAC-17-013 and 25T-201702 (Waterdown) (LS18007/PED18051) (Ward15) (**Report is removed from the agenda.**)

6. ADDED NOTICE OF MOTION

- 10.1 Reduced Road Widening for 84 and 88-96 Lakeview Drive, Stoney Creek

7. CORRECTION TO APPENDIX “A”

The date indicated in Section 7 on Appendix “A” to Item 7.3 respecting Business Licensing By-law 07-170, Payday Loans Businesses (Schedule 11) (PED16039(a)) (City Wide) should read January 1, 2018 instead of November 1, 2016.

(Collins/Skelly)

That the agenda for the February 20, 2018 meeting be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

There were none declared.

(c) APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING (Item 3)

(i) February 6, 2018 (Item 3.1)

(Farr/Skelly)

That the Minutes of the February 6, 2018 meeting be approved.

CARRIED

(d) DELEGATION REQUESTS (Item 4)

(Green/Pearson)

That the following delegation request be approved to address Committee at today's meeting:

- (i) Marion Emo, Hamilton/Burlington SPCA respecting animal adoptions for the City of Hamilton, Item 8.2 (Added Item 4.1)

CARRIED

(e) DELEGATIONS/PUBLIC HEARING (Item 6)

- (i) Application for Approval of a Draft Plan of Condominium (Vacant Land) for Lands Located at 231 York Road, Dundas (Ward 13) (PED18043) (Item 6.1)**

In accordance with the provisions of the *Planning Act*, Chair A. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Draft Plan of Condominium (Vacant Land), the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No members of the public came forward.

(Pearson/Green)

That the public meeting be closed.

CARRIED

(Pearson/Skelly)

That the staff presentation be waived.

CARRIED

Fernando Recchia, the owner, was in attendance and indicated that he is in support of the staff report.

(Pearson/Partridge)

That the conditions of Draft Plan of Condominium Approval attached as Appendix “C” to Report PED18043 be amended to include the following:

- (a) *That the Owner shall agree in the Condominium Agreement, in words satisfactory to Union Gas Limited, to grant to Union Gas Limited any easements that may be required for gas services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Union Gas Limited facilities or easements, the Owner / Developer shall be responsible for the relocation of such facilities or easements.***
- (b) *That the Owner shall agree to include the following notices in the Condominium Agreement to the satisfaction of the Senior Director, Growth Management:***

(i) NOTICE REGARDING MAINTENANCE OF THE STORMWATER MANAGEMENT TANK

A private underground stormwater management tank has been shown on the servicing drawing for this property prepared by Amec Foster Wheeler. The Owner is advised to follow the tank manufacturer’s maintenance recommendations.

(ii) NOTICE REGARDING MAINTENANCE OF THE OIL/GRIT SEPARATOR

The private oil/grit separator is depicted as storm manhole 4 (STC300) on the servicing drawing prepared by Amec Foster Wheeler. The Owner is advised to follow the manufacturer’s maintenance recommendations for this unit. Typically, the unit should be inspected once per year or immediately after an oil, fuel or chemical spill. The long term maintenance frequency can be established based on the maintenance requirements during the first several years of operation if site conditions do not change. The unit is typically maintained using a “vactor” truck. A licensed waste management company should remove captured petroleum waste products from any oil, chemical or fuel spills and dispose responsibly.

Amendment CARRIED

(Pearson/Pasuta)

That the recommendations be amended by adding the following subsection (b) and re-lettering the balance:

- (b) *That the public submissions received regarding this matter did not affect the decision.*

Amendment CARRIED

For disposition of this matter refer to Item 5.

- (ii) **Applications to Amend the City of Stoney Creek Zoning By-law No. 3692-92, the City of Hamilton Zoning By-law No. 05-200, and for Approval of a Draft Plan of Subdivision for Lands Located at 2 Glover Mountain Road, Stoney Creek (Ward 9) (PED18018) (Item 6.2)**

In accordance with the provisions of the *Planning Act*, Chair A. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law Amendments and the Draft Plan of Subdivision, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No members of the public came forward.

(Pasuta/Partridge)

That the public meeting be closed.

CARRIED

(Skelly/Farr)

That the staff presentation be waived.

CARRIED

Mary Filipetto from Armstrong Planning and Project Management was in attendance representing the applicant. Committee had no questions.

(Collins/Farr)

That the recommendations be amended by adding the following subsection (d):

- (d) *That the public submissions received regarding this matter did not affect the decision.*

Amendment CARRIED

For disposition of this matter refer to Item 6.

(f) PUBLIC NOTICE (Item 7)

(i) Equitable Access to City's Taxi System for All Persons with Disabilities (PED16232(b)) (City Wide) (Item 7.1)

Registered Speaker

1. Paula Kilburn of the Advisory Committee for Persons with Disabilities Transportation Working Group

Paula Kilburn addressed Committee and advised that there is a shortage of accessible taxis. Tim Nolan, also a member of the Advisory Committee for Persons with Disabilities Transportation Working Group, joined her at the podium and indicated that there is a problem with prime time availability. He requested that all taxis be accessible.

(Pearson/Green)

That the delegations be received.

CARRIED

2. John Enright, taxi driver

John Enright addressed Committee and indicated that he is a wheel chair accessible taxi driver in the City of Hamilton. He is in support of the staff recommendations.

(Green/Pasuta)

That the delegation be received.

CARRIED

3. Roseanne Wazny

Roseanne Wazny addressed Committee and indicated that she has experience as a taxi driver and has driven people with and without disabilities and she enquired how she can be added to the list to become an accessible taxi driver.

(Farr/Collins)

That the delegation be received

CARRIED

(Farr/Pearson)

That Tim Nolan be permitted to address Committee a second time.

CARRIED

4. Tim Nolan

Tim Nolan addressed Committee and indicated that this time he is speaking on behalf of himself and not of ACPD Sub-Committee. He outlined why the accessible transportation system does not work.

(Pearson/Partridge)

That the following be added as subsection (b)(ix);

(b)(ix) That staff be directed to report back in six months on the status of the accessible taxi plate applications including the number applied for and the number in service.

Amendment CARRIED

For disposition of this matter refer to Item 7.

(ii) Business Licensing By-law 07-170 – Replacement of Taxicab Tariff / Fares (Appendix 1 of Schedule 25) (PED18045) (City Wide) (Item 7.2)

No one came forward to speak to this Item.

For disposition of this matter refer to Item 8.

(iii) Business Licensing By-law 07-170, Payday Loans Businesses (Schedule 11) (PED16039(a)) (City Wide) (Outstanding Business List Item) (Item 7.3)

Registered Speakers

1. Tom Cooper and Jodi Dean from the Hamilton Roundtable for Poverty Reduction

Tom Cooper addressed Committee and indicated that Jodi Dean was unable to attend today's meeting. He provided a copy of her written comments which were distributed. A copy is available for viewing on the City's website.

Tom Cooper addressed Committee with the aid of a PowerPoint presentation. A copy is available for viewing on the City's website. He spoke in support of the proposed by-law amendment and responded to questions from Committee.

(Partridge/Green)

That the delegation be received.

CARRIED

2. Doug Hoyes, Hoyes, Michalos & Associates Inc.

Doug Hoyes addressed Committee and read from a prepared statement. He indicated that he is a CPA and that he agrees with Tom Cooper's comments. However, in his opinion, debt is the problem, not the payday loans. He advised Committee not to be too restrictive. Educating the payday loan borrowers is important.

(Collins/Pearson)

That the delegation be received.

CARRIED

3. Tony Irwin, President & CEO, Canadian Consumer Finance Association

Tony Irwin addressed Committee and read from a prepared statement. He spoke in support of payday loans.

(Collins/Pearson)

That the delegation be received.

CARRIED

4. Michael Wood, Chair of Hamilton ACORN

Michael Wood addressed Committee and read from a prepared statement. He spoke in support of the staff recommendations and believes the Federal government should be requested to do more to protect vulnerable people.

(Green/Pearson)

That the delegation be received.

CARRIED

5. Patrick Mahon, Independent Payday Loan Association of Canada

Patrick Mahon addressed Committee and read from a prepared statement. He spoke in support of payday loans and indicated that they provide a necessary service. He responded to questions from Committee.

(Green/Pearson)

That the delegation be received.

CARRIED

6. Jane Cardinal

Jane Cardinal addressed Committee and indicated that people who go to these loan agencies or pawn shops do not have any other options due to poverty and social assistance is not enough.

(Green/Partridge)

That the delegation be received.

CARRIED

(Partridge/Pasuta)

That staff work with the affected Ward Councillors prior to the Council meeting to review the inclusion of the City of Hamilton Downtown and former Town of Flamborough as excluded areas under the by-law and to prepare amendments as required for Council's consideration.

CARRIED

For disposition of this matter refer to Item 9.

(g) DISCUSSION ITEMS (Item 8)

(i) Comprehensive Review of Discharge of Firearms By-law 05-114 (PED16107(a)) (City Wide) (Outstanding Business List Item) (Item 8.1)

Peter Ustrzcki, Senior Project Manager, Municipal Law Enforcement, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the report. Copies of the hand-out were distributed and a copy is available for viewing on the City's website. He responded to questions from Committee.

Delegation

1. Edmond Rose (Approved November 15, 2016)

As indicated under the changes to the agenda, Mr. Rose did not attend today's meeting as he is satisfied with the staff report.

For disposition of this matter refer to Item 10.

(ii) Animal Adoptions for the City of Hamilton (PED18004) (City Wide) (Outstanding Business List Item) (Item 8.2)

Sue Russell, Project Manager, Animal Control, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the report. Copies of the hand-out were distributed and a copy is available for viewing on the City's website.

(Farr/Collins)

That the staff presentation be received.

CARRIED

Delegation

1. Margie Goold (Approved March 31, 2015)

Margie Goold addressed Committee and asked that the catch and release program in the Sherman Hub area be expanded City wide. She indicated that not all cats can be pets and feral cats can live in the community successfully.

(Green/Pasuta)

That the delegation be received.

CARRIED

2. Marion Emo, Hamilton/Burlington SPCA

Marion Emo addressed Committee with the aid of a PowerPoint presentation outlining the services provided by the SPCA and provided brochures which were distributed. A copy is available for viewing on the City's website.

(Pearson/Green)

That the delegation be received.

CARRIED

Chair A. Johnson indicated that he wished to be recorded as OPPOSED to this Item.

For disposition of this matter refer to Item 11.

(iii) Response to the Ministry of Municipal Affairs and Ministry of Housing - Consultation on the Regulatory Content of Bill 7 (Inclusionary Zoning) (PED18063) (City Wide) (Added Item 8.3.)

Edward John, Senior Project Manager, Urban Renewal, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the report. A copy is available for viewing on the City's website. He responded to questions from Committee.

(Farr/Collins)

That the staff presentation be received.

CARRIED

For disposition of this matter refer to Item 12.

(h) MOTIONS (Item 11)**(i) Parking Regulations on a 'Through Street'****(Green/Farr)**

WHEREAS, most major Ontario municipalities restrict parking overnight on major roadways;

WHEREAS, staff are currently undertaking a review of Hamilton Parking By-law 01-218, and

WHEREAS, members of the public have, from time to time, expressed concern with the rationale for overnight parking restrictions on 'through streets' and the method of informing motorists where such regulations apply;

THEREFORE BE IT RESOLVED:

That staff be directed to review the rationale for overnight parking restrictions on 'through streets' and that this review include a review/summary of overnight parking regulations in other large Ontario municipalities and how they inform motorists of such regulations, and report back to the Planning Committee with recommendations to optimize the effectiveness of the through street system.

CARRIED

(i) NOTICES OF MOTION (Item 10)**(i) Reduced Road Widening for 84 and 88-96 Lakeview Drive, Stoney Creek (Added 10.1)**

Councillor Pearson introduced a notice of motion respecting Reduced Road Widening for 84 and 88-96 Lakeview Drive, Stoney Creek

(Farr/Pearson)

That the rules of order be waived in order to allow the introduction of a motion respecting Reduced Road Widening for 84 and 88-96 Lakeview Drive, Stoney Creek.

CARRIED

For disposition of this matter refer to Item 13.

(j) GENERAL INFORMATION/OTHER BUSINESS (Item 11)

(i) Outstanding Business List (Item 11.1)

(Skelly/Farr)

(a) That the following new due dates be approved:

Item "E" – Request to Designate 437 Wilson Street East (Ancaster) Under Part IV of the Ontario Heritage Act (PED12166)
Due date: February 20, 2018
New due date: July 10, 2018

Item "F" – Staff to consult with property owners & Councillors re: HMHC Report 14-009 recommendations to include 206, 208 and 210 King Street East in the Register of Property of Cultural Heritage Value or Interest and staff's designation work program and report back.
Due date: February 20, 2018
New due date: July 10, 2018

Item "I" – Report back with Terms of Reference for Community Energy Plan(i.e. renewable such as solar energy)
Due date: February 20, 2018
New due date: April 17, 2018

(b) That the following Items be identified as complete and be removed:

Item "G" – The Feasibility of Establishing a City Animal Adoption Service in Partnership with the HBSPCA.
(Item 8.2 on this agenda)

Item "J" - Staff to report back with recommendations to update Discharge of Firearms By-law
(Item 8.1 on this agenda)

Item "Q" – That Licensing Division staff review Schedule 11 of Business Licensing By-law 07-170 – Payday Loans, and develop a model By-law addressing minimum distances, concentration and hours of operation with respect to Payday Loans businesses, and report back.
(Item 7.3 on this agenda)

Item "R" - That staff report back before the end of the 12 month pilot program for enforcement of yard maintenance related by-laws in the McMaster neighbourhoods with the results and recommendations for permanent by-law enforcement resource requirements for the McMaster neighbourhoods
(Item 5.3 on this agenda)

CARRIED

(k) PRIVATE AND CONFIDENTIAL (Item 12)

Committee approved the following Items without moving into Closed Session:

(i) Private and Confidential Minutes of the February 6, 2018 Meeting (Distributed under separate cover.) (Item 12.1)

(Partridge/Pasuta)

That the Private and Confidential Minutes of the February 20, 2018 Meeting be approved:

CARRIED

(ii) Ontario Municipal Board Appeals of the Commercial Mixed Use Zones (UHOPA 69 and Zoning By-law 17-240) (LS18008/PED18050) (City Wide) (Distributed under separate cover.) (Added Item 12.2)

For disposition of this matter refer to Item 14.

(iii) Ontario Municipal Board Appeals of the Commercial Mixed Use Zones (UHOPA 69 and Zoning By-law 17-240) (LS18008(a)) (City Wide) (Distributed under separate cover.)

For disposition of these matters, refer to Item 15.

(l) ADJOURNMENT (Item 13)

(Farr/Collins)

That, there being no further business, the Planning Committee be adjourned at 1:44 p.m.

CARRIED

Respectfully submitted,

Councillor A. Johnson
Chair, Planning Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk

4.1

Form: Request to Speak to Committee of Council

Submitted on on Friday, March 2, 2018 - 2:54 pm

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: Bill Johnston

Name of Organization: Affordable Housing Subcommittee,
First Unitarian Church of Hamilton

Contact Number:

Email Address:

Mailing Address:

Reason(s) for delegation request:

I seek permission to speak to the Planning Committee at its meeting on March 20, or later if the committee decides, to speak as a followup to the committee's January 16th, 2018 approval of a motion for staff to report back on "significant fees and securities related to development approvals that are typically incurred by affordable housing projects, the estimated cost to the City of waiving or reimbursing these fees, and the potential funding sources for offsetting any lost City revenue."

I seek permission to speak to the Planning Committee at its meeting on March 20, or later if the committee decides,, to speak as a followup to the committee's January 16th, 2018 approval of a motion for staff to report back on "significant fees and securities related to development approvals that are typically incurred by affordable housing projects, the estimated cost to the City of waiving or reimbursing these fees, and the potential funding sources for offsetting any lost City revenue."

I wish to speak in support of waiving all fees for applications for approval by non-profit organizations to build affordable housing projects; and to ask that the Planning Committee ask staff to report on the benefits and implications of giving first priority in processing development applications to projects for affordable housing. That is, when an application for approval for an affordable housing project is received, it would move to the front of the line and be reviewed as soon as it is received, rather than waiting its turn in a first-come, first-served process. The same would apply as the application is circulated through various departments—it would be reviewed in each department when received. Applications would still undergo the normal review process and have to meet the established standards and guidelines. My interest is for rental projects by non-profit organizations, whose target clientele is those in the lowest income brackets. I am not opposed to staff also studying of the implications for affordable housing applications by for-profit organizations or even for ownership projects, provided the definition of affordable remains focused on the lowest income earners who face the greatest challenges finding and maintaining housing.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? Yes

4.2

Form: Request to Speak to Committee of Council

Submitted on Monday, February 26, 2018 - 2:28 pm

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: Aaron Murphy**Name of Organization:****Contact Number:****Email Address:****Mailing Address:****Reason(s) for delegation request:**

MLE Order No 18-102148-00-MLE

MLE Issues

(1) MLE Officer emailed said he would issue an Order for mould. Two weeks later, he emailed and said that he never issued an Order for mould. Emails are available. To date, MLE has confirmed an Order for mould at my address, [REDACTED] [REDACTED] MLE Manager emailed 14 February, was the first from MLE confirming mould at this address.

(2) MLE Supervisor looked at the Officer's photograph's with me. He said, "Yep, you've got mould." I asked the Supervisor why 13(2)(b) was on the Order but not listed in the required work; and I asked him why the Officer would confirm an Order

for mould and then apparently mislead me for two weeks. The Supervisor replied in writing that MLE cannot assess mould. The issue: the Supervisor said that I have mould at my address but then said he and MLE cannot assess mould. Again, emails available.

(3) Public Health Officer wrote and said that he cannot inspect rental houses for mould because MLE has the authority to enforce mould under Standard 13(2)(b). Since MLE has confirmed that it cannot enforce that Standard, there is a disconnect between MLE and Public Health.

(4) The Order for my address says that a building permit is required for work. No permits have been acquired—at least there are no permits on your permits website for this address. Note: no permits have been obtained and yet MLE believes that my landlord is complying and cooperating with the Order.

(5) The Order for my address says that the building must comply with the Residential Tenancies Act. When I emailed MLE, listing statues, regulations and guidelines that are clearly not being followed at [REDACTED], they replied and said that it cannot enforce the RTA. Why is the RTA on my Order when MLE has no jurisdiction to enforce the RTA?

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? Yes

4.3

Form: Request to Speak to Committee of Council

Submitted on Friday, March 2, 2018 - 1:56 pm

==Committee Requested==

Name of Committee: Planning Committee

==Requestor Information==

Name of Individual: Christina Sousa

Name of Organization:

Contact Number:

Email Address:

Mailing Address:

Reason(s) for delegation request: Requesting support for changing the bylaw to allow for backyard hens in Hamilton.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? Yes

4.4

Form: Request to Speak to Committee of Council

Submitted on Monday, March 5, 2018 - 10:10 am

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: Shelley Yeudall

Name of Organization:

Contact Number:

Email Address:

Mailing Address: 1951 Shaver Road

Reason(s) for delegation request: Land use planning concerns.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

4.5

Form: Request to Speak to Committee of Council

Submitted on Thursday, March 8, 2018 - 8:42 am

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: Gordon Harvey

Name of Organization: Beleave Inc.

Contact Number:

Email Address:

Mailing Address:

1653 Hwy 6 North
Flamborough, ON

Reason(s) for delegation request: To speak in support of the motion from the Agricultural and Rural Affairs Sub-Committee on the growing of Cannabis in Hamilton.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

4.6

Form: Request to Speak to Committee of Council

Submitted on Monday, March 12, 2018 - 2:27 pm

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: Ian Wilms**Name of Organization:** The Green Organic Dutchman**Contact Number:****Email Address:****Mailing Address:**1915 Jerseyville Road West
RR#1 Jerseyville Ontario.
L0R 1R0

Reason(s) for delegation request: We would like to request delegation on March 20th, 2018 9am, as they are discussing the planning of the Cannabis industry. Motion put forth by the Agriculture and Rural Affairs Committee, with recommendation on this. We would like to present our thoughts and have our OMAFRA contact speak to committee about where they stand on this. We are requesting to be treated like all other agriculture operations.

Will you be requesting funds from the City? No**Will you be submitting a formal presentation?** No

4.7

Form: Request to Speak to Committee of Council

Submitted on Wednesday, March 14, 2018 - 3:25 pm

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: Janice Currie

Name of Organization:

Contact Number:

Email Address:

Mailing Address:

251 Carluke Road West

Ancaster

Reason(s) for delegation request: Land use concerns regarding the cannabis industry (item 8.2 on the Planning Committee Agenda for March 20, 2018)

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

4.8

Form: Request to Speak to Committee of Council

Submitted on Friday, March 16, 2018 - 8:36 am

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: Kimberlee VanSickle

Name of Organization:

Contact Number:

Email Address:

Mailing Address: 1140 Butter Road West Ancaster

Reason(s) for delegation request: Concerns regarding the Cannabis grow operation.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

4.9

Form: Request to Speak to Committee of Council

Submitted on Sunday, March 18, 2018 - 11:22 am

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: Roy Stevenson

Name of Organization:

Contact Number:

Email Address:

Mailing Address: 130 butter rd.w. Ancaster ont.

Reason(s) for delegation request:

Questions to be answered regarding the cannabis industry.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

4.10

Form: Request to Speak to Committee of Council

Submitted on Monday, March 19, 2018 - 8:49 am

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: Jack and Maggie Xie (owners), Frank Su (agent); and, Franz Kloibhofer (Planning Consultant)

Name of Organization: Owner

Contact Number: 905-528-8761

Email Address: franz.kloibhofer@ajclarke.com

Mailing Address: 25 Main Street West, Suite 300, Hamilton, On.,

Reason(s) for delegation request:

To express our objection to the addition of our home, located at 880 Centre Road, to the City of Hamilton Register of Cultural Heritage Value or Interest. Consent Item 5.8

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

Ladies and Gentlemen,

Good morning, My name is Xing Wan. My family, who are all here today, owns the house of 880 Centre Road. My family is very upset and is in a difficult situation since we received a letter from City Hamilton informing us that our house was under procedure of designation for heritage house on Feb 16, 2018. We still do not believe that such things could happened in this way .We bought our house on Oct 20, 2017. Before we made the offer for this house, the previous owner and the listing agent confirmed that it is not a heritage house. Our agent, Frank, also called the Flamborough Heritage Society and confirmed that it is not a heritage house.

After closing the purchase, we began to contact renovators to explore the possibility of renovations and additions. When they saw the condition of the house and inspection report, all of them suggested we build a new one instead of renovating. They told us renovation average cost should be over \$400k, it is not worth for renovation anymore on this old farm house. In front of you, are the Inspection Report and photos of the house; they indicate that there are numerous areas where previous renovation are failing and are below modern standards. Significant repairs and updating to structure, plumbing, electrical, heating, and insulation/ventilation systems should be expected. Renovations need a huge amount of money, but some problem cannot be resolved forever: slanting foundation, low, damp, rubble basement, and no insulation which causes huge gas bills. Please see the information about the foundation in the

package. I think nobody want to spend money on this foundation. So, after serious consideration, we decided to build a new house in February.

However, on Feb 16, 2018, we received a mail from our mail box and we were shocked that our house was already under procedure of register for heritage house for almost 3 months. In the early Nov of 2017, just 2 to 3 weeks after the closing day, someone suggested the city that the house should become heritage. Meanwhile on Nov 18, 2017, the report writer Mrs Sylvia Wray met with previous owner Mr. Hank to talk about the history of this house. 10 days after the talk, On Nov 27, 2017, only one month after the closing day, the Inventory and Research Working Group had a meeting and suggested that the house should be put on the heritage register immediately. They all knew the house was just sold (in the Report for 880 Centre Road written by Sylvia Wray, the first paragraph briefly describes the house and mentions it has been recently sold).

Do you think it is a coincident? In my opinion, this house has been under observation for a long time and the heritage recommendation was just waiting for the house to be sold. It is truly unfair to us. It is maybe a tiny case for the City, but it is a huge, million dollars case for us. The case happened so quickly and give us too short time to react. It made all our family go crazy. It already ruined our schedule and we have to pay two mortgages on two properties for more times. If a house could be a heritage one, it at least should have some remarkable history, not just aged.

I hope everybody here will give serious consideration to our situation and give us a workable solution. We respect the history of Canada, but please consider our rights. We should have the rights to live in a house we like; we should have the rights to spend our money on a worthwhile project. We strongly object this house to be designated as a heritage property. At last, I hope, one of you, could answer me a question: if the house becomes heritage property, is it a good thing to my family or not?

Thank you!

Xing (Jack) Wan & Qiu (Maggie) Xie

2018-3-20

4.10(b)

Ladies and Gentlemen,

Good morning!

My name is Frank Su; I am the realtor for Jack & Maggie. You have all heard what has happened with the house they just purchased, but there is one thing they didn't mention which I think is very important. While living in China, the Chinese government worked with a developer, tore down their house by force, and did not give them proper compensation. Sad and disappointed, they decided to leave China and immigrate to Canada. The whole family (3 generations) came to this country to pursue their dream for a better future.

They spent all their money (signed for two mortgages) and purchased the property at 880 Centre Rd, with the dream that they can build their home, raise their children, and take care of their parents here in peaceful enjoyment.

But surprisingly, right after the closing, they received a notice that the government is considering registering their new home as a heritage property. This house requires a great deal of work – new roofing, structural repairs, better windows, updated insulation, updated wiring and updated plumbing. The foundation has seen severe water damage. This you can see from the Inspection report and the photos in front of you.

This family asked two reputable renovators if, from their point of view, the house was worth spending at least 400 thousand to bring it up to code. They were advised that it would not be worth this much investment and, furthermore, it would still be an old house with problems. Is it fair to ask them to spend that amount of money in vain? It would still be a very expensive house to maintain. Is it fair to restrict them from building a new home on the land they purchased? If you were in the same situation, how would you feel?

They are decent, hard working people, new in Canada, innocent victims of a situation over which they have little control. They were totally unprepared for this and don't know what to do now. At this moment, may I ask, who is able to help them and to protect their interests? Abraham Lincoln once said: "Government of the people, for the people, by the people shall not perish from the Earth." Ladies and gentlemen, at this moment, standing in front of you, are people who need your sympathy, need your overall consideration and need a fair solution to their problem. Please listen to their voices. Thanks.

4.10

LOBBAN STROUD Ltd.

I n s p e c t i o n s

39 Grand Avenue North,
Cambridge, ON N1S 2K7
519.654.6264 or 519.841.4663
Fax: 519.622.6998

March 1, 2018

Xing Wan and Qiu Xie

Via email: qqxieqiu@hotmail.com

Dear Xing Wan and Qiu Xie:

The report has been prepared to provide information regarding the wear and tear and performance conditions of the major building systems at 880 Centre Road, Flamborough, ON. The report does not identify all the problems of the building. It gives a preliminary overview of the major systems. The goal of the report is to determine if the building systems are performing their intended functions, to identify significant repairs likely in the next few years and to determine areas which require further investigation. The scope and limitations of the inspection are described in the inspection authorization documents included with this report.

The entire report should be considered to rely on the findings noted. Taking samples of information may put that information out of context. The report is not considered complete without all of the report pages and text.

It should be understood that all buildings require ongoing repair. A budget figure of one percent of the value of the building should represent a reasonable amount for annual repair and maintenance.

The report will not be released to anyone else without your permission.

Should you have any questions regarding the report, please call.

Thank you for choosing LOBBAN STROUD Ltd.

Sincerely,



Graham Lobban P.Eng., RHI

Thursday March 1, 2018

Building Inspection Report Summary

For: 880 Centre Road, Flamborough

The overall condition of the building is considered to be below average. It is felt the building has been generally maintained on a piecemeal, as needed basis. There are numerous areas where previous renovations are failing and system repair and upgrades are piecemeal and below modern construction standards. Significant repairs and updating to structure, plumbing, electrical, heating and insulation/ventilation systems should be expected.

The structure of the rear addition is unsound. Significant rot was noted at the exterior walls at the east end of the structure. Significant settling of floors was noted at laundry and entrance adjacent to this area. Further evaluation is necessary to evaluate the extent of the damage and repairs required. Significant repairs should be expected.

Water damaged brickwork and foundations were noted at the south bay window and the northwest corner of the main house. Rebuilding/repair is required in these areas. Cracking brickwork at the kitchen area requires further evaluation. Cracking patterns indicate an inadequate beam below.

Repairs to control basement leakage at the front basement are recommended.

Immediate repairs to a leaking skylight are necessary above the kitchen. Further evaluation of roof ventilation is recommended at the sloped ceiling above the kitchen. Inadequate ventilation and ice damming problems are suspected.

The shingles above the front porch are worn and require replacement. The shingles at the main roof slope have been incorrectly installed over original roof sheathing. Reduced life expectancy and higher probability of leakage should be expected. Chimney caps and flashings have been incorrectly installed and show signs of leakage. Further evaluation and repair is necessary.

Drainage/grading improvements are necessary at the north side of the building to prevent damage to brickwork and foundations. Repairs to mortar have been done incorrectly. Further evaluation is recommended to assess the original mortar and proper repointing be

completed with original style mortar to protect brickwork and mortar from accelerated deterioration. Window wells are inadequate and require rebuilding. Window flashings at the addition do not appear to have been properly installed. Concealed water damage/mould/rot should be expected.

The windows are mostly original and considered in poor condition. Window replacement is recommended.

The electrical service is considered undersized for the home/property. A 200-amp service is recommended. Various electrical deficiencies were noted. Limited distribution at living areas was noted. The addition of more outlets should be expected. Further evaluation of aluminum wiring connections is recommended.

Heating distribution is piecemeal. A combination of electric heaters, gas fireplaces and forced air gas ductwork was noted. Further evaluation is recommended to determine improvements to the ductwork to provide air flow to all areas of the home. Cooling air distribution in the home is inadequate. Only some portions of the home have ductwork for cooling.

Cast iron waste plumbing was noted in the home. This material has reached the end of its normal life expectancy and should be replaced. A sump pump is missing at the basement.

Vermin damaged insulation was noted at the south crawlspace. Further evaluation and repair is necessary here. A moisture barrier is recommended for the north crawlspace. There is no insulation at the basement walls, north crawlspace and exterior walls of the main house. This will affect the comfort and efficiency of the home. Further evaluation and improvement is recommended.

For reference, the front of the home is considered to be facing west. The visible evidence suggests the home was constructed more than 100 years ago. The total floor area is around 3,100 square feet (rough estimate). There is a kitchen/laundry room addition.

Summary of Significant Items

The following table identifies the significant items and ball park costs which may be coming due in the next few years. These costs are rough estimates based on the limited sampling and evaluation of building components. Further investigation is recommended to determine more exact costs and specifications for the work as noted.

Recommendation
Further evaluation and repair to rot and settling at addition
Foundation and brick repairs at northwest corner and bay window
Repairs to control basement leakage at front basement wall
Repairs to rotted columns at front porch
Chimney cap and flashing repairs
Skylight replacement
Repair to incorrect repointing work at various locations
Repairs to window wells
Replacement of aging cast iron plumbing stacks
Provide additional electrical outlets
Further evaluation and improvements to HVAC ductwork
Window updating
Sloped roof ventilation and insulation improvements
Repairs to vermin damaged insulation below addition
Insulation improvements at basement and crawlspace
Electrical service upgrade to 200-amps
Replace worn shingles at front porch

Structure

Description

- Stone
- Not visible/unknown at addition
- Masonry exterior walls
- Basement and crawlspace areas
- Floor construction is wood joists
- Roof framing is rafters where visible
- Poured concrete foundations
- Slab on grade construction throughout
- Brick and Block exterior walls
- Engineered wood trusses and plywood sheathing for roof support

Conditions



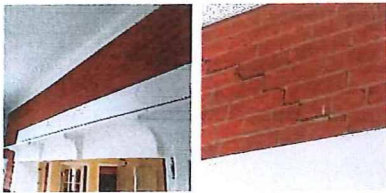
- Significant rot and settling was noted at the addition. Further evaluation is necessary to determine the extent of damage and repair approach. Access was not possible below this area to verify extent of damage and structural components. Significant repairs should be expected.



- Water damaged foundations and cracking brickwork at the south by window requires further evaluation and repair. Evidence of additional movement since the brickwork was repointed was noted.



- Loose bricks and shifting foundations require repair at the northwest corner of the house. The crack above the window above this area requires repair. This cracking may be the result of the corner below settling. Significant structural repairs may be necessary in this area.



- Cracking/settling of brickwork was noted between the kitchen and living room. A portion of this brick wall was removed during a kitchen renovation. It is suspected that the brickwork was not adequately resupported. Further evaluation is recommended here to confirm if the support for the brickwork is adequate.



- Evidence of powder post beetle infestation was noted at the north side of the basement. Minor structural damage was noted. Further evaluation and treatment is recommended.



- A rotted joist was noted at the middle of the basement area.



- The ridgeboard is undersized in the main attic area. This is typical for old house framing.



- Evidence of water entry into the basement was noted at the front foundation wall, near the furnace. An interior drainage system has been installed at other foundation walls. This system should be extended to the front wall of the basement to control leakage.

Roofing

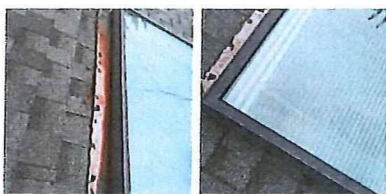
Description

- Asphalt shingles at all roof areas
- 3 masonry chimneys
- 1 skylight
- 3 plumbing stacks

Conditions



- The asphalt shingles have been incorrectly installed at the main roof area. The shingles should have been installed on plywood or OSB roof sheathing. There is a higher probability of leakage and a shortened life expectancy. Improvement is not considered cost effective.



- Evidence of leakage was noted below the skylight. The flashing has failed. The glass seal has also failed. Replacement of the skylight is recommended.



- Heating cables were noted at the addition roof. Ice damming is likely here. Further evaluation and improvement to roof ventilation and insulation is recommended. Significant rebuilding of this roof area may be necessary.



- Chimney caps have been installed incorrectly and chimney flashings show signs of numerous repairs and leakage. Repair or replacement of caps and flashings is recommended.



- The downspout from the upper level eavestrough should be extended to the lower eavestrough to prevent excessive wear on the shingles.



- The roof/wall flashing at the lower roof level is loose and requires repair.



- The shingles at the front porch are worn and require replacement.

Exterior

Description

- Brick exterior walls
- Wood siding at additions
- Wood deck at southeast and northeast side of house

Conditions



- The brickwork has been repointed with incorrect mortar type at several areas. This may cause further damage to brickwork and mortar. Further evaluation of the original mortar type is recommended and a program of repointing should be undertaken.



- The window wells are in poor condition. The wells should be dug out and filled with gravel. Wood/soil contact should be eliminated and the rotted basement windows and frames replaced.



- All of the front porch columns are rotted and require repair or replacement. Wood/soil contact was noted at the front porch. Skirting and wood framing in contact with the ground is prone to rot. Improvements are necessary here to prevent rot.



- Lot grading/surface drainage is poor at the north side of the house. Brick/soil contact was also noted. Grading should be improved to slope away from the house and provide at least 6" of exposed foundation above grade.



- The deck boards are rotting. Some boards have already been replaced. Ongoing repair or rebuilding of the deck should be expected. Removal of portions of this deck will be necessary to perform structural repairs to the addition.



- Evidence of vermin entry below the deck was noted. It is suspected that vermin may also be entering the crawlspace below the kitchen/laundry room addition. Further evaluation and treatment by a qualified pest control expert is recommended.



- The majority of the windows are in a deteriorated condition. Cracked panes of glass, rotted frames, loose sashes and windows painted shut were noted. Replacement of windows throughout should be expected.



- Window flashings are not visible at the addition windows. When performing structural repairs to this structure, the walls should be examined for

water damage below the windows, repaired as necessary and the flashing installed.

Electrical

Description

- The house is serviced by a 100-amp, single phase service.
- The service enters the building overhead
- The incoming service conductors are copper
- The main grounding for the service is not visible.
- Branch wiring observed was a mixture of copper and aluminum
- The main disconnect employs fuses
- The distribution panels observed employ circuit breakers
- The 'barn' is serviced by a 60-amp sub-service.
- There is a manual generator panel

Conditions

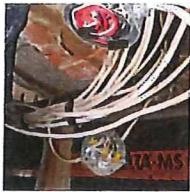
- The main incoming service is undersized for a home/property of this size. Upgrading to 200-amps should be expected.



- Non-standard junction boxes require replacement.



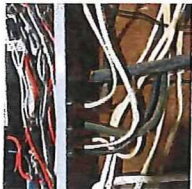
- Several aluminum wire circuits were noted. Some of the connections observed have been updated. Further evaluation is recommended to determine if all of the connections have been updated.



- Several open and loose junction boxes were noted in the basement. These require repair.



- Vermin damaged wiring was noted below the kitchen area. Replacement of this damaged wiring should be undertaken.



- An abandoned wire was noted at the main panel. This wire should be removed.

Heating and Air Conditioning

Description

- The house is heated by a combination of a high efficiency, gas-fired, forced air furnace, electric heaters and gas fireplaces.
- The furnace is 6 years old, with a heating input of 100,000 Btu's per hour.
- Portions of the home are cooled by a unit connected to the furnace
- The air conditioner is 6 years old and has a cooling capacity of 36,000 Btu's/hr.

Conditions



- The furnace was functioning at the time of the inspection.
- The furnace is 6 years old. This equipment typically lasts 15-20 years.



- There is no heat supply visible for the kitchen area or the southwest bedroom. Supplemental electric heaters have been installed in other areas of the house which do not have ductwork. Excessive heat flow was noted coming out of the living room crawlspace. All of these items indicate a heating distribution system that is piecemeal. It is unable to take advantage of the capacity of the furnace. Uneven heating and poor comfort can be expected. Also the distribution system is inadequate for the air conditioning equipment. Significant portions of the house are not serviced by the air conditioner. Further evaluation of the system is recommended. Significant repair or complete system replacement should be expected.



- Servicing of the gas fireplaces is recommended as part of routine maintenance.



- The humidifier is deteriorated and requires servicing.
- The air conditioner is 6 years old. This equipment typically lasts 12 to 15 years.
- Due to seasonal cold temperatures, the air conditioner could not be operated. Servicing of the air conditioner is recommended before the beginning of the cooling season.

Plumbing

Description

- The main, incoming water line is a 3/4" diameter plastic line.
- The main incoming water line shut off is close to the pressure tank
- Supply piping in the buildings is primarily copper and PEX
- Waste piping is a combination of Cast iron and ABS plastic
- The water heater is a 13 year old, 50 gallon natural draft, gas fired, rental unit
- There is a sump pit
- There is a well and two septic systems serving the house. Evaluation of these components is outside the scope of this inspection
- There are kitchen and bathroom exhaust fans

Conditions



- The water heater has exceeded its typical life expectancy. Replacement should be expected at any time.



- There is no sump pump for the sump pit. One should be provided.



- The waste pipe at the north basement is poorly sloped and requires repair.



- Cast iron waste piping was noted at the basement and above the roof. This material is at the end of its service life. Replacement should be expected. The extent of the piping could not be confirmed. Further evaluation is recommended to determine the extent of the piping and replacement costs.



- The abandoned waste pipe at the north basement should be capped or removed.



- Evidence of incorrect venting was noted at the main floor washroom between the toilet and the shower drain. Further investigation is necessary here.
- A strong sulfur odour was noted with the water running. Further evaluation is recommended to determine what additional water treatment equipment may be necessary.

Insulation

Description

- No insulation was visible, where spot checked at the exterior walls of the main house, basement and the old crawlspace area.
- Fiberglass and mineral wool insulation, valued at r-30 was noted in the main attic.
- Fiberglass insulation was visible below the kitchen floor.
- Fiberglass insulation was visible at the exterior walls of the kitchen area and adjacent living room.

Conditions



- Evidence of ice damming was noted at the kitchen addition. The ventilation for this roof area appears inadequate. Insulation levels are suspect. Further evaluation is recommended when replacing the skylight and improvements undertaken as necessary.



- Minimal and vermin damaged insulation was noted at the laundry room attic. Vermin treatment and additional insulation is recommended.



- The crawlspace below the main living room should have a moisture barrier installed.



- The main plumbing stack should be sealed where it enters the attic.



- Vermin damaged insulation at the rim joist area of the basement requires replacement.
- Vermin damaged insulation was noted below the kitchen. Further evaluation and repair to the insulation and vermin entry point is recommended.
- There is no insulation at the exterior walls of the main house, the basement and main floor living area crawlspace. Further investigation is recommended and insulation provided to improve energy efficiency and comfort.

Closing Comments

We trust this information is of value. Should you have any questions, please call.

Sincerely,

Graham Lobban, P.Eng., RHI

Inspection Scope

These Limitations and Conditions explain the scope of your inspection. Please read them carefully before signing this Agreement.

The report is based in a visual examination of the readily accessible features of the building. This inspection is performed in accordance with the Standards of Practice of the American Society of Home Inspectors and Canadian Association of Home and Property Inspectors. A copy of these standards can be reviewed at the following link www.lobbanstroud.com

The Inspectors Report is an opinion of the present condition of the property. It is not a guarantee, warranty or an insurance policy with regards to the property.

The liability of the Inspector (and the Inspection Company) arising out of this inspection and report, for any cause of action whatsoever, whether in contract or in negligence, is limited to a refund of the fees that you have been charged for this inspection, or \$1,000, whichever is greater.

The following Limitations and Conditions explain the scope of your inspection.

The purpose of your Inspection is to evaluate the general condition of a property. This includes determining whether systems are still performing their intended functions.

There are limitations to the scope of this Inspection. It provides a general overview of the more obvious repairs that may be needed. It is not intended to be an exhaustive list. The ultimate decision of what to repair or replace is yours. One homeowner may decide that certain conditions require repair or replacement, while another will not.

1. The Inspection Report provides you with a basic overview of the condition of the property. Because your Inspector has only a limited amount of time to go through the property, the Inspection is not technically exhaustive. Some conditions noted, such as foundation cracks or other signs of settling in a building, may either be cosmetic or may indicate a potential problem that is beyond the scope of the inspection.

If you have concerns about any of the conditions noted in the Inspection Report, we strongly recommend that you consult a qualified licensed contractor or Engineering Specialist. These professionals can provide a more detailed analysis of any conditions noted in the Report at an additional cost.

2. An Inspection does not include identifying defects that are hidden behind walls, floors or ceilings. This includes wiring, structure, plumbing and insulation that are hidden or inaccessible.

Some intermittent problems may not be obvious on an Inspection because they only happen under certain circumstances. As an example, your Inspector may not discover leaks that occur only during certain weather conditions.

Inspectors will not find conditions that may only be visible when storage furniture is moved. They do not remove wallpaper, look behind pictures or lift flooring (including carpet) to look underneath.

3. The inspection does not include hazardous materials that may be in or behind the walls, floors or ceilings of the property.

This includes building materials that are now suspected of posing a risk to health such as phenol-formaldehyde, and urea formaldehyde based products, fiberglass insulation, and vermiculite insulation. The Inspector does not identify asbestos roofing, siding, wall, ceiling or floor finishes, insulation or fireproofing. The inspector does not look for lead or other toxic metals in such things as pipes, paint, or window coverings.

Continued on the following page.....

The inspection does not deal with environmental hazards such as the past use of insecticides, fungicides, herbicides, or pesticides. The Inspector does not look for, or comment on the past use of chemical termite treatments in or around the property.

4. The Inspector is not responsible for and they do not comment on the quality of the air in the building. The Inspector does not try to determine if there are irritants, pollutants, contaminants, or toxic materials in or around the building.

The Inspection does not include spores, fungus, mold or mildew, including that which may be present behind or under floors. You should not that whenever there is water damage noted in the report, there is a possibility that mold or mildew may be present, unseen behind a wall, floor or ceiling.

If anyone in your home suffers from allergies or heightened sensitivity to quality of air, we strongly recommend that you consult a qualified Environmental Consultant who can test for toxic materials, mold and allergens at an additional cost.

5. The Inspector does not look for and is not responsible for fuel oil, septic or gasoline tanks that may be buried on the property.

If fuel oil or other storage tanks remain on the property, you may be responsible for their removal and the safe disposal of any contaminated soil. If you suspect there is a buried tank, we strongly recommend that you retain the services of a qualified Environmental Consultant to determine whether this is a potential problem.

6. We will have no liability for any claim or complaint if conditions have been disturbed, altered, repaired, replaced or otherwise changed before we have had a reasonable period of time to investigate.

I have read, understood and accepted the above Limitations and Conditions of this Inspection

Signed

Dated



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 20, 2018
SUBJECT/REPORT NO:	Appeal to the Ontario Municipal Board (OMB) for Lack of Decision for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 195 Wellington Street South, Hamilton (Ward 2) (PED18054)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Adam Lucas (905) 546-2424, Ext 7856
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning Division
SIGNATURE:	

Council Direction:

In accordance with subsection 34(11) of the *Planning Act*, a Zoning By-law Amendment Application may be appealed to the Ontario Municipal Board (OMB) after 120 days if Council has not made a decision on the application.

A motion to direct staff to advise the Planning Committee on matters relating to appeals regarding lack of decision by Council, pursuant to the *Planning Act* was passed by City Council on May 18, 2010. This Information Report has been prepared in accordance with Council's policy for staff to advise the Planning Committee and City Council of appeals for non-decision to the OMB.

The following information is provided for Planning Committee's information with regards to Zoning By-law Amendment Application ZAC-14-003 which has been appealed to the OMB for lack of decision.

Information:

The subject lands municipally known as 195 Wellington Street South, are located south of Young Street, north of Charlton Avenue East and west of the Claremont Access (see location map attached as Appendix "A" to Report PED18054).

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SUBJECT: Appeal to the Ontario Municipal Board (OMB) for Lack of Decision for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 195 Wellington Street South, Hamilton (Ward 2) (PED18054) - Page 2 of 4

The subject lands are surrounded to the north by Corktown Park and part of the Escarpment Rail Trail; to the east by Claremont Access Open Space; to the south by the Escarpment Open Space; and to the west by low rise residential and Corktown Park. The subject lands currently contain a three storey multiple dwelling consisting of 142 rental dwelling units and 140 surface parking spaces. The applicant proposes to demolish 32 existing rental dwelling units as part of the proposed development on the subject lands.

Applications:

Original Zoning By-law Amendment Application:

The purpose of Zoning By-law Amendment Application ZAC-14-003 is to change the zoning of the subject lands from “E” (Multiple Dwellings, Lodges, Clubs, etc.) District to a site specific “E-3” (High Density Multiple Dwelling) District in the City of Hamilton Zoning By-law No. 6593, in order to permit a 20 storey tower addition to the existing multiple dwelling on site, resulting in a total of 326 dwelling units from the existing 142 dwelling units. The Zoning By-law Amendment Application was submitted on February 3, 2014 and deemed to be complete on February 28, 2014.

Second Submission (November 30, 2015):

In response to staff and agency concerns with respect to the height and massing of the tower, a revised proposal was submitted. More specifically, the said concerns were in regards to the visual impact to the views of the Niagara Escarpment and compatibility issues with the adjacent low rise residential area to the west. The revised proposal incorporated the following changes:

- reduced height of the tower from 20 storeys to 19 storeys;
- reduced floor plate of the top two floors from 896 sq m to 818 sq m;
- reduced size of the mechanical penthouse from 64 sq m to 59.5 m;
- removal of three bedroom units and an increase in the total number of dwelling units to 358 dwellings units; and,
- reduced number of parking spaces from 223 parking spaces to 218 provided on the subject lands.

In addition, the applicant provided additional renderings which compared the proposal relative to an ‘as-of-right’ development (i.e. eight storeys) on the property from a visual impact perspective.

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SUBJECT: Appeal to the Ontario Municipal Board (OMB) for Lack of Decision for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 195 Wellington Street South, Hamilton (Ward 2) (PED18054) - Page 3 of 4

Third Submission (September 2016):

In response to staff and agency continued concerns with respect to the height and massing of the proposed tower, its impact on views of the Niagara Escarpment and compatibility with the adjacent area, another revision was submitted which reduced the height of the tower to 17 storeys and the overall unit count for the site to 330 dwelling units. Further changes were also incorporated which included the use of muted coloration and setbacks for the mechanical penthouse and the provision of glazing for the upper two storeys along the northerly and southerly building sections. Moreover, additional illustrations were provided showing views of the proposal in the context of the Escarpment and adjacent area.

Fourth Submission (February 14, 2017):

The applicant provided revised submissions to address the outstanding concerns. The height of the building remained at 17 storeys, while material changes were proposed to the exterior of the tower.

In August 2017, the applicants presented revised drawings of the proposal at a meeting in an attempt to address the continued concerns of staff and agencies respecting the height and massing of the tower from a visual impact and compatibility perspective. More specifically, a portion of the tower was reduced from 17 storeys to eight storeys which reduced the overall massing of the building from a visual impact perspective on the Niagara Escarpment. However, no formal submission of these revised drawings was submitted.

On October 19, 2017, Niagara Escarpment Commission (NEC) staff brought forward a report to the Commission in opposition to the proposal for the development of a 17 storey building, and requested that the development proceed on the basis of the as-of-right zoning (i.e. eight storeys). The applicant requested deferral of the Commission's consideration of this application which was granted.

The subject lands are identified as "Neighbourhoods" on Schedule "E" – Urban Structure and designated "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations of the Urban Hamilton Official Plan (UHOP).

The subject lands are currently zoned "E" (Multiple Dwellings, Lodges, Clubs, Etc.) District in the City of Hamilton Zoning By-law No. 6593. This zoning permits the existing use of the land as a three storey multiple dwelling. An amendment to the City of Hamilton Zoning By-law No. 6593 is required in order to increase the maximum permitted height, number of dwellings units and the gross floor area, and to permit a

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SUBJECT: Appeal to the Ontario Municipal Board (OMB) for Lack of Decision for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 195 Wellington Street South, Hamilton (Ward 2) (PED18054) - Page 4 of 4

number of other site specific development standards as necessary to accommodate the proposal.

Public Consultation:

Three pieces of correspondence were received from residents as a result of the public circulation of the application. All of the correspondence indicated concerns with respect to compatibility with the adjacent area, loss of sunlight, wind impacts, impacts on existing views and displacement of existing residents as a result of the proposed construction.

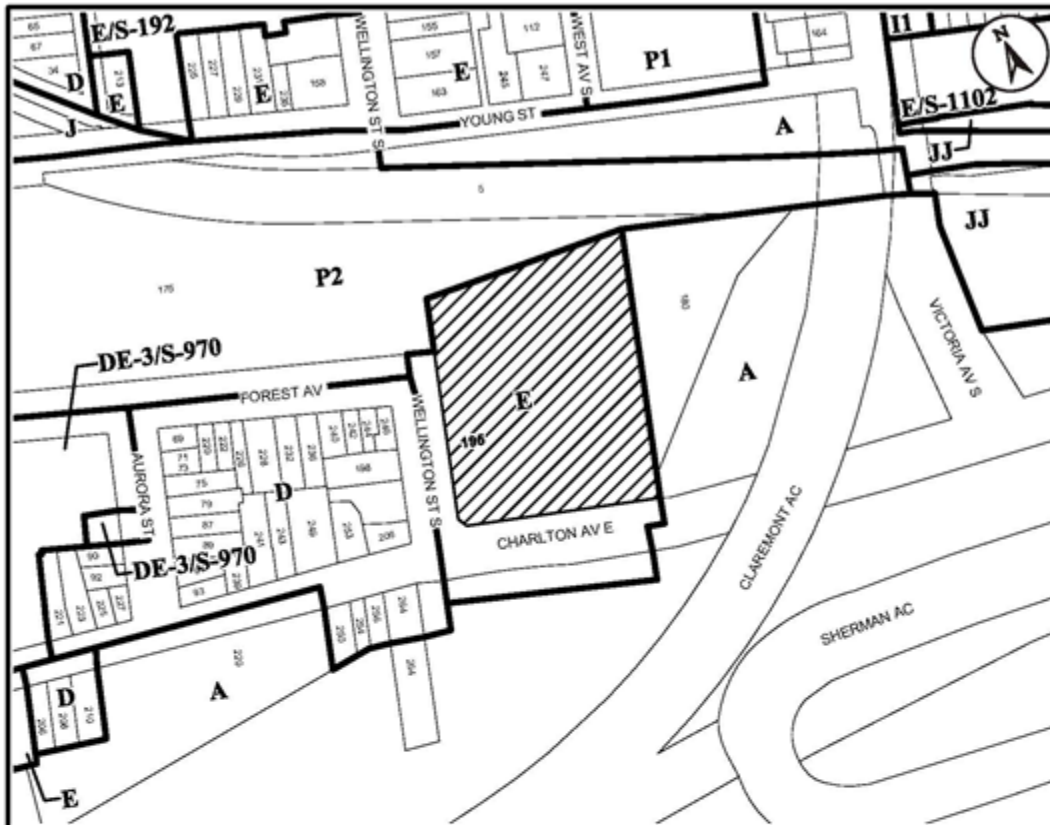
City staff have provided many comments on the various submissions received to date. The applicant has been advised that staff do not support the proposal as submitted and that a redesign to the proposed tower that takes into account compatibility with the adjacent low rise residential area to the west and views of the escarpment would be required prior to further consideration of the application. To date, staff are awaiting a revised submission that addresses staff / agency concerns.

The appeal to the OMB was received by the Clerks' office on November 27, 2017, which is 1,393 days after receipt of the initial application.

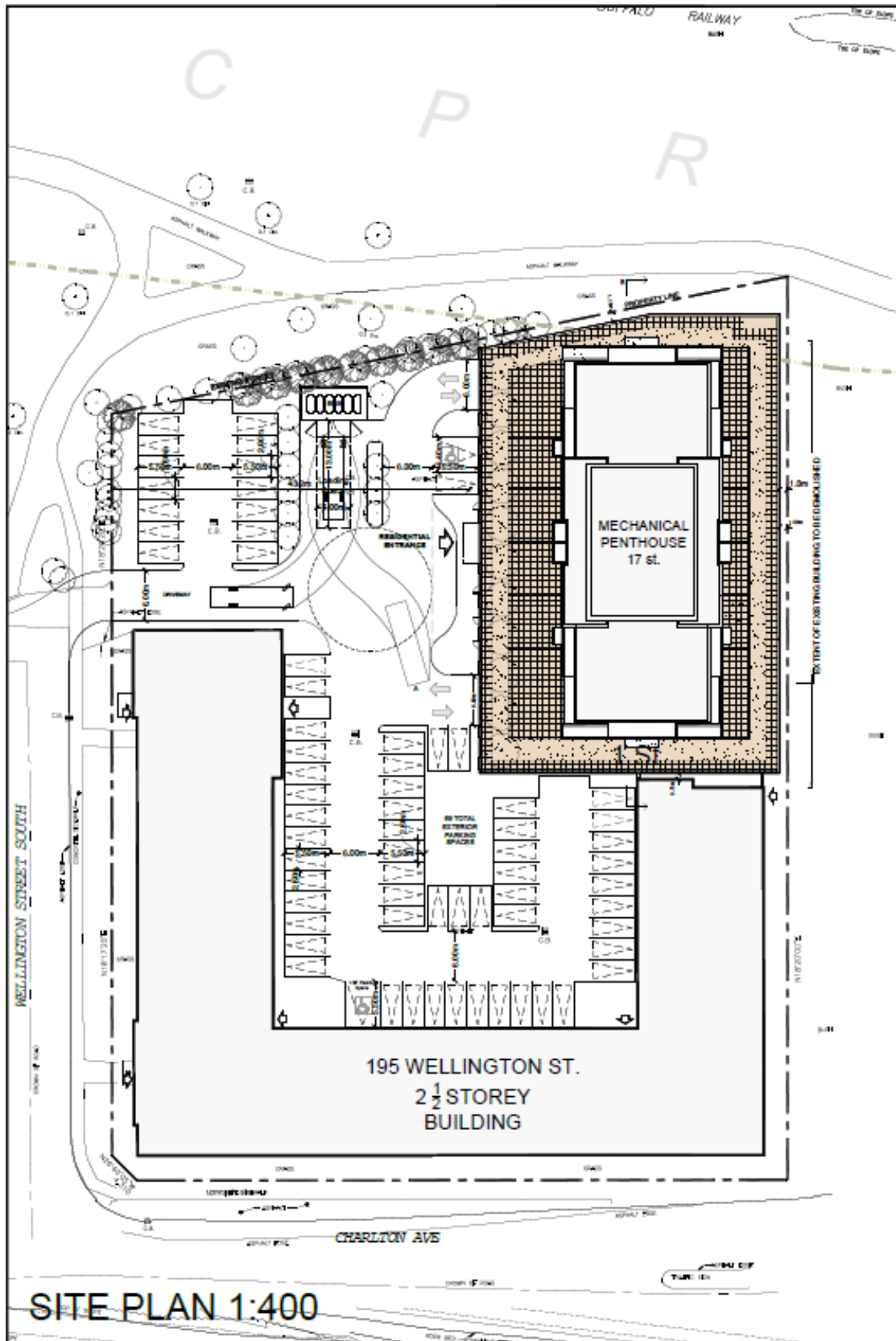
APPENCIES AND SCHEDULES ATTACHED

- Appendix "A": Location Map
- Appendix "B": Concept Plan
- Appendix "C": Appeal Letter

AL:mo



<p>● Site of the Application</p> <p>Ward 2 Key Map</p>	<h2>Location Map</h2> <p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	
	<p>File Name/Number: ZAC-14-003</p>	<p>Date: March 3, 2014</p>
<p>Appendix "A"</p>	<p>Scale: N.T.S.</p>	<p>Planner/Technician: GM/AL</p>
<p>Subject Property</p> <p> 195 Wellington Street South</p>		
<p>N.T.S. </p>		



LOOPSTRA NIXON LLP
BARRISTERS AND SOLICITORS



Quinto M. Annibale*
*Quinto M. Annibale Professional Corporation
Tel: (416) 748-4757
Email: gannibale@loonix.com

BY COURIER

November 27, 2017

Office of the City Clerk
71 Main St. W, 1st Floor
Hamilton, Ontario
L8P 4Y5

Attention: Rose Caterini, City Clerk

Dear Ms. Caterini,

**Re: Zoning By-law Amendment Application
195 Wellington Street South, City of Hamilton
Medallion Developments**

OFFICE OF THE CITY CLERK	
NOV 28 2017	
REF'D TO	_____
REF'D TO	_____
REF'D TO	_____
ACTION	_____

We are the lawyers for Medallion Developments ("Applicant"), the owner of the property municipally known as 195 Wellington Street South, City of Hamilton ("Subject Property"). On February 3, 2014 the Applicant submitted a Zoning By-law Amendment Application ("Application") to the City of Hamilton to permit the development of a 20-storey rental residential apartment addition. A notice of complete application was received from the City on February 28, 2014.

More than three years have passed since the Application was deemed complete. Given the passage of time, our client now seeks to appeal the Application to the Ontario Municipal Board for a hearing pursuant to section 34(11) of the *Planning Act*. The reasons for our clients' appeal are as follows:

1. The City has failed to make a decision regarding the Application within 120 days after it was received;
2. The Subject Property provides an important opportunity to expand the availability of high quality rental housing options in the City of Hamilton;
3. The Application is consistent with the Provincial Policy Statement 2014, conforms with the Growth Plan for the Greater Golden Horseshoe, 2017, and conforms with the Official Plan for the City of Hamilton; and,
4. The Application represents good land use planning, is appropriate for the Subject Property, and is in the public interest.

Please find enclosed along with this notice of appeal, one cheque in the amount of \$300 which represents the filing fees associated with the processing of the appeal. Also enclosed is a copy

(L0906304.1)

Woodbine Place, 135 Queens Plate Drive, Suite 600, Toronto, Ontario, Canada M9W 6V7
Tel: 416 744 2710 Fax: 416 744 9310 loopstranixon.com

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of the completed Ontario Municipal Board Appeal Form (A1).

I would appreciate receiving confirmation of receipt of this notice of appeal and would be pleased to forward any additional information which the Board requires.

I trust this is satisfactory however should you require anything further please do not hesitate to contact the undersigned.

Yours truly,
LOOPSTRA NIXON LLP

A handwritten signature in black ink, appearing to read 'Q. Annibale'.

Per: Quinto M. Annibale



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 20, 2018
SUBJECT/REPORT NO:	Appeal to the Ontario Municipal Board (OMB) for Lack of Decision for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 575 Woodward Avenue, Hamilton (Ward 4) (PED18055)
WARD(S) AFFECTED:	Ward 4
PREPARED BY:	Adam Lucas (905) 546-2424 Ext. 7856
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning Division
SIGNATURE:	

Council Direction:

In accordance with subsection 34(11) of the *Planning Act*, a Zoning By-law Amendment Application may be appealed to the Ontario Municipal Board (OMB) after 120 days if Council has not made a decision on the application.

A motion to direct staff to advise the Planning Committee on matters relating to appeals regarding lack of decision by Council, pursuant to the *Planning Act* was passed by City Council on May 18, 2010. This Information Report has been prepared in accordance with Council's policy for staff to advise the Planning Committee and City Council of appeals for non-decision to the OMB.

The following information is provided for Planning Committee's information with regards to Zoning By-law Amendment Application ZAC-17-031, which has been appealed to the OMB for lack of decision.

Information:

The subject lands municipally known as 575 Woodward Avenue, Hamilton are located south of Brampton Street and north of Rennie Street (see location map attached as Appendix "A" to Report PED18055).

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SUBJECT: Appeal to the Ontario Municipal Board (OMB) for Lack of Decision for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 575 Woodward Avenue, Hamilton (Ward 4) (PED18055) - Page 2 of 4

The subject lands are surrounded to the north by Woodward Park, to the east by single detached dwellings, to the south by a manufacturing use (Sling-Choker Manufacturing (Hamilton) Ltd.) and transportation depot (Connell Transport Co. Ltd); and to the west by a manufacturing use (Hamilton Stamping).

The subject lands are rectangular in shape with a frontage of 79.96 m on Woodward Avenue, a depth of 215 m and an area of 1.72 ha (4.25 ac). There currently is an existing one storey institutional building, Woodward Public School, on the subject lands that is vacant, and the intent of the proposal is to demolish the existing building.

Applications:

On March 10, 2017, Draft Plan of Condominium, Draft Plan of Subdivision and Zoning By-law Amendment Applications were submitted to the City and deemed incomplete on March 31, 2017. More specifically, the submitted applications did not include the following required information:

- Survey Plan;
- Transportation Demand Management Report;
- Public Consultation Strategy;
- Tree Protection Plan review fee;
- Draft Plan of Subdivision Application form;
- Draft Plan of Subdivision drawing;
- Draft Plan of Condominium (digital copy);
- Building elevations (hard copy); and,
- The correct application fees.

On June 5, 2017, the applicant resubmitted their proposal with Draft Plan of Condominium and Zoning By-law Amendment Applications only, and did not include a Draft Plan of Subdivision Application. On July 5, 2017, the Draft Plan of Condominium and Zoning By-law Amendment Applications were deemed to be complete.

Zoning By-law Amendment Application:

The purpose of Zoning By-law Amendment Application ZAC-17-031 is to change the zoning of the subject lands from “C” (Urban Protected Residential etc.) District to a site specific “RT-20” (Townhouse – Maisonette) District under Zoning By-law No. 6593 in order to permit a maximum of 120 dwellings units (72 townhouse dwellings and 48 maisonette dwellings) and site specific amendments to facilitate the proposal.

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SUBJECT: Appeal to the Ontario Municipal Board (OMB) for Lack of Decision for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 575 Woodward Avenue, Hamilton (Ward 4) (PED18055) - Page 3 of 4

Draft Plan of Condominium Application:

The applicant has also submitted a Draft Plan of Condominium Application. The purpose of Draft Plan of Condominium (Common Element) Application 25CDM-201705 is to establish a Draft Plan of Condominium (Common Element) consisting of 16 blocks, being 12 blocks comprised of 72 townhouse dwellings and four blocks for 48 maisonette dwellings, for a total of 120 dwelling units. The Draft Plan of Condominium will create 120 parcels of tied land, with the common elements that include a private road, sidewalks, landscape areas and 32 visitor parking spaces. The Draft Plan of Condominium Application has not been appealed.

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” Schedule “E-1” – Urban Land Use Designations of the UHOP, to which the proposal complies with the land use designations.

The subject lands are currently zoned “C” (Urban Protected Residential, etc.) District in City of Hamilton Zoning By-law No. 6593. This zoning permits the existing use of the lands as a school as well as a single family dwelling, retirement home and other public uses. A Zoning By-law Amendment is required to permit the proposed townhouse and maisonette dwellings and site specific modifications to accommodate the proposed design.

Public Consultation:

Three e-mails, one letter and one petition were received from residents as a result of the public circulation of the applications. Of the four pieces of correspondence, two indicated concerns with respect to traffic, noise, privacy, loss of sunlight, property values, compatibility and environmental issues associated with the proposal. The remaining two were inquiries about the proposal. The petition that was submitted was in opposition to the proposed development from a compatibility perspective.

The applicant met with City staff in November 2017 to discuss the proposal as submitted, Department / Agency comments received to date, and how to move the applications forward for Council consideration. The applicant was advised that staff had concerns with the proposal and that additional information would be required prior to further consideration of the applications. More specifically, staff have concerns with the interface between the proposed built form and Woodward Park, pedestrian circulation throughout the site, the lack of amenity area and integration with the surrounding context. To date, the applicant has not submitted any revisions from the original submission in June 2017 to address staff or resident concerns.

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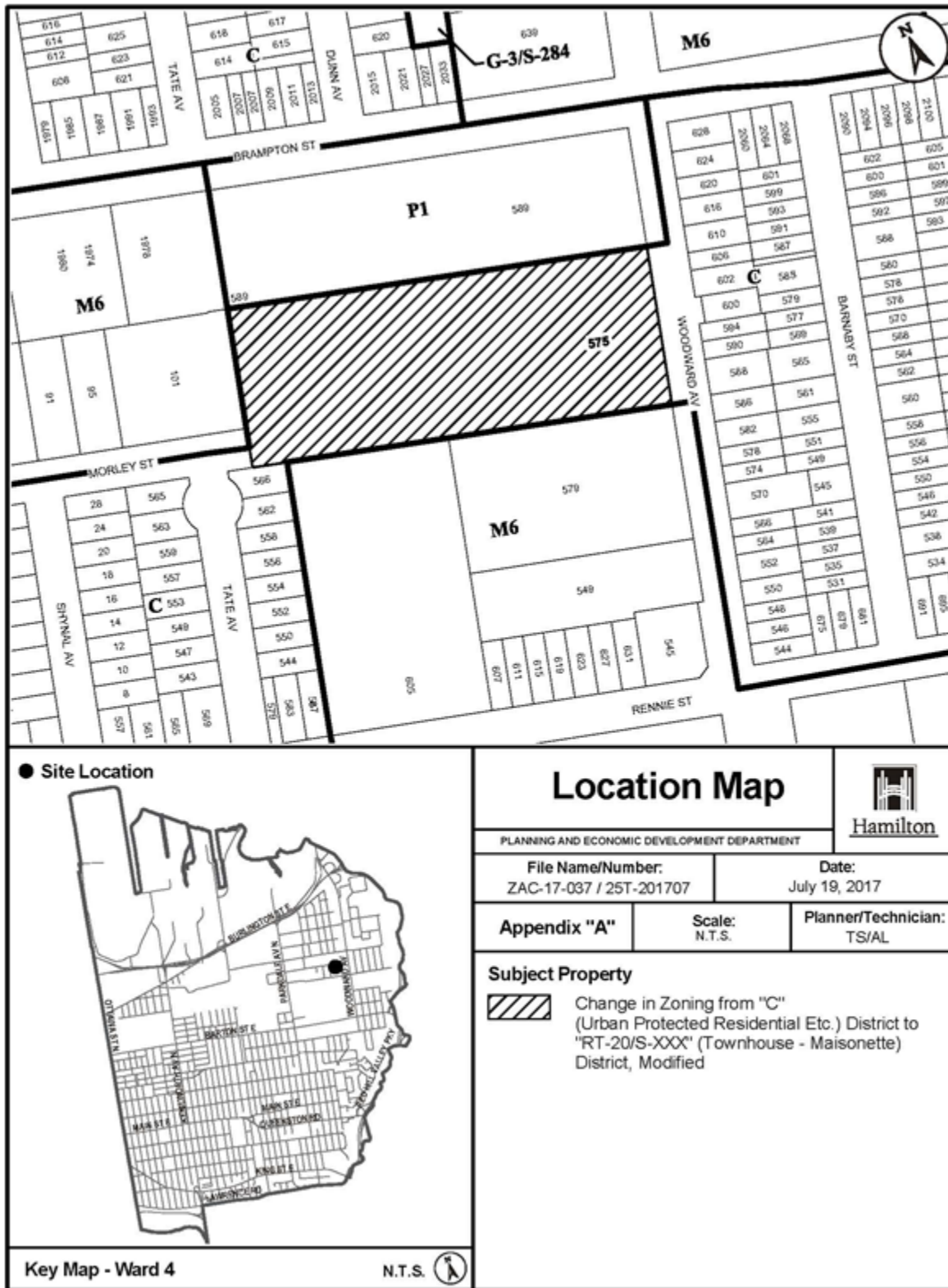
SUBJECT: Appeal to the Ontario Municipal Board (OMB) for Lack of Decision for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 575 Woodward Avenue, Hamilton (Ward 4) (PED18055) - Page 4 of 4

The appeal of the non-decision of the Zoning Application to the OMB was received by the Clerks' office on November 27, 2017 for the Zoning By-law Amendment Application only, 175 days after the receipt of the initial application. The applicant has not appealed the Condominium Application to the OMB.

APPENCIES AND SCHEDULES ATTACHED

- Appendix "A": Location Map
- Appendix "B": Concept Plan
- Appendix "C": Appeal Letter

AL:mo



● Site Location



Key Map - Ward 4

N.T.S. 

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-17-037 / 25T-201707

Date:
July 19, 2017

Appendix "A"

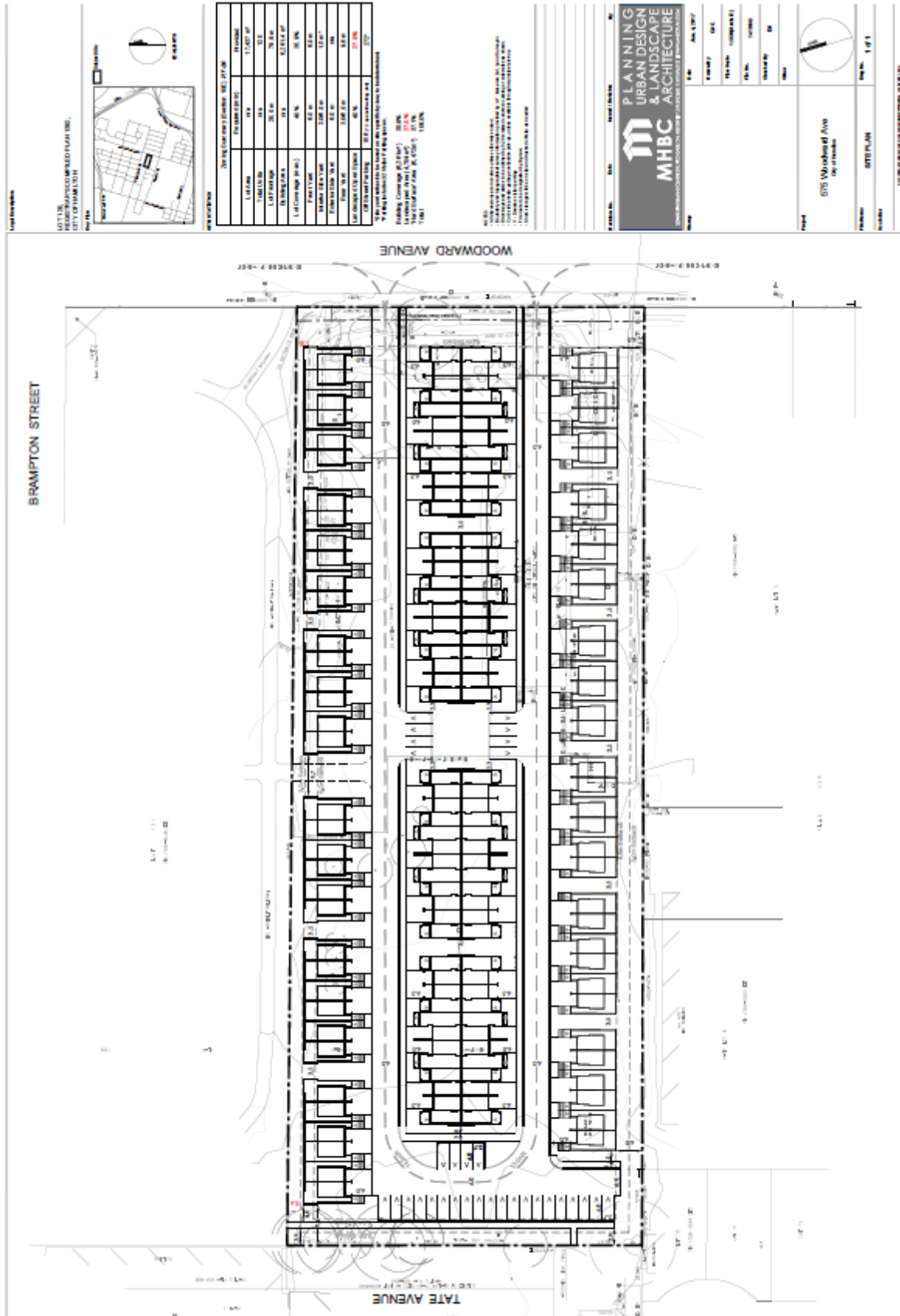
Scale:
N.T.S.

Planner/Technician:
TS/AL

Subject Property



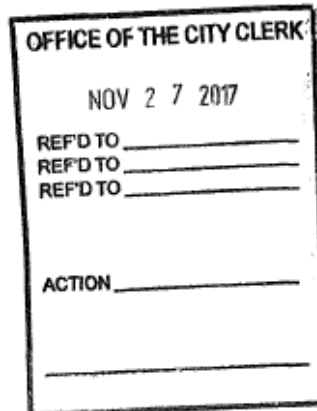
Change in Zoning from "C"
(Urban Protected Residential Etc.) District to
"RT-20/S-XXX" (Townhouse - Maisonette)
District, Modified



Barristers & Solicitors

WeirFouldsLLP

November 27th, 2017



Jennifer Meader
T: 905-829-8600
jmeader@weirfoulds.com

VIA COURIER

City of Hamilton
Office of the City Clerk
71 main St. W., 1st Floor
Hamilton, Ontario L8P 4Y5

Dear Ms. Caterini:

Re: NOTICE OF APPEAL
Zoning By-law Amendment Application
Section 34(11) of the *Planning Act*, R.S.O. 1990, C. P.13
575 Woodward Avenue, Hamilton
Losani Homes (1998) Ltd.

We represent Losani Homes (1998) Ltd. ("**Losani**"), owners of approximately 1.72 hectares of land legally described as Lot 120, Registrar's Compiled Plan 1392, former Township of Saltfleet, and known municipally as 575 Woodward Avenue in the City of Hamilton.

Through its planning consultant, MHBC, Losani submitted a zoning by-law amendment application to rezone the site to a site specific RT-20 District (Townhouse-Maisonette) under Zoning By-law No. 6593 in order to permit 72 townhouse dwelling units and 48 maisonette dwelling units as part of a common element condominium. By noticed dated July 5, 2017, the City deemed the applications to be complete.

It has been more than 120 days since the complete zoning amendment application was submitted and we hereby appeal the zoning by-law amendment application to the Ontario Municipal Board pursuant to subsection 34(11) of the *Planning Act* on the basis that the City has failed to make a decision.

Enclosed in support of these appeals, please find:

1. OMB Appellant Form A1.
2. A cheques in the amount of \$300.00 payable to the Minister of Finance, as the Board's required appeal fee.

Suite 10, 1525 Cornwall Road, Oakville, Ontario, Canada. L6J 0B2	T: 905-829-8600 F: 905-829-2035
	www.weirfoulds.com

Barristers & Solicitors

WeirFoulds^{LLP}

Our client would welcome any opportunity to discuss this matter with the City to explore the prospect of a mutually satisfactory resolution.

Should you have any questions or require any additional information, please do not hesitate to contact the undersigned. Otherwise, we thank you for your receipt of this appeal package.

Yours truly,

WeirFoulds LLP



Per: Jennifer Meader

MWC
Enclosures

c: William Liske, Losant Homes
Dave Aston, MHBC



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 20, 2018
SUBJECT/REPORT NO:	Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (City Wide) (PED18046)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Joe Gravina (905) 546-2424 Ext. 1284
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

Council Direction:

At the June 16, 2015 Planning Committee, staff were “directed to report back to the Planning Committee with a reporting tool that seeks to monitor applications where the 120 or the 180 day statutory timeframe applies”.

This report provides a status of all active Zoning By-law Amendment, Official Plan Amendment and Plan of Subdivision applications relative to the 120 or the 180 day statutory timeframe provisions of the *Planning Act* for non-decision appeals.

Policy Implications and Legislative Requirements

Land use planning is guided by the *Planning Act*, which sets out how land use decisions are made and how and when they can be appealed to the Ontario Municipal Board (OMB). The *Planning Act* prescribes the situations in which an applicant may file an appeal for Official Plan Amendments, Zoning By-law Amendments and Plans of Subdivision for lack of a decision by Council.

For Zoning By-law Amendments, Section 34 (11) of the *Planning Act* in force at the time of preparation of this report states that:

“Where an application to the council for an amendment to a by-law passed under this section or a predecessor of this section is refused or the council refuses or neglects to make a decision on it within 120 days after the receipt by the clerk of the application, any of the following may appeal to the Municipal Board by filing

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SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (City Wide) (PED18046) - Page 2 of 3

with the clerk of the municipality a notice of appeal, accompanied by the fee prescribed under the *Ontario Municipal Board Act*.

1. The applicant.”

For Official Plan Amendments, Section 17(40) of the *Planning Act* in force at the time of preparation of this report states that:

“If the approval authority fails to give notice of a decision in respect of all or part of a plan within 180 days after the day the plan is received by the approval authority, or within the longer period determined under subsection (40.1), any person or public body may appeal to the Municipal Board with respect to all or any part of the plan in respect of which no notice of a decision was given by filing a notice of appeal with the approval authority, subject to subsection (41.1).”

In accordance with Section 17 (40.1) of the *Planning Act*, the City of Hamilton has extended the approval period of Official Plan Amendment applications from 180 days to 270 days.

For Plans of Subdivision, Section 51(34) of the *Planning Act* in force at the time of preparation of this report states that:

“If an application is made for approval of a plan of subdivision and the approval authority fails to make a decision under subsection (31) on it within 180 days after the day the application is received by the approval authority, the applicant may appeal to the Municipal Board with respect to the proposed subdivision by filing a notice with the approval authority, accompanied by the fee prescribed under the *Ontario Municipal Board Act*.”

It is noted that Bill 139 (“OMB Reform”) proposes to reverse the non-decision appeal provisions of the *Planning Act* to provide municipalities with additional review time before an appeal can be made. At the time of preparation of this report, Bill 139 has received Royal Assent but had not come into force and effect as proclamation by the Lieutenant Governor had not yet occurred. Applications received prior to proclamation will continue to be processed under the provisions of the *Planning Act* in effect at the time of the application being deemed complete (i.e. will still have the option to appeal for non-decision to the OMB).

Information:

Staff were directed to report back to Planning Committee with a reporting tool that seeks to monitor applications where the applicable 120 day and 180 day statutory timeframe applies. This reporting tool would be used to track the status of all active Official Plan

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SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (City Wide) (PED18046) - Page 3 of 3

Amendment, Zoning By-law Amendment and Plan of Subdivision Applications. Staff are currently working with the AMANDA Implementation Team to add enhancements that will allow for the creation of more detailed reporting. As a result, future tables will include the extended statutory 270 day timeframe for Official Plan Amendments and a qualitative analysis of the status of active applications. It is anticipated that these enhancements will be available in Q2 of 2018.

Attached as Appendix “A” to Report PED18046 is a table outlining the active applications, sorted by Ward, from oldest application to newest. As of January 25, 2018 there were:

- 44 active Official Plan Amendment Applications (including 36 applications submitted after July 1, 2016);
- 85 active Zoning By-law Amendment Applications; and,
- 13 active Plan of Subdivision Applications.

Combined to reflect property addresses, this results in 85 active development proposals. Eleven proposals are 2018 files, while 52 proposals are 2017 files and 22 proposals are pre-2017 files.

The average number of days that the applications had been under review was 418 days, with 50 percent of applications being less than 266 days (i.e. the median).

Within 60 to 90 days of March 20, 2018, 27 applications will be approaching the 120 or the 180 day statutory timeframe and will be eligible for appeal. Fifty-eight (58) applications have passed the 120 or 180 day statutory timeframe. However, for those thirty-six (36) Official Plan Amendment Applications received after July 1, 2016, a non-decision appeal cannot be made until 270 days have lapsed (these applications are marked with an asterisk on Appendix “A” to Report PED18046).

Appendices and Schedules Attached:

Appendix “A”: List of Active Development Applications

JG:mo

**Active Development Applications
(Effective January 25, 2018)**

File	Address	Ward	Date Received	Date¹ Deemed Incomplete	Date¹ Deemed Complete	120 day cut off (Zoning Application)	180 day cut off (OPA and/or Subdivision Application)	Applicant/ Agent	Days since Received and/or Deemed Complete as of March 20, 2018
UHOPA-16-11 ZAC-16-029	925 Main St. W. & 150 Longwood Rd. S., Hamilton	1	19-Apr-16	n/a	28-Apr-16	17-Aug-16	16-Oct-16	Urban Solutions Planning & Land Development	700
UHOPA-17-07* ZAC-17-018	347 Charlton Ave. W., Hamilton	1	16-Jan-17	n/a	31-Jan-17	16-May-17	15-Jul-17*	GSP Group	428
UHOPA-17-18* ZAC-17-036	644 Main St. W., Hamilton	1	31-Mar-17	n/a	28-Apr-17	29-Jul-17	27-Sep-17*	Urban Solutions Planning & Land Development	354
ZAR-17-040	412 Aberdeen Ave., Hamilton	1	27-Apr-17	n/a	26-May-17	25-Aug-17	n/a	Susana Da Silva & Mario Neves	327
UHOPA-17-28* ZAC-17-065	1190 Main St. W., 103 & 111 Traymore Ave., Hamilton	1	15-Aug-17	21-Aug-17	10-Oct-17	13-Dec-17	11-Feb-18*	Bousfields Inc.	161

**Active Development Applications
(Effective January 25, 2018)**

File	Address	Ward	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Zoning Application)	180 day cut off (OPA and/or Subdivision Application)	Applicant/ Agent	Days since Received and/or Deemed Complete as of March 20, 2018
UHOPA-18-05* ZAC-18-012	235 Main St. W., Hamilton	1	22-Dec-17	n/a	19-Jan-18	21-Apr-18	20-Jun-18*	Urban Solutions Planning & Land Development	60
ZAC-17-008	117 Forest Ave. & 175 Catharine St. S., Hamilton	2	23-Dec-16	n/a	05-Jan-17	22-Apr-17	n/a	Urban Solutions Planning & Land Development	452
UHOPA-17-08* ZAC-17-019	41 Stuart St., Hamilton	2	20-Jan-17	n/a	06-Feb-17	20-May-17	19-Jul-17*	King Stuart Developments Inc.	424
ZAC-17-046	206-208 King St. W., Hamilton	2	15-May-17	n/a	19-May-17	12-Sep-17	n/a	A.J. Clarke & Associates Ltd.	309
UHOPA-17-23* ZAC-17-053	71 Rebecca St, Hamilton	2	15-Jun-17	n/a	14-Jul-17	13-Oct-17	12-Dec-17*	Wellings Planning Consultants Inc.	278
UHOPA-17-27* ZAC-17-063	163 Jackson St. W.	2	08-Aug-17	21-Aug-17	12-Sep-17	06-Dec-17	11-Mar-18*	Bousfields Inc.	189

**Active Development Applications
(Effective January 25, 2018)**

File	Address	Ward	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Zoning Application)	180 day cut off (OPA and/or Subdivision Application)	Applicant/ Agent	Days since Received and/or Deemed Complete as of March 20, 2018
UHOPA-17-33* ZAC-17-073	125 -129 Robert St., Hamilton	2	06-Oct-17	30-Oct-17	14-Nov-17	03-Feb-18	04-Apr-18*	IBI Group	126
ZAC-17-074	154 Main St. E., Hamilton	2	11-Oct-17	n/a	06-Nov-17	08-Feb-18	n/a	Urban Solutions Planning & Land Development	134
UHOPA-17-041* ZAC-17-090	80 and 92 Barton St. E and 215 and 245 Catharine St. N., Hamilton	2	29-Nov-17	n/a	14-Dec-17	29-Mar-18	28-May-18*	IBI Group	96
UHOPA-18-04* ZAC-18-009	299-307 John St. S., Hamilton	2	22-Dec-17	n/a	19-Jan-18	21-Apr-18	20-Jun-18*	Urban Solutions Planning & Land Development	60
ZAC-18-013	122 & 126 Augusta St. & 125 & 127 Young St., Hamilton	2	21-Dec-17	n/a	25-Jan-18	20-Apr-18	19-Jun-18	Urban Solutions Planning & Land Development	54

**Active Development Applications
(Effective January 25, 2018)**

File	Address	Ward	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Zoning Application)	180 day cut off (OPA and/or Subdivision Application)	Applicant/ Agent	Days since Received and/or Deemed Complete as of March 20, 2018
OPA-13-01 ZAC-13-007	100 Cumberland Ave., Hamilton	3	12-Apr-13	n/a	03-May-13	10-Aug-13	09-Oct-13	MHBC Planning Limited	1803
ZAC-17-024	119-123 Princess St., Hamilton	3	08-Feb-17	n/a	27-Mar-17	08-Jun-17	n/a	Armstrong Planning & Project Management	405
UHOPA-17-17* ZAR-17-034	157 Gibson Ave., Hamilton	3	23-Mar-17	n/a	05-May-17	21-Jul-17	19-Sep-17*	A.J. Clarke & Associates Ltd.	362
ZAR-16-046	121 Vansitmart Ave., Hamilton	4	19-Jul-16	n/a	29-Jul-16	16-Nov-16	n/a	Liam Doherty	609
ZAC-18-010	20 Reid Ave. N., Hamilton	4	22-Dec-17	n/a	16-Jan-18	21-Apr-18	n/a	MHBC Planning Limited	88
ZAC-16-035	865-867 Beach Blvd., Hamilton	5	28-Jun-16	n/a	04-Aug-16	02-Dec-16	n/a	MHBC Planning Limited	630

**Active Development Applications
(Effective January 25, 2018)**

File	Address	Ward	Date Received	Date¹ Deemed Incomplete	Date¹ Deemed Complete	120 day cut off (Zoning Application)	180 day cut off (OPA and/or Subdivision Application)	Applicant/ Agent	Days since Received and/or Deemed Complete as of March 20, 2018
ZAC-17-050	2782 Barton St. E., Hamilton	5	02-Jun-17	n/a	30-Jun-17	28-Oct-17	n/a	A.J. Clarke & Associates Ltd.	291
ZAR-16-063	1011 Fennell Ave. E., Hamilton	6	07-Oct-16	17-Nov-16	14-Aug-17	04-Feb-17	n/a	btM Drafting & Design	218
ZAC-17-057	1221 Limeridge Rd. E., Hamilton	6	07-Jul-17	17-Jul-17	24-Oct-17	04-Nov-17	n/a	IBI Group	147
UHOPA-15-16 ZAC-11-070	1375 Upper James St., Hamilton	7	16-Mar-15	n/a	26-May-15	14-Jul-15	12-Sep-15	WEBB Planning Consultants Inc.	1100
UHOPA-17-31* ZAC-17-071	1625 -1655 Upper James St., Hamilton	7	27-Sep-17	n/a	02-Oct-17	25-Jan-18	26-Mar-18*	MB1 Development Consulting Inc.	174
UHOPA-17-35* ZAC-17-078	1518 Upper Sherman Ave., Hamilton	7	23-Oct-17	n/a	03-Nov-17	20-Feb-18	21-Apr-18*	Wellings Planning Consultants Inc.	148

**Active Development Applications
(Effective January 25, 2018)**

File	Address	Ward	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Zoning Application)	180 day cut off (OPA and/or Subdivision Application)	Applicant/ Agent	Days since Received and/or Deemed Complete as of March 20, 2018
ZAC-17-089	1351 Upper James St., Hamilton	7	28-Nov-17	n/a	05-Dec-17	28-Mar-18	n/a	Patrick Slattery	112
ZAC-18-008	370 Concession St., Hamilton	7	21-Dec-17	n/a	22-Jan-18	20-Apr-18	n/a	Urban Solutions Planning & Land Development	89
ZAC-16-075	393 Rymal Rd. W., Hamilton	8	15-Nov-16	n/a	01-Dec-16	15-Mar-17	n/a	GSP Group	490
ZAC-17-030	567 Scenic Dr., Hamilton	8	10-Mar-17	n/a	28-Mar-17	08-Jul-17	n/a	A.J. Clarke & Associates Ltd.	375
ZAC-17-061	500 Upper Wellington Street	8	19-Jul-17	n/a	25-Jul-17	16-Nov-17	n/a	A.J. Clarke & Associates Ltd.	244
ZAR-17-075	517 Stone Church Rd. W., Hamilton	8	19-Oct-17	n/a	10-Nov-17	16-Feb-18	n/a	WEBB Planning Consultants Inc.	152

**Active Development Applications
(Effective January 25, 2018)**

File	Address	Ward	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Zoning Application)	180 day cut off (OPA and/or Subdivision Application)	Applicant/ Agent	Days since Received and/or Deemed Complete as of March 20, 2018
UHOPA-16-13 ZAC-16-033	15 Picardy Dr., Stoney Creek	9	13-May-16	n/a	27-May-16	10-Sep-16	09-Nov-16	IBI Group	676
UHOPA-16-25* ZAC-16-064 25T-201609	1809, 1817, & 1821 Rymal Rd. E., Stoney Creek	9	07-Oct-16	n/a	23-Nov-16	04-Feb-17	05-Apr-17*	WEBB Planning Consultants Inc.	529
UHOPA-16-26* ZAC-16-065 25T-201611	478 & 490 First Rd. W., Stoney Creek	9	12-Oct-16	n/a	02-Nov-16	09-Feb-17	10-Apr-17*	T. Johns Consultants Inc.	524
UHOPA-16-27* ZAC-16-066 25T-201612	464 First Rd. W., Stoney Creek,	9	12-Oct-16	n/a	02-Nov-16	09-Feb-17	10-Apr-17*	T. Johns Consultants Inc.	524
UHOPA-17-01* ZAC-17-001 25T-201701	15 Ridgeview Dr., Stoney Creek	9	02-Dec-16	n/a	16-Dec-16	01-Apr-17	31-May-17*	A.J. Clarke & Associates Ltd.	473
ZAC-17-044	16 King St. W., Stoney Creek	9	12-May-17	n/a	07-Jun-17	09-Sep-17	n/a	A.J. Clarke & Associates Ltd.	312

**Active Development Applications
(Effective January 25, 2018)**

File	Address	Ward	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Zoning Application)	180 day cut off (OPA and/or Subdivision Application)	Applicant/ Agent	Days since Received and/or Deemed Complete as of March 20, 2018
UHOPA-17-20* ZAC-17-049	928 Queenston Rd., Stoney Creek	9	01-Jun-17	30-Jun-17	28-Jul-17	29-Sep-17	28-Nov-17*	Fothergill Planning and Development Inc.	235
RHOPA-17-24* ZAC-17-055	138 Upper Centennial Pkwy, Stoney Creek	9	27-Jun-17	n/a	15-Aug-17	25-Oct-17	24-Dec-17*	Brouwer Architecture	266
ZAC-17-077	50 Green Mountain Rd., Stoney Creek	9	30-Oct-17	21-Nov-17	22-Nov-17	27-Feb-18	n/a	GSP Group	118
ZAC-17-085	121 Highway 8, Stoney Creek	9	13-Nov-17	n/a	04-Dec-17	13-Mar-18	n/a	A.J. Clarke & Associates Ltd.	106
ZAC-15-040	9 Glencrest Ave., Stoney Creek	10	02-Jul-15	n/a	10-Aug-15	30-Oct-15	n/a	WEBB Planning Consultants Inc.	992
UHOPA-17-09* ZAC-17-020	84 - 96 Lakeview Dr., Stoney Creek	10	19-Jan-17	n/a	08-Feb-17	19-May-17	18-Jul-17*	IBI Group	425

**Active Development Applications
(Effective January 25, 2018)**

File	Address	Ward	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Zoning Application)	180 day cut off (OPA and/or Subdivision Application)	Applicant/ Agent	Days since Received and/or Deemed Complete as of March 20, 2018
UHOPA-17-15* ZAC-17-028	417 - 423 Highway No. 8, 175 Margaret Ave., & 176 Millen Rd., Stoney Creek	10	07-Mar-17	n/a	23-Mar-17	05-Jul-17	03-Sep-17*	IBI Group	378
UHOPA-17-36* ZAC-17-079	514 Barton St. E, Stoney Creek	10	27-Oct-17	n/a	23-Nov-17	24-Feb-18	25-Apr-18*	GSP Group	144
UHOPA-14-16 ZAR-12-058	9388 Twenty Rd. W., Glanbrook	11	20-Dec-12	n/a	18-Jan-13	19-Apr-13	18-Jun-13	A.J. Clarke & Associates Ltd.	1916
UHOPA-15-22 ZAC-15-052	Vinemount Quarry, Green Mountain Rd. E., Stoney Creek	11	16-Sep-15	n/a	30-Oct-15	14-Jan-16	14-Mar-16	IBI Group	916
ZAC-16-016	1313 Baseline Rd., Stoney Creek	11	15-Jan-16	n/a	15-Feb-16	14-May-16	n/a	A.J. Clarke & Associates Ltd.	795
ZAC-17-009	1215 Barton St., Stoney Creek	11	23-Dec-16	n/a	06-Jan-17	22-Apr-17	n/a	WEBB Planning Consultants Inc.	452

**Active Development Applications
(Effective January 25, 2018)**

File	Address	Ward	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Zoning Application)	180 day cut off (OPA and/or Subdivision Application)	Applicant/ Agent	Days since Received and/or Deemed Complete as of March 20, 2018
UHOPA-17-05* ZAC-17-015 25T-201703	1, 19, 20, 21, 23, 27 & 30 Lakeside Dr. & 81 Waterford Cres., Stoney Creek	11	23-Dec-16	n/a	17-Jan-17	22-Apr-17	21-Jun-17*	IBI Group	452
ZAC-17-025	235 Tanglewood Dr., Glanbrook	11	16-Feb-17	n/a	24-Feb-17	16-Jun-17	n/a	A.J. Clarke & Associates Ltd.	397
UHOPA-17-12* ZAC-17-027 25T-210706	2341 & 2365 to 2431 Regional Rd. 56 & Tanglewood Dr., Glanbrook	11	23-Feb-17	n/a	06-Mar-17	23-Jun-17	02-Sep-17*	A.J. Clarke & Associates Ltd.	390
ZAR-17-033	90 Creanona Blvd., Stoney Creek	11	27-Mar-17	n/a	28-Apr-17	25-Jul-17	n/a	A.J. Clarke & Associates Ltd.	358
UHOPA-17-29* ZAC-17-067	1288 Baseline Rd., Stoney Creek	11	21-Aug-17	n/a	14-Sep-17	19-Dec-17	13-Mar-18*	IBI Group	211
ZAC-17-076 25T-201711	1216, 1218 and 1226 Barton St. E. and 1219 Hwy. 8, Stoney Creek	11	30-Oct-17	n/a	24-Nov-17	27-Feb-18	28-Apr-18	Glen Schnarr & Associates Inc.	141

**Active Development Applications
(Effective January 25, 2018)**

File	Address	Ward	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Zoning Application)	180 day cut off (OPA and/or Subdivision Application)	Applicant/ Agent	Days since Received and/or Deemed Complete as of March 20, 2018
RHOPA-17-039* ZAC-17-082	8475 English Church Rd., Glanbrook	11	10-Nov-17	n/a	17-Nov-17	10-Mar-18	09-May-18*	Fothergill Planning and Development Inc.	130
UHOPA-18-01* ZAC-18-003 25T-201801	78 and 80 Marion Street and 3302 and 3306 Homestead Dr., Glanbrook	11	01-Dec-17	n/a	18-Dec-17	31-Mar-18	30-May-18*	Urban Solutions Planning & Land Development	109
ZAC-18-005	42, 44, 48, 52 and 54 Lakeshore Dr., Stoney Creek	11	15-Dec-17	n/a	16-Jan-18	14-Apr-18	n/a	A.J. Clarke & Associates Ltd.	95
ZAA-18-006	3600 Guyatt Rd., Glanbrook	11	20-Dec-17	18-Jan-18	24-Jan-18	19-Apr-18	n/a	Larry Freeman	55
UHOPA-18-03* ZAC-18-007	3331 Homestead Dr., Glanbrook	11	19-Dec-17	n/a	16-Jan-18	18-Apr-18	17-Jun-18*	IBI Group	91
OPA-12-23 ZAC-12-065 25T-201206	491 Springbrook Ave, 851 & 875 Garner Rd. E., Ancaster	12	21-Dec-12	n/a	18-Jan-13	20-Apr-13	19-Jun-13	Wellings Planning Consultants Inc.	1915

**Active Development Applications
(Effective January 25, 2018)**

File	Address	Ward	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Zoning Application)	180 day cut off (OPA and/or Subdivision Application)	Applicant/ Agent	Days since Received and/or Deemed Complete as of March 20, 2018
ZAC-16-006 25T-201602	285, 293 Fiddlers Green Rd., Ancaster	12	23-Dec-15	n/a	06-Jan-16	21-Apr-16	20-Jun-16	Liam Doherty	818
UHOPA-16-07 ZAC-16-017	503-518 Garner Rd. W., Ancaster	12	10-Feb-16	n/a	26-Feb-16	09-Jun-16	08-Aug-16	Fothergill Planning and Development Inc.	769
ZAC-16-048 25T-201606	20 Miller Dr., Ancaster	12	22-Jul-16	n/a	05-Aug-16	19-Nov-16	18-Jan-17	GSP Group	606
UHOPA-17-22* ZAC-17-051	280 Wilson St. E., Ancaster	12	05-Jun-17	22-Jun-17	23-Aug-17	03-Oct-17	19-Feb-18*	Brenda Khes	209
UHOPA-17-25* ZAC-17-058	305 Garner Rd. W., Ancaster	12	11-Jul-17	17-Jul-17	08-Aug-17	08-Nov-17	07-Jan-18*	MHBC Planning Limited	224
ZAC-17-062	45 Secinaro Ave., Ancaster	12	28-Jul-17	n/a	01-Aug-17	25-Nov-17	n/a	T. Johns Consultants Inc.	235

**Active Development Applications
(Effective January 25, 2018)**

File	Address	Ward	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Zoning Application)	180 day cut off (OPA and/or Subdivision Application)	Applicant/ Agent	Days since Received and/or Deemed Complete as of March 20, 2018
ZAC-17-066	1274 Mohawk Rd., Ancaster	12	17-Aug-17	n/a	06-Sep-17	15-Dec-17	n/a	T. Johns Consultants Inc.	215
UHOPA-17-30* ZAC-17-68	70 Garner Rd. E., Ancaster	12	08-Sep-17	n/a	19-Sep-17	06-Jan-18	07-Mar-18*	Fothergill Planning and Development Inc.	193
UHOPA-17-32* ZAC-17-072	35 Londonderry Dr., Ancaster	12	06-Oct-17	n/a	01-Nov-17	03-Feb-18	04-Apr-18*	A.J. Clarke & Associates Ltd.	165
ZAC-17-086	449 Springbrook Ave., Ancaster	12	22-Nov-17	n/a	29-Nov-17	22-Mar-18	n/a	WEBB Planning Consultants Inc.	118
ZAA-18-004	240 Butter Rd. W., Ancaster	12	13-Dec-17	n/a	03-Jan-18	12-Apr-18	n/a	Urban Solutions Planning & Land Development	97
UHOPA-17-40* ZAC-17-088	264 Governors Rd. Dundas	13	28-Nov-17	n/a	13-Dec-17	28-Mar-18	27-May-18*	Urban Solutions Planning & Land Development	112

**Active Development Applications
(Effective January 25, 2018)**

File	Address	Ward	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Zoning Application)	180 day cut off (OPA and/or Subdivision Application)	Applicant/ Agent	Days since Received and/or Deemed Complete as of March 20, 2018
ZAR-15-004	64 Hatt St., Dundas	13	02-Dec-14	n/a	02-Jan-15	01-Apr-15	n/a	336477 Ontario Ltd.	1204
ZAC-17-060	211 York Road, Dundas	13	14-Jul-17	n/a	02-Aug-17	11-Nov-17	n/a	Wellings Planning Consultants Inc.	249
ZAC-17-064 25T-201710	655 Cramer Rd., Flamborough	14	09-Aug-17	n/a	17-Aug-17	07-Dec-17	n/a	A.J. Clarke & Associates Ltd.	223
RHOPA-17-37* ZAC-17-080	1915 Jerseyville Rd. W., Ancaster	14	06-Nov-17	n/a	20-Nov-17	06-Mar-18	05-May-18*	IBI Group	134
RHOPA-17-038* ZAC-17-081	1633 Highway 6, Flamborough	14	08-Nov-17	n/a	21-Nov-17	08-Mar-18	07-May-18*	1685486 ONTARIO INC.	132
ZAR-11-018	136 & 156 Concession 5 Rd. E., Flamborough	15	15-Mar-11	n/a	08-Apr-11	13-Jul-11	n/a	Fothergill Planning and Development Inc.	2562

**Active Development Applications
(Effective January 25, 2018)**

File	Address	Ward	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Zoning Application)	180 day cut off (OPA and/or Subdivision Application)	Applicant/ Agent	Days since Received and/or Deemed Complete as of March 20, 2018
ZAC-15-039 25T-201507	Flamborough Power Centre, Flamborough	15	13-Jul-15	n/a	23-Jul-15	10-Nov-15	09-Jan-16	Fothergill Planning and Development Inc.	981
UHOPA-17-06* ZAC-17-016	157 Parkside Dr., Flamborough	15	23-Dec-16	n/a	17-Jan-17	22-Apr-17	21-Jun-17*	MHBC Planning Limited	452
ZAC-18-011	21 Mill St. N., Hamilton	15	22-Dec-17	n/a	18-Jan-18	21-Apr-18	n/a	A.J. Clarke & Associates Ltd.	88

Active Development Applications

- When an application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 120, 180 & 270 day timeframe commences on the date the new materials were submitted. In all other situations, the 120, 180 & 270 day timeframe commences the day the application was received.
- * In accordance with Section 17 (40.1) of the Planning Act, the City of Hamilton has extended the approval period of Official Plan Amendment applications from 180 days to 270 days (applicable to applications received on or after July 1, 2016).



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 20, 2018
SUBJECT/REPORT NO:	Urban Hamilton Official Plan Administrative Amendment (Wards 1-13, 15) (PED18060)
WARD(S) AFFECTED:	Wards 1-13, 15
PREPARED BY:	Delia McPhail (905) 546-2424 Ext. 6663
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That City Initiative CI-18-C – Administrative Amendment to the Urban Hamilton Official Plan to amend policies, schedules and maps, to implement policy and mapping corrections for the Parent Plan contained in Volume 1 and for Secondary Plans contained in Volume 2 of the UHOP, on the following basis:

- (a) That the Draft Official Plan Amendment, attached as Appendix “A” to Report PED18060, be adopted by Council.
- (b) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (PPS) 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017 (P2G).

EXECUTIVE SUMMARY

The purpose of this Urban Hamilton Official Plan (UHOP) amendment is to undertake policy and map changes required to ensure clear implementation, correctness, and maintain policy intent.

The application of the UHOP through the development review process and in the preparation of secondary plans has resulted in the identification of areas where administrative and technical revisions to the existing policies are required to correct typographical and administrative errors.

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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Urban Hamilton Official Plan Administrative Amendment (Wards 1-13, 15) (PED18060) – Page 2 of 4

The Official Plan Amendment, attached as Appendix “A” to Report PED18060, contains proposed policy and mapping changes to correct the matters identified in Appendices “B” – “B2”, inclusive, of Report PED18060. Four summary tables, attached as Appendices “B”, “B1” and “B2” to Report PED18060, include the background and rationale for the proposed amendments identified in Appendix “A” to Report PED18060.

Alternatives for Consideration – See Page 4

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: Policy F.1.17.7 of Volume 1 allows administrative amendments without requiring a public meeting process under the *Planning Act*.

HISTORICAL BACKGROUND

The UHOP was adopted by Council on June 9, 2009, received Ministerial Approval on March 16, 2011, and was approved by the OMB on August 16, 2013. The application of the UHOP, through the development review process and in the preparation of secondary plans, has resulted in the identification of areas where administrative and technical revisions to the existing policies are required to provide clarity with respect to intent. It is necessary to ensure the UHOP’s policy intent continues to be clear, correct and the policies remain easy to read and apply. Changes to the UHOP are required to correct policy and mapping inconsistencies, grammar, reference numbering errors and typographical errors.

Within Chapter F of Volume 1, the UHOP provides direction on Official Plan Amendments. Policy F.1.1.4 b) indicates that the City of Hamilton may undertake amendments to update and streamline the administration of municipal planning policies.

Policy F.1.17.7 states:

“1.17.7 Public meetings under the *Planning Act* shall not be required for minor administrative amendments to this Plan such as format changes, typographical errors, grammatical errors and policy number changes.”

The UHOP updates are being undertaken in two parts: 1) Administrative Amendment (Report PED18060), in accordance with UHOP Policy F.1.17.7 above, is required to correct minor format changes, typographical and grammatical errors, policy number changes and minor revisions to update UHOP mapping; and, 2) a future Housekeeping Amendment that requires a public meeting (tentatively scheduled for July 10, 2018) to

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SUBJECT: Urban Hamilton Official Plan Administrative Amendment (Wards 1-13, 15) (PED18060) – Page 3 of 4

add policies, a definition, correct consistencies between policies and mapping, and to delete redundant policies / wording.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement, 2014

The Provincial Policy Statement (PPS) sets the policy foundation for regulating the development and use of land in Ontario. Although there are no direct policies that deal with Administrative Amendments, none of the changes proposed in this Amendment conflict with the PPS.

Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe sets the policy foundation for regulating development within urbanized areas of the Greater Golden Horseshoe Area. Although there are no direct policies that deal with Administrative Amendments, none of the changes proposed in this Amendment conflict with the Growth Plan.

RELEVANT CONSULTATION

Staff from different divisions were consulted to identify issues and determine solutions for any implementation issues arising from the day-to-day use of the UHOP pertaining to the proposed amendments:

Planning and Economic Development Department:

- Development Planning, Heritage and Design Section, Planning Division;
- Community Planning Section, Planning Division; and,
- Transportation Planning Section, Transportation Planning and Parking Division.

In addition, staff have informed the Development Industry Liaison Group (DILG) of this Administrative Amendment.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The purpose of this Amendment is to correct administrative (i.e. formatting, numbering, typographical and grammatical) errors. The effect of this Amendment is to improve clarity and understanding of the UHOP.

The proposed revisions in the Amendment (Appendix “A” to Report PED18060) do not change the intent of the UHOP policies.

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SUBJECT: Urban Hamilton Official Plan Administrative Amendment (Wards 1-13, 15) (PED18060) – Page 4 of 4

Since adoption and use of the UHOP, as well as subsequent amendments to the Plan, staff identified a number of proposed revisions to make the Plan clearer and easier to read. The changes fall into the following categories:

- Correct policy number/reference errors (Appendix “B” to Report PED18060);
- Correct typographical and grammatical errors (Appendix “B1” to Report PED18060); and,
- Update UHOP mapping (Appendix “B2” to Report PED18060).

The intent, purpose and effect of the policies and designations are not changed by these technical and administrative amendments.

ALTERNATIVES FOR CONSIDERATION

Should Committee decide to not approve the staff recommendation, the UHOP will have policy interpretation issues.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A”: Urban Hamilton Official Plan Amendment
- Appendix “B”: Summary Table of Proposed Amendments to correct policy number / reference errors
- Appendix “B1”: Summary Table of Proposed Amendments to correct typographical and grammatical errors
- Appendix “B2”: Summary Table of Proposed Amendments to update UHOP mapping

DM:mo

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Schedule 1

**DRAFT Urban Hamilton Official Plan
 Amendment No. X**

The following text, together with:

Appendix "A"	Volume 2, Ainslie Wood Westdale Secondary Plan – Land Use Plan
Appendix "B"	Volume 2, Strathcona Secondary Plan – Land Use Plan

attached hereto, constitutes Official Plan Amendment No. [redacted] to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose of this amendment is to correct administrative (e.g. numbering, typographical and grammatical) errors. The effect of this Amendment is to improve clarity and understanding and ensure correctness of the Urban Hamilton Official Plan.

2.0 Location:

The lands affected by this Amendment are located within the Urban Area of the City of Hamilton.

3.0 Basis:

The basis for permitting this Amendment is:

- Clarify policies by correcting administrative errors (i.e. formatting, numbering, typographical and grammar) in the Urban Hamilton Official Plan.
- Urban Hamilton Official Plan Volume 1, Chapter F, Section F.1.0, Policy 1.1.4 requires that a City-initiated amendment be completed to update and streamline administration of municipal planning policies.
- The proposed amendment is consistent with the Provincial Policy Statement, 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017.

4.0 Actual Changes:

4.1 Volume 1 – Parent Plan

Text

4.1.1 Chapter C – City-Wide Systems and Designations

- a. That Section C.4.5 Roads Network, Policy C.4.5.6.2 be amended by adding “ed” to the end of the word “retain”, and adding a comma (“,”) before the word “unless”.

4.1.2 Chapter E – Urban Systems and Designations

- a. That Section E.2.4 Urban Corridor Policies, Policy E.2.4.15 be amended by deleting the number “15” and replacing it with the number “16” in the second policy reference to “B.2.4.15” to read as “B.2.4.16”, and that the following policy reference be renumbered accordingly.

4.2 Volume 2 – Secondary Plans

Text

4.2.1 Chapter B.5.1 – Binbrook Village Secondary Plan

- a. That Section B.5.1.10 Urban Design Guidelines, Policy B.5.1.8.2 be amended by deleting the number “8” and replacing it with the number “10” in the policy reference to “B.5.1.8.2” to read as “B.5.1.10.2”, and that the following policy references be renumbered accordingly.
- b. That Section B.5.1.13 Area or Site Specific Policies, Policy B.5.1.13.6 be amended by deleting the number “6” and replacing it with the number “9” in the policy reference to “B.5.1.13.6” to read as “B.5.1.13.9”, and that the following policy references be renumbered accordingly, with the exception of policy reference “B.5.13.13”, which will remain the same.

4.2.2 Chapter B.6.2 – Ainslie Wood Westdale Secondary Plan

- a. That Section B.6.2.11 Institutional Designation, Policy B.6.2.11.2 g) be amended by deleting the number “9” and replacing it with the number “11” in the policy reference to “B.6.2.9.2 c)” to read as “B.6.2.11.2 c)”.
- b. That Section B.6.2.17 Area and Site Specific Policies, Policy B.6.2.16.5 be amended by deleting the number “16” and replacing it with the number

“17” in the policy reference to “B.6.2.16.5” to read as “B.6.2.17.5”.

- c. That Section B.6.2.17 Area and Site Specific Policies, Policy B.6.2.16.6 be amended by deleting the number “16” and replacing it with the number “17” in the policy reference to “B.6.2.16.6” to read as “B.6.2.17.6”.
- d. That Section B.6.2.17 Area and Site Specific Policies, Policy B.6.2.16.7 be amended by deleting the number “16” and replacing it with the number “17” in the policy reference to “B.6.2.16.7” to read as “B.6.2.17.7”.
- e. That Section B.6.2.17 Area and Site Specific Policies, the second Policy B.6.2.16.6 be amended by deleting reference “E” and replacing with reference “F” in the reference to “Site Specific Policy – Area E (OPA 48)”; deleting the number “16” and replacing it with the number “17”; and, deleting the number “6” and replacing it with the number “8” in the policy reference to “B.6.2.16.6” to read as “B.6.2.17.8”.
- f. That Section B.6.2.17 Area and Site Specific Policies, the third Policy B.6.2.16.6 be amended by deleting the number “16” and replacing it with the number “17”; and, deleting the number “6” and replacing it with the number “9” in the policy reference to “B.6.2.16.6” to read as “B.6.2.17.9”.

4.2.3 Chapter B.6.6 – Strathcona Secondary Plan

- a. That Section B.6.6.15 Area and Site Specific Policies, Policy B.6.6.15.11 be amended by deleting reference “K” and replacing with reference “L” in the reference to “Site Specific Policy – Area K (OPA 65)”; and deleting the number “11” and replacing it with the number “12” in the policy reference to “B.6.6.15.11” to read as “B.6.6.15.12”.

Schedules and Appendices

4.2.4 Secondary Plan Maps

- a. That Volume 2: Map B.6.2-1 – Ainslie Wood Westdale Secondary Plan Land Use Plan be amended by deleting reference “E” and replacing with reference “F”, as shown on Appendix “A” to this amendment.
- b. That Volume 2: Map B.6.6-1 – Strathcona Secondary Plan Land Use Plan be amended by deleting reference “K” and replacing with reference “L”, as shown on Appendix “B” to this amendment.

5.0 Implementation:

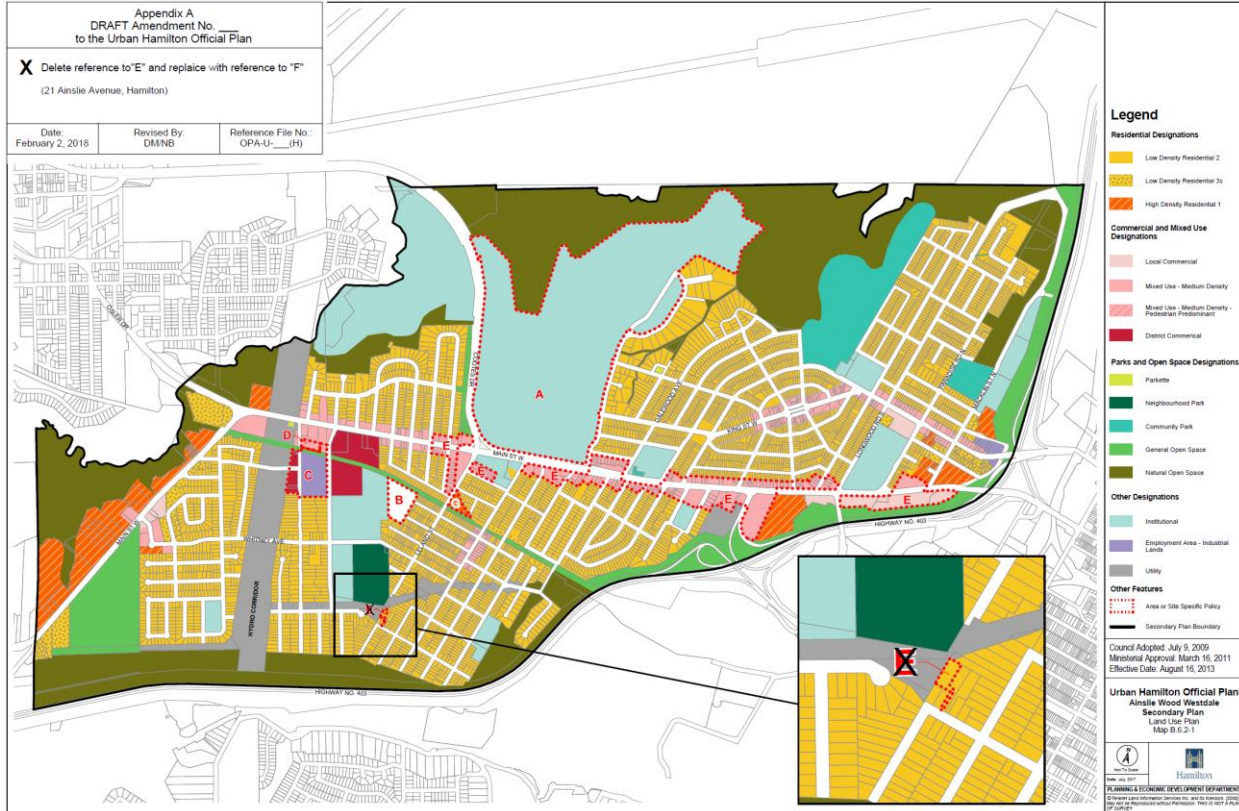
An implementing By-Law will give effect to the intended uses on the subject lands.

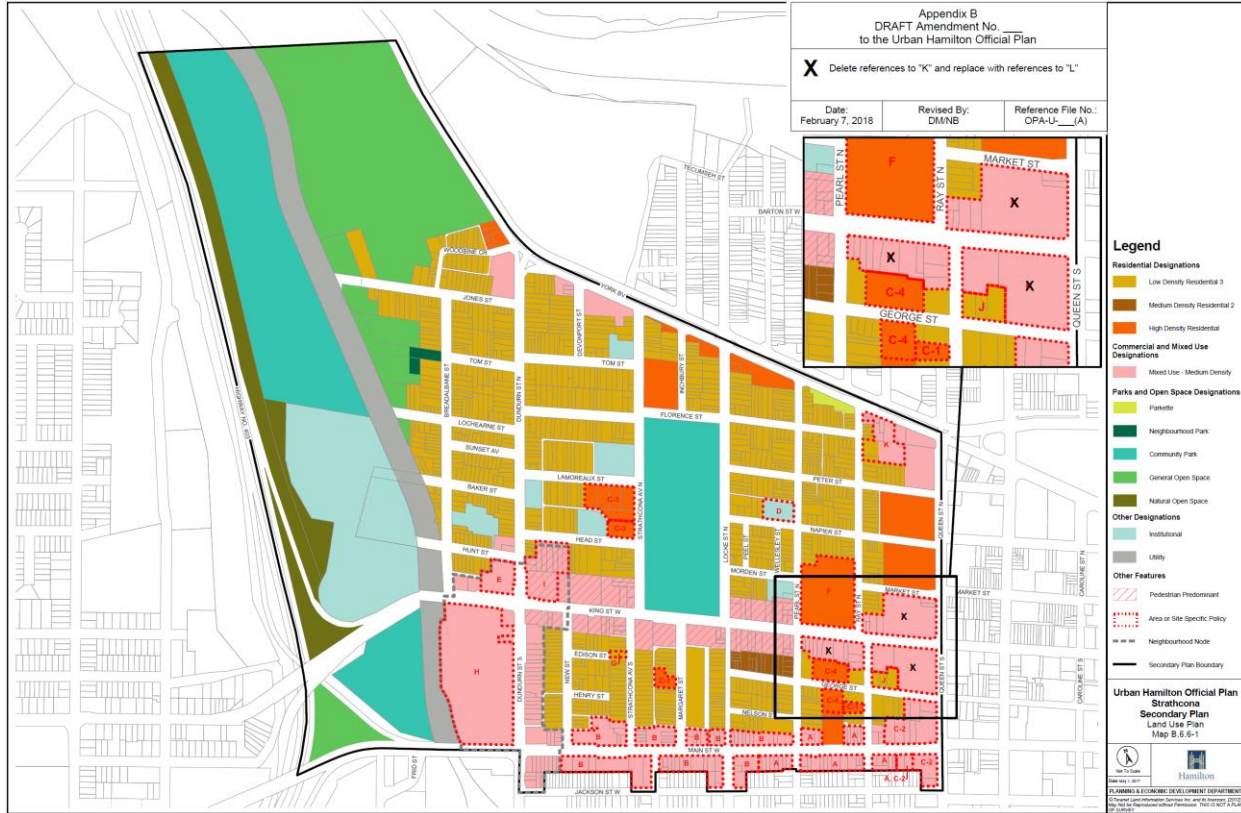
This Official Plan Amendment is Schedule "1" to By-law No. _____ passed on the day of month, 2018.

**The
City of Hamilton**

Fred Eisenberger
MAYOR

Rose Caterini
CITY CLERK





	Current Policy	Proposed Policy	Rationale
Volume 1, Chapter E Neighbourhoods, Section 2.4 Urban Corridors Policies	2.4.15 New <i>development</i> shall respect the existing built form of adjacent neighbourhoods where appropriate by providing a gradation in building height. <i>New development</i> shall locate and be designed to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods.	Delete the policy number “15” and replace it with the number “16”: 2.4.45 16 New <i>development</i> shall respect the existing built form ...	Numbering error.
Volume 1, Chapter E Neighbourhoods, Section 2.4 Urban Corridors Policies	2.4.16 Reductions in parking requirements shall be considered in order to encourage a broader range of uses and densities to support existing and planned transit routes.	Delete the number “16” and replace it with the number “17”: 2.4.46 17 Reductions in parking requirements shall be considered ...	Numbering error.
Volume 2 Binbrook Village Secondary Plan	5.1.8.2 In addition to the policies of Section B.3.3 – Urban Design Policies of Volume 1, the following policies shall apply to all lands designated Mixed Use – Medium Density on Map B.5.1-1 – Binbrook Village – Land Use Plan:	Delete the number “8” and replace it with the number “10”. 5.1.8 10 .2 In addition to the policies of Section B.3.3 – Urban Design Policies of Volume 1, the following policies shall apply to all lands designated Mixed Use – Medium Density on Map B.5.1-1 – Binbrook Village – Land Use Plan:	This numbering error occurred when the Binbrook Village Secondary Plan under the Township of Glanbrook Official Plan was reformatted to be incorporated into the Urban Hamilton Official Plan.

<p style="text-align: center;">Volume 2 Binbrook Village Secondary Plan</p>	<p>5.1.8.3 Design within the road allowances of lands within the Mixed Use - Medium Density designation shall be accessible to surrounding uses and be designed as pedestrian predominant focus streets in compliance with Section E.4.3 – Pedestrian Predominant Focus Streets of Volume 1, the Binbrook Village Community Core Urban Design Guidelines, and the following additional policies:</p>	<p>Delete the number “8” and replace it with the number “10”.</p> <p>5.1.810.3 Design within the road allowances of lands within the Mixed Use - Medium Density designation shall be ...</p>	<p>Numbering error.</p> <p>This numbering error occurred when the Binbrook Village Secondary Plan under the Township of Glanbrook Official Plan was reformatted to be incorporated into the Urban Hamilton Official Plan.</p>
<p style="text-align: center;">Volume 2 Binbrook Village Secondary Plan</p>	<p>5.1.8.4 The following design criteria shall apply to development in the District Commercial designation:</p>	<p>Delete the number “8” and replace it with the number “10”.</p> <p>5.1.810.4 The following design criteria shall apply to development in the District Commercial designation:</p>	<p>Numbering error.</p> <p>This numbering error occurred when the Binbrook Village Secondary Plan under the Township of Glanbrook Official Plan was reformatted to be incorporated into the Urban Hamilton Official Plan.</p>
<p style="text-align: center;">Volume 2 Binbrook Village Secondary Plan</p>	<p>5.1.8.5 Gateways, identified on Map B.5.1-1 – Binbrook Village – Land Use Plan, are located at the primary entrances to Binbrook Village and the entrances to the Mixed Use - Medium Density designation. The following policies shall apply to Gateways:</p>	<p>Delete the number “8” and replace it with the number “10”.</p> <p>5.1.810.5 Gateways, identified on Map B.5.1-1 – Binbrook Village – Land Use Plan ...</p>	<p>Numbering error.</p> <p>This numbering error occurred when the Binbrook Village Secondary Plan under the Township of Glanbrook Official Plan was reformatted to be incorporated into the Urban Hamilton Official Plan.</p>

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Volume 2 Binbrook Village Secondary Plan</p>	<p>5.1.8.6 The City shall be encouraged to develop a Master Open Space Plan and Design Guidelines for Parks and Open Space designations in Binbrook Village. This Plan and Guidelines should address overall parkland goals ...</p>	<p>Delete the number “8” and replace it with the number “10”.</p> <p>5.1.810.6 The City shall be encouraged to develop a Master Open Space Plan and Design Guidelines for Parks and Open Space designations</p>	<p>Numbering error.</p> <p>This numbering error occurred when the Binbrook Village Secondary Plan under the Township of Glanbrook Official Plan was reformatted to be incorporated into the Urban Hamilton Official Plan.</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Volume 2 Binbrook Village Secondary Plan</p>	<p>5.1.8.7 Streetscape is key to a successful public realm. The street plays an important role in the character of any neighbourhood or area. In addition to Section B.3.3 – Urban Design of Volume 1, ...</p>	<p>Delete the number “8” and replace it with the number “10”.</p> <p>5.1.810.7 Streetscape is key to a successful public realm ...</p>	<p>Numbering error.</p> <p>This numbering error occurred when the Binbrook Village Secondary Plan under the Township of Glanbrook Official Plan was reformatted to be incorporated into the Urban Hamilton Official Plan.</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Volume 2 Binbrook Village Secondary Plan</p>	<p>Site Specific Policy – Area I (OPA 80) 5.1.13.6 For new local commercial development on the lands located at the southeast corner of Binbrook Road and Fletcher Road, designated Local Commercial and identified as Site Specific Policy – Area I on Map B.5.1-1 – Binbrook Village Secondary Plan, Section B.5.1.5.3 a) shall not apply.</p>	<p>Delete the number “6” and replace it with the number “9”.</p> <p>5.1.13.69 For new local commercial development on the lands located at the southeast corner of Binbrook Road and Fletcher Road ...</p>	<p>Numbering error.</p> <p>This numbering error occurred when the OMB issued its Decision in Case No. PL150224.</p>

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Volume 2 Binbrook Village Secondary Plan</p>	<p>Area Specific Policy – Area J (OPA 80) 5.1.13.7 Notwithstanding Policy B.5.1.4.5 c) ii), for the lands known municipally as 3105 Fletcher Road, designated Low Density Residential 2h, and identified as Area Specific Policy – Area J on Map B.5.1-1 – Binbrook Village Secondary Plan, the density shall be 26 to 50 units per hectare.</p>	<p>Delete the number “7” and replace it with the number “10”.</p> <p>5.1.13.710 Notwithstanding Policy B.5.1.4.5 c) ii), ...</p>	<p>Numbering error.</p> <p>This numbering error occurred when the OMB issued its Decision in Case No. PL150224.</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Volume 2 Binbrook Village Secondary Plan</p>	<p>Site Specific Policy – Area K (OPA 80) 5.1.13.8 In addition to Section B.5.1.4.5 d) i), for the lands known municipally as 3105 Fletcher Road, designated Low Density Residential 3e, and identified as Site Specific Policy – Area K on Map B.5.1-1 – Binbrook Village Secondary Plan, townhouses shall also be permitted, which may be developed as a standard block townhouse development or as freehold townhouse units on a private road.</p>	<p>Delete the number “8” and replace it with the number “11”.</p> <p>5.1.13.811 In addition to Section B.5.1.4.5 d) i), ...</p>	<p>Numbering error.</p> <p>This numbering error occurred when the OMB issued its Decision in Case No. PL150224.</p>


<p>Volume 2 Binbrook Village Secondary Plan</p>	<p>Area Specific Policy – Area L (OPA 80) 5.1.13.9 In addition to Policy B.1.8 (Volume 2), for the lands known municipally as 3105 Fletcher Road, designated Low Density Residential 2e and identified as Area Specific Policy – Area L on Map B.5.1-1 – Binbrook Village Secondary Plan, the deletion of a local road from the road pattern shown on Map B.5.1-1 shall be permitted if it is determined that such a road is not needed to connect to lands immediately to the east without a further amendment to the Binbrook Village Land Use Plan.</p>	<p>Delete the number “9” and replace it with the number “12”.</p> <p>5.1.13.912 In addition to Policy B.1.8 (Volume 2), ...</p>	<p>Numbering error.</p> <p>This numbering error occurred when the OMB issued its Decision in Case No. PL150880.</p>
<p>Volume 2 Binbrook Village Secondary Plan</p>	<p>Area Specific Policy – Area N (OPA 81) 5.1.13.8 Notwithstanding Policy B.5.1.4.5 c) ii), for the lands known municipally as 2515 Fletcher Road, designated Low Density Residential 2h, and identified as Area Specific Policy – Area N on Map B.5.1-1 – Binbrook Village Secondary Plan, the density range shall be from 26 to 50 units per hectare.</p>	<p>Delete the number “8” and replace it with the number “14”.</p> <p>5.1.13.814 Notwithstanding Policy B.5.1.4.5 c) ii), ...</p>	<p>Numbering error.</p> <p>This numbering error occurred when the OMB issued its Decision in Case No. PL150880.</p>

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Volume 2 Ainslie Wood Westdale Secondary Plan</p>	<p>B.6.2.11.2 g) The possible redevelopment of other Institutional uses, such as places of worship and health facilities, for other uses, shall be subject to Policy B.6.2.9.2 c), with special attention to the compatibility of uses with residential character, and provision of sufficient parking.</p>	<p>Delete the number “9” and replace it with the number “11”.</p> <p>... shall be subject to Policy B.6.2.911.2 c)</p>	<p>Policy reference error.</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Volume 2 Ainslie Wood Westdale Secondary Plan</p>	<p>Site Specific Policy – Area D 6.2.16.5 Notwithstanding Policy B.6.2.5.5 a) and b), for the lands designated Mixed Use – Medium Density, located at 17 Ewen Road, and identified as Site Specific Policy – Area D on Map B.6.2-1 – Ainslie Wood Westdale – Land Use Plan, the following policies shall apply:</p>	<p>Delete the number “16” and replace it with the number “17”.</p> <p>6.2.4617.5 Notwithstanding Policy B.6.2.5.5 a) and b), ...</p>	<p>Numbering error.</p> <p>This numbering error occurred when the OMB issued its Decision in Case No. PL120574.</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Volume 2 Ainslie Wood Westdale Secondary Plan</p>	<p>Area Specific Policy – Area E (OPA 65) 6.2.16.6 The following policies shall apply to the lands located on Main Street between Hollywood Avenue and Highway 403, designated Mixed Use – Medium Density and Local Commercial, and identified as Area Specific Policy – Area E on Map B.6.2-1 – Ainslie Wood Westdale – Land Use Plan:</p>	<p>Delete the number “16” and replace it with the number “17”.</p> <p>6.2.4617.6 The following policies shall apply to the lands located on Main Street between Hollywood Avenue and Highway 403, ...</p>	<p>Numbering error.</p> <p>This numbering error occurred when Council adopted OPA No. 65.</p>

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Volume 2 Ainslie Wood Westdale Secondary Plan</p>	<p>6.2.16.7 The following policies shall apply to the lands located on Main Street between Hollywood Avenue and Highway 403, designated Mixed Use – Medium Density, and identified as Area Specific Policy – Area E on Map B.6.2-1 – Ainslie Wood Westdale – Land Use Plan:</p>	<p>Delete the number “16” and replace it with the number “17”</p> <p>6.2.4617.7 The following policies shall apply to the lands located on Main Street between Hollywood Avenue and Highway 403,</p>	<p>Numbering error.</p> <p>This numbering error occurred when Council adopted OPA No. 65.</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Volume 2 Ainslie Wood Westdale Secondary Plan</p>	<p>Site Specific Policy – Area E (OPA 48) 6.2.16.6 For the lands designated as “Low Density Residential 2,” located at 102 Ainslie Ave, and identified as Site Specific Policy – Area E on Map B.6.2-1 – Ainslie Wood Westdale Secondary Plan – Land Use Plan, in addition to single and semidetached dwellings, a triplex shall also be a permitted use.</p>	<p>Delete the letter “E” and replace it with the letter “F”; delete the number “16” and replace it with the number “17”; delete the number “6” and replace it with the number “8”.</p> <p>Site Specific Policy – Area EF (OPA 48) 6.2.4617.68 For the lands designated as “Low Density Residential 2”, ...</p>	<p>Numbering error.</p> <p>This numbering error occurred when the OMB issued its Decision in Case No. PL150751.</p> <p>Lettering error as OPA No. 65 already identified Area Specific Policy – Area E.</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Volume 2 Ainslie Wood Westdale Secondary Plan</p>	<p>Site Specific Policy – Area G (OPA 71) 6.2.16.6 The following policies shall apply to the lands identified as Site Specific Policy – Area G on Map B.6.2-1 – Ainslie Wood Westdale Secondary Plan – Land Use Plan:</p>	<p>Delete the number “16” and replace it with the number “17”; delete the number “6” and replace it with the number “9”.</p> <p>6.2.4617.69 The following policies shall apply to the lands identified as Site Specific Policy – Area G ...</p>	<p>Numbering errors.</p> <p>This numbering error occurred when Council adopted OPA No. 71.</p>

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Volume 2 Strathcona Secondary Plan</p>	<p>Site Specific Policy – Area K (OPA 65) 6.6.15.11 The following policies shall apply to certain lands located on King Street between Pearl Street and Queen Street, designated Mixed Use – Medium Density and identified as Area Specific Policy – Area K on Map B.6.6-1 – Strathcona – Land Use Plan:</p>	<p>Delete the letter “K” and replace it with the number “L”; delete the number “11” and replace it with the number “12”.</p> <p>Site Specific Policy – Area KL (OPA 65) 6.6.15.1112 The following policies shall apply to certain lands located on King Street between Pearl Street and Queen Street, designated Mixed Use – Medium Density and identified as Area Specific Policy – Area KL on Map B.6.6-1 – Strathcona – Land Use Plan:</p>	<p>Lettering error, as Site Specific Policy – Area K already existed, as part of the Strathcona Secondary Plan, and applies to the lands located at 331, 337 and 339 York Boulevard, and 96, 100 and 120 Ray Street North.</p> <p>Numbering error.</p> <p>This numbering error occurred when Council adopted OPA No. 65.</p>
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	Current Policy	Proposed Policy	Rationale
<p><i>Volume 1, Chapter C City Wide Systems and Designations, Section 4.5 Roads Network</i></p>	<p>4.5.6.2 Road widening obtained through land severance or consent shall be taken from both the severed and retained parcels of land unless in the opinion of the City obtaining the widening from both parcels would not be practicable or feasible.</p>	<p>Add "ed" to the end of the word "retain" and add a comma "," before the word "unless":</p> <p>4.5.6.2 Road widening obtained through land severance or consent shall be taken from both the severed and retained parcels of land, unless in the opinion of the City obtaining the widening from both parcels would not be practicable or feasible.</p>	<p>Grammatical error.</p>

	Current Schedule/Map	Proposed Revision	Rationale
<p>Volume 2 Map B.6.2-1: Ainslie Wood Westdale Secondary Plan Land Use Plan</p>		<p>Delete reference "E" and replace with reference "F".</p> 	<p>Two policies have the same reference letters. Therefore one of the policies requires a number change. Because the text was corrected by reassigning one of the existing "E" to the reference "F", a change to Map B.6.2-1 is required to reflect the correction to the subject lands addressed by OPA 48.</p>
<p>Volume 2 Map B.6.6-1: Strathcona Secondary Plan Land Use Plan</p>		<p>Delete reference to "K" and replace with reference to "L".</p> 	<p>Two policies have the same reference letters. Therefore one of the policies requires a number change. Because the text was corrected by reassigning one of the existing "K" to the reference "L", a change to Map B.6.6-1 is required to reflect the correction to the subject lands addressed by OPA 65.</p>



Hamilton

INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 20, 2018
SUBJECT/REPORT NO:	Annual Report on Building Permit Fees (PED18062) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Dio Ortiz (905) 546-2424 Ext. 4650
SUBMITTED BY:	Ed VanderWindt Director, Building and Chief Building Official Planning and Economic Development Department
SIGNATURE:	

Council Direction: Not Applicable

Information:

The *Building Code Act* (BCA) and the regulations made thereunder (the Ontario Building Code) require that a report be prepared annually on fees collected and costs incurred. Specifically, Article 1.9.1.1 of the regulations state:

- “(1) The report referred to in subsection 7(4) of the Act shall contain the following information in respect to fees authorized under clause 7(1)(c) of the Act:
- (a) total fees collected in the 12 month period ending no earlier than three months before the release of the report;
 - (b) the direct and indirect costs of delivering services related to the administration and enforcement of the Act in the area of jurisdiction of the principal authority in the 12 month period referred to in Clause (a);
 - (c) a break down in the costs described in Clause (b) into at least the following categories:

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Annual Report on Building Permit Fees (PED18062) (City Wide) -
Page 2 of 3**

- (i) direct costs of administration and enforcement of the Act, including the review of applications for permits and inspection of *buildings*, and
 - (ii) indirect costs of administration and enforcement of the Act, including support and overhead costs, and
 - (d) if a reserve fund has been established for any purpose relating to the administration or enforcement of the Act, the amount of the fund at the end of the 12 month period referred to in Clause (a).
- (2) The *principal authority* shall give notice of the preparation of a report under subsection 7(4) of the Act to every person and organization that has requested that the *principal authority* provide the person or organization with such notice and has provided an address for the notice.”

Revenue Collected

Building Permit Fees collected during 2017 totalled \$12,550,569.

Costs Incurred

The net operational costs, both indirect and direct, incurred during 2017 were \$11,234,966 as shown in the table below.

**Building Division
Statement of Activities
For 12 Month Period Ending December 31, 2017**

Category	2017 Actual
Building Revenues:	
Permit Fees	\$12,550,569
Administrative Fees	\$1,746
BCA Fines	\$201,106
Less Expenses:	
Direct Cost	\$10,535,612
Indirect cost	\$699,354
Transfer to Building Permit Revenue Stabilization Reserve	\$1,518,455

*Note: Figures rounded to nearest dollar

2017 Net Reserve Balance

\$15,313,528

**SUBJECT: Annual Report on Building Permit Fees (PED18062) (City Wide) -
Page 3 of 3**

Building Permit Revenue Stabilization Reserve

At the beginning of 2017 the starting balance of the Building Permit Revenue Stabilization Reserve amounted to \$17,670,656. 100% cost-recovery of services for building permit issuance, administration and enforcement of the *Building Code Act* netted a transfer of \$1,518,455 into the reserve at the end of 2017. Transactions in the reserve throughout 2017 resulted in a net gain of \$1,755,772 which included an accrued interest of \$399,369. Additionally, the Building Division commenced and allocated funds to a multi-year project in the amount of \$4,112,900 for the Digitization of Microfiche Records. The Building Permit Revenue Stabilization Reserve contained \$19,426,428 with a net balance of \$15,313,528 at the end of 2017.

DO:ll

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Hamilton

Agriculture and Rural Affairs Advisory Committee

MINUTES 17-003

Monday, September 25, 2017

7:00 p.m.

**Glanbrook Municipal Service Centre
4280 Binbrook Road, Binbrook**

Present:	Councillors B. Johnson, R. Pasuta and J. Partridge A. Spoelstra (Chair), D. Smith (Vice Chair), P. Krakar, C. McMaster, J. Medeiros, N. Mills, R. Shuker, K. Smith and G. Smuk
Absent with Regrets:	Councillor Ferguson – City Business W. Galloway, J. Mantel, A. Sinclair and M. Switzer
Absent:	R. Saccomano

FOR THE INFORMATION OF THE COMMITTEE:

(a) APPROVAL OF THE AGENDA (Item 1)

The Committee Clerk advised that there were no changes to the agenda.

(K. Smith/Switzer)

That the agenda for the September 25, 2017 meeting of the Agriculture and Rural Affairs Advisory Committee, be approved.

CARRIED

(b) DECLARATIONS OF INTERESTS (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)

(i) June 26, 2017 (Item 3.1)

Roy Shuker requested that the following correction to the wording of Item (e)(i), respecting Rural Ditching and Maintenance and Cross Culvert Replacement, be made:

Committee members felt this equipment would cause damage because it operates like a snowblower and throws dirt and stones ~~into the air~~ onto agricultural land.

The Committee Clerk will ensure that this correction is made.

(Shuker/K. Smith)

That the minutes of the June 26, 2017 meeting of the Agriculture and Rural Affairs Advisory Committee be approved, as amended.

CARRIED

(d) CONSENT ITEMS (Item 5)

- (i) Correspondence from the Presidents of the Niagara North, Hamilton-Wentworth, Niagara South, Brant County, Norfolk, Haldimand and Halton Region Federations of Agriculture requesting the Council to pass a resolution to endorse provincial public investment for natural gas expansion (endorsed by City Council at its meeting held on September 14, 2017 referred to the Agriculture and Rural Affairs Advisory Committee for information) (Item 5.1)**

(B. Johnson/Shuker)

That the Correspondence from the Presidents of the Niagara North, Hamilton-Wentworth, Niagara South, Brant County, Norfolk, Haldimand and Halton Region Federations of Agriculture requesting the Council to pass a resolution to endorse provincial public investment for natural gas expansion, be received.

CARRIED

(e) PRESENTATIONS (Item 7)

- (i) Brian Hughes, Manager of Capital Rehabilitation and Technical Operations, Roads and Maintenance Section of the Public Works Department, respecting Rural Ditching and Maintenance and Cross Culvert Replacement (Item 7.1)**

Brian Hughes, Manager of Capital Rehabilitation and Technical Operations, Roads and Maintenance Section of the Public Works Department, addressed the Committee respecting Rural Ditching and Maintenance and Cross Culvert Replacement with the aid of a PowerPoint presentation. A copy of the presentation is available through the City Clerk's Office.

The presentation included, but was not limited to, the following information:

- Overview of the Capital Rehabilitation and Technical Operations Section
- Areas of Expertise
 - Drainage
 - Structural
 - Materials
 - Asphalt and Concrete
- Cross Culvert Replacement Program
 - Minimize working footprint/isolating the work area
 - Performing work in dry conditions/forecast monitoring
 - Erosion and Sediment Control Measures
 - Restore Disturbed Surfaces
- Rural Ditching Program – Working Practices
 - Incorporate a flat bottom
 - Limit works adjacent to regulated watercourses
 - Restoration seeding/sodding (in select locations)
 - Erosion and Sediment Control Measures
- Future Considerations
 - Equipment and Methods
 - Re-lining culverts
 - Ditching/Excavation versus In-place
 - Maintenance Needs Review

(Smuk/Pasuta)

That the presentation respecting Rural Ditching and Maintenance and Cross Culvert Replacement, be received.

CARRIED

- (ii) **Jeremy Getson, Manager of Construction and Growth, Hamilton Halton District, Union Gas, respecting the Province of Ontario Natural Gas Grant Program (Item 7.2)**

Mr. Jeremy Getson, Manager of Construction and Growth, Hamilton Halton District, Union Gas, addressed the Committee respecting the Province of Ontario Natural Gas Grant Program with the aid of a PowerPoint presentation. A copy of the presentation is available through the City Clerk's Office.

Mr. Getson was joined by Mr. Jeff Wesley, Manager of Municipal Relations for Union Gas, in making the presentation.

The presentation included, but was not limited to, the following:

- Business Profile of Union Gas and Overview of the Hamilton/Halton District
- Overview of the Hamilton Distribution System
- Benefits of Natural Gas and a Cost Comparison
- Description of the Ontario Energy Board
- Ontario's Natural Gas Grant Program and Details about the Sheffield Submission
 - \$70 million available to municipalities, First Nations and unincorporated areas for community expansion
 - Applications are submitted by the natural gas distributor
 - A preliminary design and costing has been submitted for the Sheffield project
 - Hamilton Council has supported the application
 - The application was submitted in July and Union Gas is awaiting the decision

(Shuker/K. Smith)

That the presentation from Union Gas respecting the Province of Ontario Natural Gas Grant Program, be received.

CARRIED

(iii) Joanne Hickey-Evans, Manager, Policy Planning and Zoning By-law Reform, respecting the July 2017 Draft Agricultural System Implementation Plan Procedures and Mapping proposed by the Province of Ontario (Item 7.3)

Ms. Joanne Hickey-Evans addressed the Committee respecting the July 2017 Draft Agricultural System Implementation Plan Procedures and Mapping proposed by the Province of Ontario with the aid of a PowerPoint presentation. A copy of the presentation is available through the City Clerk's Office. Ms. Hickey-Evans was joined by Eric Yemen, GIS Technician in the Zoning By-law Reform Section, in making the presentation.

The presentation included, but was not limited to, the following information:

- Context and Background
 - Provincial Plans are to establish an Agricultural System comprised of an agricultural land base, rural areas and an agri-food network to support the agricultural community
 - To establish a consistent agricultural land base for all municipalities
- What is LEAR (Land Evaluation Area Review)

- A mathematical method to identify prime agricultural areas
- LE= soil classification and AR= factors that affect agriculture
- Each land unit is given a score based on the soil and the presence of factors; land with high scores are identified as prime agricultural areas
- How Provincial LEAR compares to the City's Rural Hamilton Official Plan: an additional 12,000 hectares have been identified as prime agricultural areas by the Province
- The City's comments to the Province about the draft plan:
 - Rural Lands are an important part of an Agricultural System
 - All agricultural lands in the City, including Specialty Crops, need to be evaluated
 - There is a need to designate and zone open spaces appropriately

(Shuker/Smuk)

That the presentation respecting the July 2017 Draft Agricultural System Implementation Plan Procedures and Mapping proposed by the Province of Ontario, be received.

CARRIED

(f) GENERAL INFORMATION/OTHER BUSINESS (Item 11)

(i) Councillor Judi Partridge respecting the Mayor's Intelligent Community Forum Task Force with an Update on Rural Community Internet and Bandwidth Expansion (Item 11.1)

Councillor Partridge provided the Committee with an update about the work of the Mayor's Intelligent Community Task Force. She encouraged Committee members and others in the community to take an internet speed test so that the broadband and infrastructure assets and needs of the City can be identified.

(ii) Memorandum from Tony Fallis, Manager of Election and Print, respecting an Update on the Ward Boundary issue (Item 11.2)

The memorandum respecting an Update on the Ward Boundary issue was not provided so Councillors B. Johnson, R. Pasuta and J. Partridge provided a verbal update about the matter.

The Councillors reported there is an appeal before the Ontario Municipal Board (OMB) to the Ward Boundary By-law enacted by Council. Until the matter is dealt with by the OMB, there are no updates to provide. Hearings for the appeal begin on October 19th, 2017 in Stoney Creek. On October

24th, members of the public can address the OMB about the Ward Boundary appeal.

(iii) Ontario Farm Family Award (Added Item 11.3)

Vice-Chair Smith congratulated Chair Drew Spoelstra for being one of 2017 BMO Ontario Farm Family Award Recipients. The award was recently presented to him at the International Plowing Match.

(g) ADJOURNMENT (Item 12)

(Shuker/Pasuta)

That, there being no further business the meeting be adjourned at 9:12 p.m.

CARRIED

Respectfully submitted,

Dale Smith, Vice-Chair,
Agriculture and Rural Affairs
Advisory Committee

Lauri Leduc
Legislative Coordinator
Office of the City Clerk



Hamilton

Agriculture and Rural Affairs Advisory Committee

MEETING NOTES 18-001

Monday, January 29, 2018

7:00 p.m.

**Ancaster Fairgrounds, Rooms A & B
630 Trinity Road, Ancaster**

- Present:** Councillors L. Ferguson and R. Pasuta
A. Spoelstra (Chair), C. McMaster, A. Sinclair, G. Smuk and
M. Switzer
- Also Present:** Councillor A. VanderBeek
- Absent
With Regrets:** Councillors B. Johnson and J. Partridge
W. Galloway, P. Krakar, J. Mantel, J. Medeiros, N. Mills,
R. Shuker, D. Smith (Vice Chair) and K. Smith
- Absent:** R. Saccomano

Due to inclement weather quorum was not achieved. The Committee agreed to proceed with the meeting in order to permit the presenters to address the Committee.

FOR THE INFORMATION OF THE COMMITTEE:

- (a) **DELEGATIONS (Item 6)**
- (i) **The Green Organic Dutchman Holdings Limited respecting the Legal, Medical Cannabis Industry and the City's Zoning regulation (referred to the Committee by the Planning Committee on October 31, 2017) (Item 6.1)**
- (ii) **Beleave Inc. respecting the Legal, Medical Cannabis Industry and the City's Zoning regulation (referred to the Committee by the Planning Committee on October 31, 2017) (Item 6.2)**

Representatives from The Green Organic Dutchman and Beleave were in attendance and addressed the Committee about the issue of the Legal, Medical Cannabis Industry.

Mary-Lynne Howell and Ian Wilms with The Green Organic Dutchman and Gordon Harvey and Bill Panagiotakopoulos with Beleave, provided the Committee with an overview of their companies, their operations and the medical cannabis industry.

The presenters also answered questions from the Committee. They were joined in the presentation by representatives from the Ontario Ministry of Agriculture and Rural Affairs.

As quorum was not present and a motion was unable to be brought forward. The issue of the medical cannabis industry will be brought forward at a future meeting.

(b) PRESENTATIONS (Item 7)

(i) Joel Porter, Farm and Food Care Organization, respecting plans for their annual Breakfast on the Farm Event taking place on June 23rd at Cranston Farms (Item 7.1)

Joel Porter, with the Farm and Food Care Organization, addressed the Committee about the group's annual Breakfast on the Farm Event taking place on June 23rd at Cranston Farms in Ancaster. Mr. Porter explained the mission and mandate of the Farm and Food Care Organization.

Mr. Porter indicated that this is the first time the Breakfast on the Farm Event is being held in the Hamilton-area. He noted that it is an important event which draws up to 2000 people and has over 150 volunteers. Mr. Porter requested that the City of Hamilton consider sponsoring the Breakfast on the Farm Event.

The Committee was in agreement with the sponsorship request. The Chair and the Committee Clerk will work on drafting a motion to facilitate the request.

(f) DISCUSSION ITEMS (Item 8)

(i) Correspondence from R. J. Simpson, Chief Fire Prevention Officer, Hamilton Fire Department, respecting Burn Permits (Item 8.1)

A general discussion took place regarding the issuing of Burn Permits. The policy of allowing only the landowner, and not the tenant, to apply for a Burn Permit was seen as problematic.

This matter will be brought forward at the next meeting for further discussion.

- (ii) **Correspondence from Nancy Michie, Administrator Clerk-Treasurer, Municipality of Morris-Turnberry, requesting support for the Municipality of Morris-Turnberry's Council resolution respecting Tenanted Farm Tax properties being changed to the Residential Tax Class (referred to the Committee at the November 8, 2017 meeting of Council) (Item 8.2)**

Time did not permit a discussion on the above noted correspondence. The matter will be brought forward at the next meeting.

(g) ADJOURNMENT (Item 12)

The meeting concluded at 9:02 p.m.

Respectfully submitted,

Drew Spoelstra, Chair
Agriculture and Rural Affairs
Advisory Committee

Lauri Leduc
Legislative Coordinator
Office of the City Clerk



Hamilton

HAMILTON MUNICIPAL HERITAGE COMMITTEE

REPORT 18-002

12:00 p.m.

Thursday, February 15, 2018

Room 264, 2nd Floor

Hamilton City Hall

71 Main Street West

Present: Councillor M. Pearson
A. Denham-Robinson (Chair), W. Arndt, D. Beland, G. Carroll, K. Garay, M. McGaw, T. Ritchie, R. Sinclair, K. Stacey, T. Wallis

Absent with Regrets: Councillors A. Johnson and J. Partridge – Personal, C. Dmitry

THE HAMILTON MUNICIPAL HERITAGE COMMITTEE PRESENTS REPORT 18-002 AND RESPECTFULLY RECOMMENDS THE FOLLOWING:

1. Inventory & Research Working Group Meeting Notes – November 27, 2017 (Item 8.1)

(a) 880 Centre Road, Flamborough

- (i) That the house and property at 880 Centre Road, Flamborough be added to the City of Hamilton Register of Property of Cultural Heritage Value or Interest, based on the presentation by Cultural Heritage staff and the preliminary Heritage Assessment provided by Sylvia Wray; and
- (ii) That the house and property at 880 Centre Road, Flamborough be added to the staff work plan for designation under Part IV of the Ontario Heritage Act.

(b) 574 Northcliffe Avenue, Dundas

That 574 Northcliffe Avenue, Dundas be added to the City of Hamilton Register of Property of Cultural Heritage Value or Interest based on the presentation by Cultural Heritage Staff and the Preliminary Heritage Assessment provided to the working group.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised the Committee of the following changes to the agenda:

1. ADDED CONSENT ITEMS

5.3 Education Working Group Notes - January 30, 2018

2. ADDED DISCUSSION ITEMS

8.1 Inventory and Research Working Group Meeting Notes –
November 27, 2017

*8.1.a Report on the Property at 880 Centre Road, formerly known
as Flamborough Hall.

The Agenda for the February 15, 2018 Hamilton Municipal Heritage Committee
was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)

(i) January 18, 2018 (Item 3.1)

The Minutes of the January 18, 2018 meeting of the Hamilton Municipal
Heritage Committee were approved, as presented.

(d) CONSENT ITEMS (Item 5)

**(i) Preliminary Screening for the Request to Designate 650 and 672
Sanatorium Road, Hamilton, Under Part IV of the Ontario Heritage
Act (Ward 8) (PED18001) (Item 5.1)**

Report PED18001, respecting a Preliminary Screening for the Request to
Designate 650 and 672 Sanatorium Road, Hamilton, Under Part IV of the
Ontario Heritage Act, was received.

**(ii) Heritage Permit Application HP2017-070 255 West Avenue North,
Hamilton By-law No. 88-182 (Item 5.2)**

Heritage Permit Application HP2017-070 255 West Avenue North,
Hamilton By-law No. 88-182, was received.

(iii) **Education Working Group Notes – January 30, 2018 (Added Item 5.3)**

The Education Working Group Notes of January 30, 2018, were received.

(e) **DISCUSSION ITEM (Item 8)**

(i) **Hamilton Municipal Heritage Committee Working Group Projects (Item 8.2)**

A. Denham-Robinson relinquished the Chair to the Vice-Chair to address the Committee respecting the Working Groups and their current projects.

1. **Inventory & Research Working Group – Places of Education Project (Item 8.2(a))**

R. Sinclair addressed the Committee respecting the Inventory & Research Working Group's Places of Education Project, with the aid of a handout. The handout is available at www.hamilton.ca.

2. **Education & Communication Working Group – Heritage Day and Heritage Colouring Sheet Project (Item 8.2(b))**

A. Denham-Robinson addressed the Committee respecting the Education & Communication Working Group's participation at the upcoming 2018 Heritage Day Event to be held at Hamilton City Hall on Feb. 24, 2018 and Heritage Colouring Sheet Project.

3. **Policy & Design Working Group – Draft Masonry Guidelines (Item 8.2(c))**

K. Stacey addressed the Committee respecting the Policy & Design Working Group's Draft Masonry Guidelines, with the aid of a series of images. Copies of the Draft Masonry Guidelines were distributed to the Committee at the meeting. The images and the Draft Masonry Guidelines are available at www.hamilton.ca

The information respecting Hamilton Municipal Heritage Committee Working Group Projects, was received.

(ii) **Hamilton Municipal Heritage Committee Heritage Awards – Nominations (Item 8.3)**

A. Denham-Robinson addressed the Committee respecting the Hamilton Municipal Heritage Committee Heritage Awards Nominations for 2018. The deadline for submissions will be Friday, March 2, 2018. This year, citizens will be able to submit nominations through the City of Hamilton Website.

A. Golden, Heritage Project Specialist, addressed the Committee respecting the Hamilton Municipal Heritage Committee Heritage Awards Nominations for 2018, and indicated where on the City's web site the nominations can be submitted.

The information respecting the Hamilton Municipal Heritage Committee Heritage Awards Nominations for 2018, was received.

A. Denham-Robinson assumed the Chair.

(f) GENERAL INFORMATION/OTHER BUSINESS (Item 11)

(ii) Buildings and Landscapes (Item 11.5)

The following items were removed from the List of Buildings and Landscapes:

(a) Buildings and Landscapes of Interest (yellow):

- (iii) Pearson Home, 293 Dundas Street East, Waterdown (D) – J. Partridge/W. Arndt

(b) Heritage Properties Update (green):

- (ii) 46-52 James Street North, Hamilton (Thomas Building)(D) – R. Sinclair
- (iii) St. Marks, 120 Bay Street South, Hamilton (D) – A. Denham-Robinson
- (vii) Abrey-Zimmerman House, Courtcliffe Park, Flamborough (D) – J. Partridge)

The following item was moved from the List of Buildings of Interest (yellow) to the List of Endangered Buildings and Landscapes (red):

- (ii) James Street Baptist Church, 96 James Street South, Hamilton (D) – A. Denham-Robinson

The following items be added to the List of Buildings and Landscapes:

(a) Buildings and Landscapes of Interest (yellow):

- (iv) Former Valley City Manufacturing, 64 Hatt Street, Dundas – K. Stacey
- (v) St. Joseph's Motherhouse, 574 Northcliffe Avenue, Dundas - K. Stacey
- (vi) Copley Building, 104 King Street West; 56 York Blvd., and 63-76 MacNab Street North – G. Carroll

(b) Heritage Properties Update (green):

- (vi) 104 King Street West, Dundas (Former Post Office) – K. Stacey

The following updates were received:

(a) Endangered Buildings and Landscapes (RED):

(Red = Properties where there is a perceived immediate threat to heritage resources through: demolition; neglect; vacancy; alterations, and/or, redevelopment)

- (i) Tivoli, 108 James Street North, Hamilton (D) – A. Johnson
- (ii) Book House, 167 Book Road East, Ancaster (R) – M. McGaw

Roof collapse was confirmed. Property Owner is Diocese of Hamilton. Prior to demolition, a Document and Salvage Report has been requested by Heritage Planning Staff. This work is in progress. Designation Report is also in progress. Reports should be coming to HMHC in April.

- (iii) Andrew Sloss House, 372 Butter Road West, Ancaster (D) – M. McGaw
- (iv) Century Manor, 100 West 5th Street, Hamilton (D) – K. Garay
- (v) Beach Canal Lighthouse (D) – J. Partridge
- (vi) 18-22 King Street East, Hamilton (R)(NOI) – K. Stacey
- (vii) 24-28 King Street East, Hamilton (R)(NOI) – K. Stacey
- (viii) 1 St. James Place, Hamilton (D) – K. Stacey
- (ix) 2 Hatt Street, Dundas – K. Stacey

(x) ***James Street Baptist Church, 96 James Street South, Hamilton (D) – A. Denham-Robinson***

(b) **Buildings and Landscapes of Interest (YELLOW):
(Yellow = Properties that are undergoing some type of change, such as a change in ownership or use, but are not perceived as being immediately threatened)**

(i) Delta High School, 1284 Main Street East, Hamilton (D) – D. Beland

(ii) St. Giles United Church, 85 Holton Avenue South (L) – D. Beland

(iii) 2251 Rymal Road East, Stoney Creek (R) – C. Dimitry

(iv) ***Former Valley City Manufacturing, 64 Hatt Street, Dundas – K. Stacey***

(v) ***St. Joseph's Motherhouse, 574 Northcliffe Avenue, Dundas - K. Stacey***

(vi) ***Coppley Building, 104 King Street West; 56 York Blvd., and 63-76 MacNab Street North – G. Carroll***

(c) **Heritage Properties Update (GREEN):
(Green = Properties whose status is stable)**

(i) The Royal Connaught Hotel, 112 King Street East, Hamilton (R) – T. Ritchie

(ii) Auchmar, 88 Fennell Avenue West, Hamilton (D) – K. Garay

(iii) Jimmy Thompson Pool, 1099 King Street E., Hamilton (R) – T. Ritchie

(iv) Treble Hall, 4-12 John Street North, Hamilton (R) – T. Ritchie

(vi) ***104 King Street West, Dundas (Former Post Office) – K. Stacey***

(d) **Heritage Properties Update (black):
(Black = Properties that HMHC have no control over and may be demolished)**

(i) Auchmar Gate House, Claremont Lodge 71 Claremont Drive (R) – K. Garay

(g) ADJOURNMENT (Item 12)

There being no further business, the Hamilton Municipal Heritage Committee adjourned at 11:30a.m.

Respectfully submitted,

Alissa Denham-Robinson, Chair
Hamilton Municipal Heritage Committee

Loren Kolar
Legislative Coordinator
Office of the City Clerk



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 20, 2018
SUBJECT/REPORT NO:	Application for Approval of a Draft Plan of Condominium (Common Element) for lands located at 1001, 1009 and 1035 Garner Road East (Ancaster) (Ward 12) (PED18049)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Michael Fiorino 905 546 2424 Ext. 4424
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Draft Plan of Condominium Application 25CDM-201703, by A.J. Clarke and Associates Ltd., on behalf of A. DeSantis Developments Ltd., Owner**, to establish a Draft Plan of Condominium (Common Element) to create a condominium road network, sidewalks, landscaped areas, 47 visitor parking spaces and centralized mailboxes, on lands located at 1001, 1009 and 1035 Garner Road East (Ancaster), as shown on Appendix "A" attached to Report PED18049, be **APPROVED** subject to the following conditions:

- (a) That the approval for Draft Plan of Condominium (Common Element) application 25CDM-201703 applies to the plan prepared by A.T. McLaren Limited, certified by S. D. McLaren, and dated January 11, 2017, consisting of a condominium road network, sidewalks, landscaped areas, 47 visitor parking spaces and centralized mailboxes, in favour of 70 block townhouse dwelling units and 24 maisonette dwelling units, attached as Appendix "B" to Report PED18049; and,
- (b) That the conditions of Draft Plan of Condominium Approval 25CDM-201703, attached as Appendix "C" to Report PED18049, be received and endorsed by City Council.

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EXECUTIVE SUMMARY

The purpose of the application is to establish a Draft Plan of Condominium (Common Element) to create the following common elements: a private condominium road network, sidewalks, landscaped areas, 47 visitor parking spaces and centralized mailboxes. The condominium road will access on to Garner Road East. The subject lands are to be developed for 70 block townhouse dwelling units and 24 maisonette dwelling units, fronting onto a private condominium road, by way of Part Lot Control Application PLC-17-022.

The proposed Draft Plan of Condominium has merit and can be supported as it is consistent with the Provincial Policy Statement (PPS), conforms to the Growth Plan for the Greater Golden Horseshoe, and complies with the Urban Hamilton Official Plan (UHOP).

The proposed Draft Plan of Condominium complies with the Urban Hamilton Official Plan, as amended by OPA No. 42, conforms to the Town of Ancaster Zoning By-law No. 87-57, as amended by By-law No. 16-066 and Minor Variance Application AN/A-17:52. Further, it is consistent with and will implement the conditionally approved Site Plan Control Application DA-16-151.

Alternatives for Consideration – See Page 12

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an application for a Draft Plan of Condominium (Common Element).

HISTORICAL BACKGROUND

Proposal:

The purpose of the application is to establish a Draft Plan of Condominium (Common Element) to create the following common elements: a condominium road network, sidewalks, landscaped areas, 47 visitor parking spaces and centralized mailboxes, in accordance with the conditionally approved Site Plan Control Application DA-16-151, attached as Appendix “D” to Report PED18049. The private condominium road will

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provide access to Garner Road East and will be tied to 70 block townhouse dwelling units and 24 maisonette dwelling units.

Chronology:

- January 30, 2017: Condominium Application 25CDM-201703 is received.
- February 28, 2017: Condominium Application 25CDM-201703 is deemed complete.
- March 7, 2017: Circulation of Notice of Complete Application and Preliminary Circulation for Condominium Application 25CDM-201703 sent to 33 property owners within 120 m of the subject lands.
- March 29, 2017: Public Notice Sign placed on the subject lands.
- February 21, 2018: Public Notice Sign updated to indicate Public Meeting date.
- March 2, 2018: Notice of Public Meeting circulated to 33 property owners within 120 m of the subject lands.

Details of Submitted Application:

- Location:** 1001, 1009 and 1035 Garner Road East (Ancaster)
(See Appendix "A" to Report PED18049)
- Owner / Applicant:** A DeSantis Developments Ltd.,
- Agent:** A.J. Clarke & Associates Ltd.
- Property Description:**
- | | |
|----------------------|-------------------------------|
| <u>Lot Frontage:</u> | ± 128.47 m (Garner Road East) |
| <u>Lot Depth:</u> | ± 145.33 m (North to South) |
| <u>Lot Area:</u> | 2.30 ha |
- Servicing:** Full Municipal Services

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EXISTING LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant	Residential Multiple "RM5-668" Zone, Modified
<u>Surrounding Lands:</u>		
North	Vacant	Residential Multiple "RM2-667" Zone, Modified
South	Single Detached Dwelling	Institutional "I" Zone and Rural (A2) Zone
East	Vacant	Residential Multiple "RM2-616" Zone, Modified
West	Vacant	Residential Multiple "RM2-670" Zone, Modified

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (PPS 2014):

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2014). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Municipal Board approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (e.g. efficiency of land use, balanced growth and environmental protection) are reviewed and discussed in the Urban Hamilton Official Plan (UHOP) analysis that follows.

As the application for a Draft Plan of Condominium complies with the UHOP, it is staff's opinion that the application is:

- consistent with Section 3 of the *Planning Act*, and,

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- consistent with the Provincial Policy Statement (2014).

Growth Plan for the Greater Golden Horseshoe (2017)

The following policies, amongst others, from the Growth Plan for the Greater Golden Horseshoe are applicable to the proposal.

- “2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:
- a) the vast majority of growth will be directed to settlement areas that:
 - i. have a delineated built boundary;
 - ii. have existing or planned municipal water and wastewater systems; and,
 - iii. can support the achievement of complete communities.
 - c) within settlement areas, growth will be focused in:
 - iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and,
 - iv. areas with existing or planned public service facilities.”

The subject lands are located within a settlement area, outside of the built boundary, as shown on Appendix “G” – Boundaries Map of the Urban Hamilton Official Plan (UHOP). The lands are located on the north side of Garner Road East, west of Raymond Road. The subject lands are located in the vicinity of existing commercial uses contributing to a complete community and an area with existing public service facilities. The lands are also located along the S Line of the BLAST network, which is serviced by HSR Route #44, ensuring that the location is serviced by planned and existing transit. As part of the Draft Plan of Subdivision Application 25T-201501 and Site Plan Control Application DA-16-151, planned municipal water and wastewater systems were reviewed to ensure that sufficient municipal systems are in place to support the proposal. Accordingly, the proposal conforms to the Growth Plan for the Greater Golden Horseshoe (2017).

Urban Hamilton Official Plan (UHOP)

The subject lands are designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The subject lands are

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also designated “Low Density Residential 3b”, as amended by OPA No. 42, on Map B.2.6-1 – Land Use Plan of the Meadowlands Neighbourhood IV Secondary Plan.

Through the review and approval of the associated development applications, the proposal has been reviewed in accordance with Policy Section C.2.7 Natural Heritage System - Linkages of Volume 1. Through a detailed review of the subject lands, this Linkage was identified as a wooded area. Generally, where new development or site alteration is proposed within a Linkage, the applicant shall prepare a Linkage Assessment:

“C.2.7.5 Where new development or site alteration is proposed within a Linkage in the Natural Heritage System as identified in Schedule B – Natural Heritage System, the applicant shall prepare a Linkage Assessment. On sites where an Environmental Impact Statement (EIS) is being prepared, the Linkage Assessment can be included as part of the EIS report. Any required Linkage Assessment shall be completed in accordance with Policy F.3.2.1.11 – Linkage Assessments.”

Through previous development applications (UHOPA-15-001; ZAC-15-003; 25T-201501), it was identified that trees were removed (permits granted by the City’s Forestry Conservation By-law Officer for removal) and the Linkage was no longer on the property. Tree preservation will be completed through Condition No. 5.10 of the City’s Standard Conditions of Subdivision and, as such, Staffs’ concern with regards to the Natural Heritage has been addressed through the associated Plan of Subdivision.

Meadowlands Neighbourhood IV Secondary Plan

The subject lands are also designated “Low Density Residential 3b”, as amended by By-law No. 16-065, on Map B.2.6-1 – Land Use Plan of the Meadowlands Neighbourhood IV Secondary Plan. The purpose of the Urban Hamilton Official Plan Amendment was to:

- Redesignate the subject lands from “Low Density Residential 2b” to “Low Density Residential 3b”;
- To remove the proposed southerly public road from the Meadowlands Neighbourhood IV Secondary Plan; and,
- Removal of the lands known as 1035 Garner Road East from Schedule “B” – Natural Heritage System.

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The following policies, amongst others, apply to the proposed Draft Plan of Condominium:

“B.2.6.1.4 Low Density Residential Designations

Notwithstanding Section E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the Low Density Residential designations identified on Map B.2.6-1 – Meadowlands Neighbourhood IV – Land Use Plan:

- b) In the Low Density Residential 3b designation:
- i) the density shall be a maximum of 50 units per net residential hectare;
 - ii) predominantly town house dwellings and innovative attached housing dwelling forms shall be permitted; and,
 - iii) generally located at the periphery of residential neighbourhoods adjacent to or close to arterial and/or collector roads.”

The “Low Density Residential 3b” designation in the Secondary Plan identifies a maximum density of 50 units per net residential hectare (uph), which permits town house dwellings and innovative attached housing forms (including maisonettes). In regard to this development, the density is calculated at 41.3 uph, which complies with Policy B.2.6.1.4 b) i). Additionally, these units will be two storeys in height (10.5 m) and will have access to Garner Road East, which is a Major Arterial, thereby complying with the requirements of Section B.2.6.1.4 b) iii). As such, the proposal complies with the UHOP, as amended by OPA No. 42.

Ancaster Zoning By-law No. 87-57

The subject lands are zoned Residential Multiple “RM5-668”, Zone, Modified, in the Town of Ancaster Zoning By-law No. 87-57, as amended by By-law 16-066. The amending By-law permits residential uses in accordance with the provisions of the Residential Multiple “RM5” Zone, which permits various forms of multiple dwellings, including block townhouse dwellings. Additionally, a Minor Variance Application (AN/A-17:52), was required to accommodate this development proposal. The approved Minor Variance Application permits the following:

- That the private / condominium roads shall be deemed to be street(s), and parking and landscaping are permitted within the street(s) and common elements;

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- Street townhouse dwellings fronting onto a private condominium road shall be considered block townhouse dwellings and multi-plex dwellings for the purpose of the regulations of the “RM5-668” contained in Site Specific By-Law 16-066;
- A minimum front yard of 3.0 m shall be provided;
- A 675.8 sq m children’s play area / amenity area to be located on the north-west corner of Block 1 and Block 5 which is zoned “RM2-667”; and,
- The boundaries of Block 1, according to the most current draft of the Final Plan of Subdivision (yet to be registered), shall be deemed to be the lot lines, and regulations including but not limited to lot area, lot frontage, lot coverage, and building setbacks, landscaped areas, parking requirements, and accessory buildings, shall be from the exterior boundaries of Block 1 according to the unregistered final plan of subdivision and not from individual properties or boundaries created by registration of a condominium plan or created by Part Lot Control.

The proposal has been developed in accordance with conditionally approved Site Plan Control Application DA-16-151, granted conditional approval on December 20, 2016, and received a one year extension on December 1, 2017 which grants conditional approval until December 20, 2018, and conforms with the applicable provisions and requirements of Zoning By-law No. 87-57 and the site specific Residential Multiple “RM5-668”, Zone, Modified, as further amended by Minor Variance Application AN/A-17:52. Condition Nos. 1 and 2 of Appendix “C” to Report PED18049 have been included to ensure the proposal is developed in accordance with these approvals.

RELEVANT CONSULTATION

The following departments and agencies had no comments or objections:

- Hydro One.

Recycling and Waste Disposal (Public Works Department) have advised that the property is eligible for waste collection service, however, based on the current site design, may not be serviceable and, as such, the following note be added to and addressed through the Site Plan Application:

“This property is eligible for weekly collection of garbage, recycling, organics and leaf and yard waste through the City of Hamilton subject to compliance with specifications indicated by the Public Works Department and subject to compliance with the City’s Solid Waste Management By-law 09-067, as amended.”

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Staff note that this notation will be addressed through the conditionally approved Site Plan Control Application DA-16-151. Condition No. 5 to Appendix "C" Report PED18049 has been included as the service for the collection of waste on private property requires an "Agreement for on-site Collection of Municipal Solid Waste" prior to the commencement of Municipal collection.

Transportation Management (Public Works Department) have advised that the development must consider the needs of pedestrians with disabilities, ensure sidewalks are a minimum of 1.5 m and that the Transit Oriented Development (TOD) guidelines be implemented. Staff note that these comments and the Transportation Demand Management Options Report are being addressed through Site Plan Control Application DA-16-151 which has been conditionally approved.

Recreation Division, Community and Emergency Services Department has an opportunity to provide a public pedestrian connection on Block 5, which will enable a pedestrian connection to parkland and school located northeast of the subject lands. Recreation Staff encourage that the pedestrian connection, to deter future residents walking / cycling along Garner Road East to access the park / school site as it is presently a rural cross section and does not have sidewalks, which may pose safety concerns. Additionally, due to the limited private amenities being provided in the condominium development, pedestrian connection to the future road (i.e. Beasley Grove) be established for accessing the future neighbourhood park and school site. Staff note that these comments are addressed through the design of Site Plan Control Application DA-16-151 which includes the pedestrian connection.

Transit Planning (Public Works Department) have advised that the subject lands are served by HSR route #44 operating daily and along the future S Line rapid transit corridor. Pedestrian access from the subject land to Garner Road East has been provided through the common element sidewalks throughout the site which will provide opportunity for residents to utilize planned public transportation along Garner Road East.

Vector Borne Disease (Public Health Services) have advised that a Pest Control Plan, focusing on rats and mice, shall be developed and implemented for the demolition, construction / development phase of the project and continue until the project is complete. Staff notes that these comments are addressed through Site Plan application DA-16-151.

Corridor Management (Public Works Department) provided comments regarding the turning lanes, access widths, visibility triangles, internal traffic signs and pavement markings. Staff notes that these comments are being addressed through Site Plan Control Application DA-16-151.

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Canada Post Corporation noted that mail delivery services will be provided to the condominium through centralized mail facilities (Lock Bock Assembly) to be installed within the common element at the developer's expense. Canada Post requests updates if the project description changes in order to assess if there are any impacts. If the application is approved Canada Post requires notification of the civic address as soon as possible. The centralized mail box location has been determined through the conditionally approved Site Plan Control Application DA-16-151. Further, the requested conditions have been addressed through Condition Nos. 6 (iv), 7, 8, 9, 10 and 11 in Appendix "C" to Report PED18049.

Union Gas has requested that the owner provide Union Gas with any necessary easements and / or agreements for gas services. Condition No. 13 of Appendix "C" to Report PED18049 has been included to address this.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

- (1) The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow);
 - (ii) It complies with the policies of the Urban Hamilton Official Plan as amended by By-law No. 16-065; and,
 - (iii) The proposal establishes condominium tenure for a form of development permitted under the Town of Ancaster Zoning By-law No. 87-57 as amended by By-law No. 16-066 and further amended by Minor Variance application AN/A-17:52. It will implement the conditionally approved Site Plan Control application DA-16-151, which provides for a form of development that is compatible with surrounding land uses.
2. The proposed Draft Plan of Condominium (Common Element) is comprised of the following common elements: a condominium road network, sidewalks, landscaped areas, 47 visitor parking spaces and centralized mailboxes, as shown on the attached plan, marked as Appendix "B" to Report PED18049. The private condominium road will provide access to Garner Road East. All units will hold an interest in the Condominium Corporation to benefit from the common visitor parking spaces and landscaped areas. Seventy (70) block townhouse dwelling units and twenty-four (24) maisonette dwelling units will have access from the private condominium road network and will hold an interest in the Common Element Condominium Corporation.

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3. The applicant must ensure that the final Plan of Condominium complies with the final approved Site Plan Control Application DA-16-151, conditionally approved on December 20, 2016, to the satisfaction of the Director of Planning and Chief Planner (Condition No. 2 of Appendix “C” to Report PED18049).
4. The land proposed for the common element condominium and the lots for all of the townhouse and maisonette dwelling units will be created through Part Lot Control Application PLC-17-022. In this regard, final approval and registration of the Common Element Condominium cannot occur until such time as the Plan of Subdivision is registered, the Part Lot Control Application is approved and the By-law removing the lands from Part Lot Control has been passed by Council (Condition No. 3 of Appendix “C” to Report PED18049). The applicant has submitted a Part Lot Control Application, PLC-17-022 which is currently under review. In addition, Condition No. 14 has been included to ensure final registration of the M-Plan for the Garner Estates Subdivision (25T-201501) prior to the final approval of Plan of Condominium.
5. The applicant must also enter into a Development Agreement with the City of Hamilton as a condition of Draft Plan of Condominium approval. This Agreement will ensure that the tenure of the proposed common elements (as shown on the Draft Plan of Condominium included in Appendix “B” to Report PED18049) becomes “tied” to the proposed Draft Plan of Condominium. This will have the effect of ensuring that individual townhouse and maisonette lots are not sold until the condominium has been registered as a Common Elements Condominium under the Condominium Act (Condition No. 4 of Appendix “C” to Report PED18049).
6. The proposed condominium road will be privately owned and maintained. As a condition of approval, the applicant must include warning clauses in the Development Agreement and all purchase and sale agreements and rental or lease agreements to advise perspective purchasers that the City of Hamilton will not provide maintenance or snow removal and that the provided garages are for parking (including that on-street, overflow parking may not be available and cannot be guaranteed in perpetuity) (Condition No. 6 (i) and (iii) of Appendix “C” to Report PED18049).
7. Development Engineering has advised that all issues pertaining to the grading, drainage and servicing have been reviewed as per conditionally approved Site Plan Control Application DA-16-151 and are subject to the terms and conditions therein. Furthermore, Development Engineering has advised that it is the responsibility of the Condominium Corporation to ensure that the maintenance and repair of all utilities within the Common Elements be maintained at the

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SUBJECT: Application for Approval of Draft Plan of Condominium (Common Element) for lands located at 1001, 1009 and 1035 Garner Road East (Ancaster) (Ward 12) (PED18049) - Page 12 of 12

Corporations own expense. The above comments have been included as Condition Nos. 6 (ii) and 12 of Appendix “C” to Report PED18049.

- (8) Growth Management staff have advised that the following note be added to the Draft Plan of Condominium Conditions as Note 1 (see Appendix “C” to Report PED18049):

NOTE: Pursuant to Section 51(32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within three years. However, extensions will be considered if a written request is received before the draft approval lapses.

In addition, the Condominium Corporation will be requires to maintain the Common Elements, including all utilities, at their own expense. This requirement has been addressed as Condition No. 12 in Appendix “C” to Report PED18049.

9. The owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton (Condition No. 15 in Appendix “C” to Report PED18049).

ALTERNATIVES FOR CONSIDERATION

Should the proposed Plan of Condominium (Common Element) not be approved, the applicant / owner could develop the lands as a standard block condominium development or as a rental development. A change in tenure from the proposed common element condominium to a standard form condominium would require a new Draft Plan of Condominium application.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

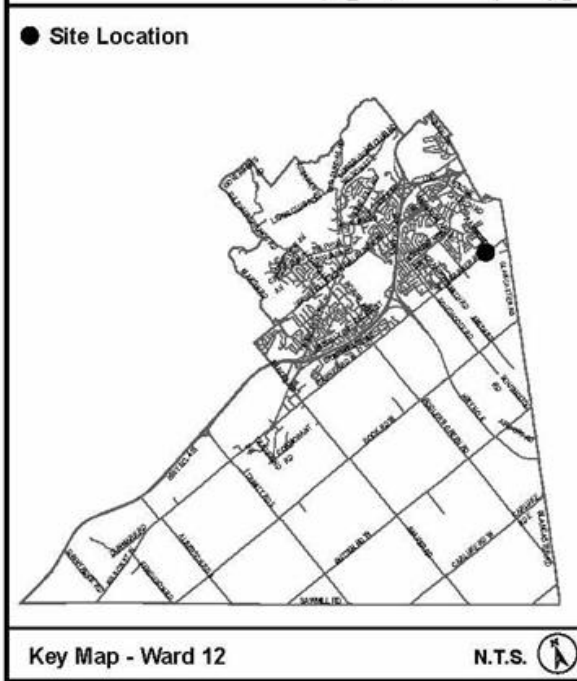
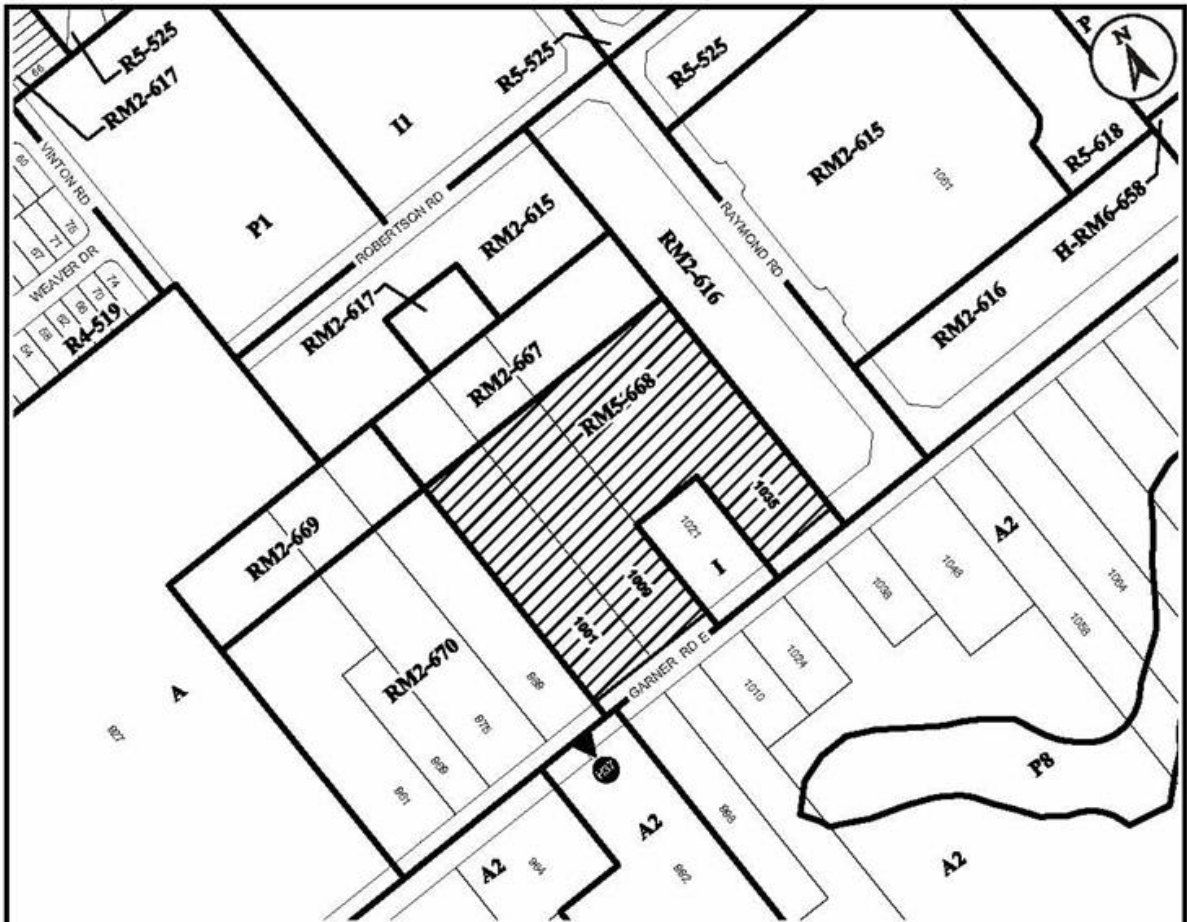
APPENDICES AND SCHEDULES ATTACHED

- Appendix “A”: Location Map
- Appendix “B”: Proposed Draft Plan of Condominium
- Appendix “C”: Recommended Conditions of Approval
- Appendix “D”: Conditionally Approved Site Plan Control Application DA-16-151

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Location Map




PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: 25CDM-201703	Date: January 17, 2018
Appendix "A"	Scale: N.T.S.
Planner/Technician: MF/AL	

Subject Property

 1001, 1009 & 1035 Garner Road East

N.T.S. 

Recommended Conditions of Draft Plan of Condominium Approval

That this approval for the **Draft Plan of Condominium Application 25CDM-201703, by A.J. Clarke & Associates Ltd., on behalf of A DeSantis Ltd., Owner**, to establish a Draft Plan of Condominium (Common Element) to create a condominium road, sidewalks, landscaped areas, 47 visitor parking spaces and centralized mailboxes, on lands located at 1001, 1009, 1035 Garner Road East (Ancaster), be received and endorsed by City Council with the following special conditions:

1. That the final Plan of Condominium shall comply with all of the applicable provisions of the Town of Ancaster Zoning By-law No. 87-57, as amended by By-law No. 16-066 and Minor Variance Application AN/A-17:52, or in the event the City of Hamilton has repealed and replaced the Town of Ancaster Zoning By-law No. 87-57 with By-law No. 05-200, the final Plan of Condominium shall comply with all of the applicable provisions of the Zoning By-law in force and effect at the time of registration of the Draft Plan of Condominium.
2. That the subject lands be developed in accordance with the conditionally approved Site Plan Application DA-16-151 and that the final Plan of Condominium complies with the approved Site Plan, to the satisfaction of the Director of Planning and Chief Planner.
3. That the owner shall receive final approval of Part Lot Control Application PLC-17-022, including the enactment and registration on title of the associated Part Lot Control Exemption By-law, to the satisfaction of the Director of Planning and Chief Planner.
4. That the owner shall enter into a Development Agreement to ensure that the tenure of each of the proposed townhouse dwellings having frontage on the condominium road has legal interest, in common, to the common elements condominium, to the satisfaction of the City Solicitor.
5. That the owner shall agree to, prior to the commencement of collection service on private property, an "Agreement for on-site Collection of Municipal Solid Waste" must be completed and submitted to the City. A certificate of insurance naming the City as additional insured (in relation to waste collection services) must also be submitted prior to the start of service to the satisfaction of the Manager of Public Works Department (Operations Division).
6. That the owner shall agree to include the following in all Purchase and Sale Agreements and Rental or Lease Agreements and in the Development Agreement, to the satisfaction of the Senior Director of Growth Management:
 - (i) Purchasers are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road. In addition, City Waste Management services may not be available to residents

and that the provision of such services may require agreements with private contractors.

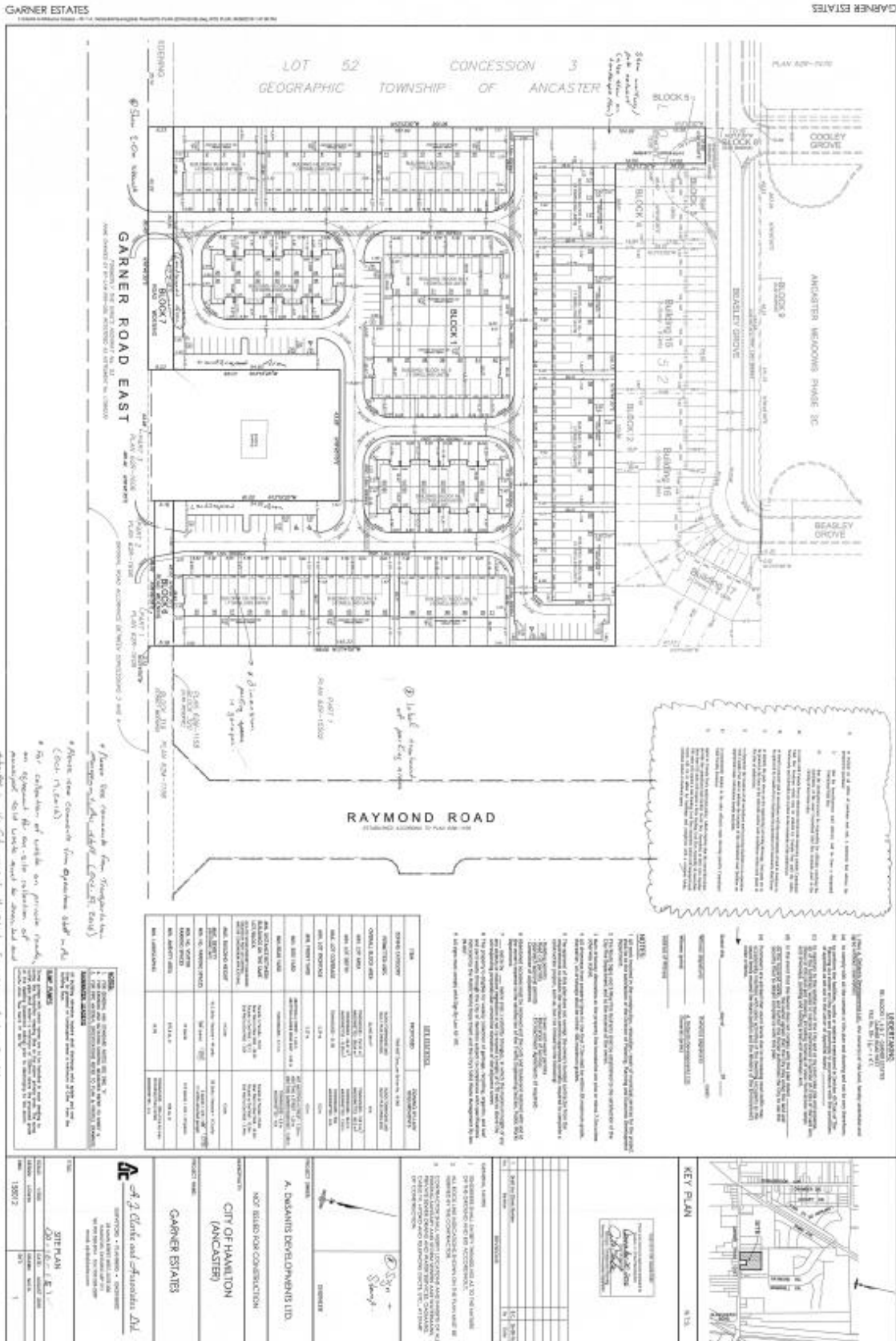
- (ii) Purchaser are advised that that there is an approved grading plan and that the purchaser agrees not to alter the approved grading plan without approval from the City of Hamilton. Additionally, no grade alteration within 0.45 metres of the property line will be permitted including retaining walls, walkways, curbs, etc.
 - (iii) Garages are provided for the purpose of parking a vehicle. It is the responsibility of the owner / tenant to ensure that their parking needs (including those of visitors) can be accommodated onsite. On-street, overflow parking may not be available and cannot be guaranteed in perpetuity.
 - (iv) The home mail delivery will be from a Community Mail Box.
7. That the owner will be responsible for officially notifying the purchasers of the exact Community Mail Box locations, to the satisfaction of Senior Director of Growth Management and Canada Post prior to the closing of any home sales.
 8. That the owner work with Canada Post to determine and provide temporary suitable Community Mail Box locations, which may be utilized by Canada Post, until the curbs, boulevards, and sidewalks are in place in the remainder of the subdivision, to the satisfaction of the Senior Director of Growth Management.
 9. That the owner install a concrete pad in accordance with the requirements of, and in locations to be approved by the Senior Director of Growth Management and Canada Post, to facilitate the placement of Community Mail Boxes.
 10. That the owner identify the concrete pads for the Community Mail Boxes on the engineering / servicing drawings. Said pads are to be poured at the time of the sidewalk and / or curb installation within each phase, to the satisfaction of the Senior Director of Growth Management.
 11. That the owner determine the location of all mail receiving facilities in co-operation with the Senior Director of Growth Management and Canada Post, and to indicate the location of mail facilities on appropriate maps, information boards, and plans. Maps are also to be prominently displayed in the sales office(s), showing specific mail facility locations.
 12. That the owner / developer ensure the following wording is included in the associated Condominium Declaration to the satisfaction of the Senior Director of Growth Management:
 - (i) The Corporation shall maintain and repair the Common Elements at its own expense. The Corporation shall also maintain and repair all utilities

(including without limitation, water mains, storm and sanitary sewers, catch basins, and fire hydrants) which services more than one Parcel of Tied Land (POTL), whether located within the Common Elements or wholly or partly within the POTL and the Corporation and its designated agents shall have full access to a POTL to carry out its obligation pursuant to this paragraph. If the Corporation is required to maintain or repair any utility or service on a POTL, the Corporation shall only be responsible to return the POTL to its original stage and shall not be responsible to repair or replace, or to correct any upgrade or improvement performed or added to the POTL by the POTL owner.

13. That the owner / developer provide to Union Gas the necessary easements and / or agreements required by Union Gas for the provision of gas services, in a form satisfactory to Union Gas.
14. That the M-Plan for the Garner Estates Subdivision (25T-201501) be registered on title of the subject lands prior to the final approval of Plan of Condominium, to the satisfaction of the Senior Director of Growth Management.
15. That the owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton.

NOTES TO DRAFT PLAN APPROVAL

- 1) Pursuant to Section 51(32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within three years. However, extensions will be considered if a written request is received before the draft approval lapses.



NOTES:

1. Refer to the site plan for details of the proposed development.
2. The proposed development is subject to the approval of the City of Hamilton Planning Department.
3. The proposed development is subject to the approval of the Ancaster Planning Department.
4. The proposed development is subject to the approval of the Ancaster Planning Department.
5. The proposed development is subject to the approval of the Ancaster Planning Department.
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8. The proposed development is subject to the approval of the Ancaster Planning Department.
9. The proposed development is subject to the approval of the Ancaster Planning Department.
10. The proposed development is subject to the approval of the Ancaster Planning Department.

LOT	AREA	PERMITTED	COMMENTS
1	1,200.00	RESIDENTIAL	
2	1,200.00	RESIDENTIAL	
3	1,200.00	RESIDENTIAL	
4	1,200.00	RESIDENTIAL	
5	1,200.00	RESIDENTIAL	
6	1,200.00	RESIDENTIAL	
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100	1,200.00	RESIDENTIAL	



PREPARED BY: A. DUKAKIS DEVELOPMENTS LTD.

FOR: NOT RECORDED FOR CONSTRUCTION

CITY OF HAMILTON (ANCASTER)

GARNER ESTATES

DATE: 12/01/22

SCALE: 1:1000

PROJECT NO: 128012

SITE PLAN

DATE: 12/01/22

SCALE: 1:1000

PROJECT NO: 128012



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 20, 2018
SUBJECT/REPORT NO:	Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1288 Baseline Road (Stoney Creek) (Ward 11) (PED18038)
WARD(S) AFFECTED:	Ward 11
PREPARED BY:	George T. Zajac (905) 546-2424 Ext. 1024
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Amended Urban Hamilton Official Plan Amendment Application UHOPA-17-029, by Trillium Housing Winona Non-Profit Corporation**, to re-designate the subject lands from “Local Commercial” to “Low Density Residential 3c” within the Urban Lakeshore Area Secondary Plan and to establish a site specific policy area to permit a 60 unit development on a private (condominium) road for lands located at 1288 Baseline Road, and to establish a new street connecting Baseline Road and the North Service Road, as shown on Appendices “A” and “E” to Report PED18030 be **APPROVED**, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED18038, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017) (Places to Grow).
- (b) That **Amended Zoning By-law Amendment Application ZAC-17-067 by Trillium Housing Winona Non-Profit Corporation** to add the subject lands to Zoning By-law No. 3692-92 and to zone them Multiple Residential “RM3-62” Zone, Modified, to permit a 60 unit development on a private (condominium) road

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1288 Baseline Road (Stoney Creek) (Ward 11) (PED18038) – Page 2 of 24

for lands located at 1288 Baseline Road, as shown on Appendix “A” to Report PED18038, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED18038, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017) (Places to Grow) and will comply with the Urban Hamilton Official Plan upon finalization of Official Plan Amendment No. XX.
- (c) That **Amended Zoning By-law Amendment Application ZAC-17-067 by Trillium Housing Winona Non-Profit Corporation** to remove the subject lands located at 1288 Baseline Road from Zoning By-law No. 05-200, as shown on Appendix “A” to Report PED18038, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “D” to Report PED18038, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017) (Places to Grow) and will comply with the Urban Hamilton Official Plan upon finalization of Official Plan Amendment No. XX.

EXECUTIVE SUMMARY

The proposed Official Plan Amendment is to re-designate the subject lands from “Local Commercial” to “Low Density Residential 3c” within the Urban Lakeshore Secondary Plan and to establish a site specific policy area in the Urban Hamilton Official Plan to permit a 60 unit (44 maisonette and 16 townhouse units) development on a private (condominium) road with 20 visitor parking spaces at a density between 30 and 53 units per net ha. The proposal also includes a public through road from Baseline Road to North Service Road that will be constructed via an external works agreement at the Site Plan Approval stage. In addition, the applicant is proposing that the development will be for affordable housing units.

The proposed Zoning By-law Amendment to the former City of Stoney Creek Zoning By-law No. 3692-92 is to put the subject lands, 1288 Baseline Road, back into the Zoning By-law No. 3692-92 and to zone them to the Multiple Residential “RM3-62” Zone,

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1288 Baseline Road (Stoney Creek) (Ward 11) (PED18038) – Page 3 of 24

Modified (to permit site specific modifications, including lot area, lot frontage, side and rear yards) Multiple Residential “RM3” Zone to permit a 60 unit townhouse development on a private (condominium) road.

The proposed Zoning By-law Amendment to the City of Hamilton Zoning By-law No. 05-200 is to remove the subject lands, 1288 Baseline Road, from Zoning By-law No. 05-200.

The proposed Official Plan and Zoning By-law Amendments have merit, and can be supported as they are consistent with the Provincial Policy Statement (2014), conform to the Growth Plan for the Greater Golden Horseshoe (2017) (Places to Grow), and comply with the Urban Hamilton Official Plan, as well as the Urban Lakeshore Secondary Plan, subject to the recommended Amendment.

Alternatives for Consideration – See Page 24

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider applications for amendment to the Official Plan and Zoning By-law.

HISTORICAL BACKGROUND

Proposal

The subject lands, 1288 Baseline Road (Stoney Creek), is currently vacant, has an area of approximately 1.4 ha and is bounded by Winona Road, North Service Road and Baseline Road. The adjacent lands to the east are developed with single detached dwellings along Baseline Road and townhouse units on Marina Point Crescent, accessed from Baseline Road. To the north of the subject lands is John Wilson Park and to the west is Winona Road and single detached dwellings. The proposed development is for 44 three-storey maisonette units and 16 three-storey conventional townhouse units with 21 visitor parking spaces.

The subject development is to be affordable units in accordance with the City of Hamilton’s Municipal Housing Facilities By-law 16-233, in that the subject units are to be at least 10% below the median resale price for a similar unit in the City. The City of Hamilton will enter into a municipal housing project facility agreement with the applicant

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1288 Baseline Road (Stoney Creek) (Ward 11) (PED18038) – Page 4 of 24

and the agreement may provide for assistance as provided for subsection 110(3) of the *Municipal Act, 2001*, or tax exemptions as provided for in subsection 110(6) of the *Municipal Act, 2001*.

The proposed development will also include a future public street (Street “A” as shown on Appendix “E” to Report PED18038) that will provide a direct connection from Baseline Road to North Service Road. A 15 m berm from North Service Road and the Queen Elizabeth Way is also proposed in keeping with the Ministry of Transportation of Ontario (“MTO”) setback of 14 m.

The purpose and effect of the proposed amended Official Plan Amendment to the Urban Hamilton Official Plan is to re-designate the subject lands from “Local Commercial” to “Low Density Residential 3c” within the Urban Lakeshore Area Secondary Plan of the Urban Hamilton Official Plan to permit a 60 unit development on a private (condominium) road with a density of 53 units per net residential ha, as well as add a public roadway from Baseline Road to North Service Road. The original application for Official Plan Amendment was to re-designate the subject lands from “Local Commercial” to the “Low Density Residential 3” designation. Staff were of the opinion that the “Low Density Residential 3c” designation was more appropriate for the proposed built form of street townhouses and maisonettes.

The purpose and effect of the proposed amended Zoning By-law Amendment to Zoning By-law No. 3692-92 is to add the subject lands to Zoning By-law No. 3692-92 and zone the subject lands to a site specific Multiple Residential “RM3” Zone to permit a 60 unit development on a private (condominium) road within the former City of Stoney Creek Zoning By-law No. 3692-92. The original application for Zoning By-law Amendment was to rezone the subject lands from Neighbourhood Development “ND” Zone to the Multiple Residential “RM2” Zone, however, it was staff’s opinion that the Multiple Residential “RM2” Zone was more appropriate for the proposed built form.

In particular, the site specific modifications to the Multiple Residential “RM3” Zone will include a reduction to the minimum lot area; minimum lot frontage; minimum front yard; minimum side yard; minimum rear yard; minimum privacy area; landscaped open space; visitor parking; and maximum lot coverage, density and building height.

The purpose and effect of the proposed amended Zoning By-law Amendment is to remove the subject lands from Zoning By-law 05-200. In November, 2017, City Council approved new Commercial and Mixed Use Zones for the City of Hamilton, wherein the subject lands were rezoned from Neighbourhood Development “ND” Zone in the former City of Stoney Creek Zoning No. 3692-92 to the Community Commercial (C3) Zone to implement the existing Secondary Plan designation. The approved By-law was subsequently appealed to the Ontario Municipal Board and therefore, the By-law is not yet final and binding.

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1288 Baseline Road (Stoney Creek) (Ward 11) (PED18038) – Page 5 of 24

Chronology:

- August 3, 2017: Submission of Applications UHOPA-17-029 and ZAC-17-067.
- September 14, 2017: Applications UHOPA-17-029 and ZAC-17-067 deemed complete.
- September 21, 2017: Circulation of Notice of Complete Application and Preliminary Circulation for Applications UHOPA-17-029 and ZAC-17-067, to 88 property owners within 120 m of the subject lands.
- September 29, 2017: Public Notice Sign installed on subject lands.
- February 21, 2018: Public Notice Sign updated with Public Meeting Information.
- March 2, 2018: Circulation of the Notice of Public Meeting to 88 property owners within 120 m of the subject lands.

Details of Submitted Application:

Location: 1288 Baseline Road (see Appendix “A” to Report PED18038).

Owner/Applicant: Trillium Housing Winona Non-Profit Corporation

Agent: IBI Group
(c/o: Tracy Tucker)

Property Description:

<u>Lot Frontage:</u>	111 m (Baseline Road)
<u>Lot Depth:</u>	117.77 m
<u>Lot Area:</u>	1.14 Net Residential Hectares
<u>Servicing:</u>	Existing Municipal Water Available Municipal Sanitary / Storm Available

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1288 Baseline Road (Stoney Creek) (Ward 11) (PED18038) – Page 6 of 24

Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant	Neighbourhood Development “ND” Zone
<u>Surrounding Land Uses:</u>		
North	John Wilson Park	Neighbourhood Park (P1) Zone
South	North Service Road and Queen Elizabeth Way	Major Institutional “I (H)” Zone
East	Single Detached Dwellings and Townhouse Dwellings	Single Residential “R3” Zone and Multiple Residential “RM3” Zone
West	Winona Road and Single Detached Dwellings	Single Residential “R2” Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

The following policies, amongst others, from the Provincial Policy Statement (PPS) are considered to be applicable to the applications.

The proposal provides for an efficient and resilient development and land use pattern that is healthy, liveable and safe as per Policy 1.1. by promoting efficient development and land use patterns, as well as accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons) uses.

“1.1.3.1 *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted.”

The subject lands are located within a settlement area where full municipal services are available, and will provide for a complete community through a compact design and contributes to a range and mix of housing types.

“2.6.2 *Development and site alteration* shall not be permitted on lands containing *archaeological resources* or *areas of archaeological potential* unless *significant archaeological resources* have been *conserved*.”

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Accordingly, a Stage 1-2 Archaeological Assessment (P346-0063-2015), dated August 5, 2015 concludes the Stage 2 did not result in the identification of any archaeological sites and that no further archaeological assessments are recommended within the study area. An acknowledgement from the Ministry of Tourism, Culture and Sport that the aforementioned assessment was entered into the Ontario Public Register of Archaeological Reports will be required at the Site Plan Control application stage. For the subject applications, staff are satisfied that archaeological concerns have been addressed.

Based on the foregoing, as the subject lands are located within a settlement area, are proposed to be affordable units, and the subject proposal is to be developed with appropriate infrastructure, while also protecting the Provincial interest with respect to cultural heritage resources, the subject proposal is therefore, consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe (2017)

As of July 1, 2017, the policies of the Growth Plan for the Greater Golden Horseshoe (2017) apply to any Planning decision. Therefore, development proposed in this application conforms to the plan as follows.

The Growth Plan supports intensification within built-up urban areas, particularly in proximity to transit. As noted in Section 2.1 of the Plan.

“To support the achievement of *complete communities* that are healthier, safer, and more equitable, choices about where and how growth occurs in the *GGH* need to be made carefully. Better use of land and *infrastructure* can be made by directing growth to *settlement areas* and prioritizing *intensification*, with a focus on *strategic growth areas*, including *urban growth centres* and *major transit station areas*, as well as *brownfield sites* and *greyfields*. Concentrating new development in these areas provides a focus for investments in transit as well as other types of *infrastructure* and *public service facilities* to support forecasted growth, while also supporting a more diverse range and mix of housing options. However, to protect public safety and prevent future flood risks, growth should generally be directed away from hazardous areas, including those that have been identified as Special Policy Areas in accordance with the PPS.”

Furthermore as noted in Section 2.2.1.2 (d):

“Development will be directed to settlement areas, except where the policies of this Plan permit otherwise.”

In review, the subject lands are located within a settlement area where it will be developed with full municipal services, will provide for a complete community through a

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compact design that includes an additional housing type and form for the area and is in close proximity to the Queen Elizabeth Way. Therefore, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (2017) (Places to Grow).

Urban Hamilton Official Plan (UHOP)

The subject property is identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated as “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the UHOP and “Local Commercial” on Map B.7.3-1 – Land Use Plan – Urban Lakeshore Area Secondary Plan. The following policies, amongst others, are applicable to the subject applications.

Policy Goals

The following goals of the “Neighbourhoods” designation apply to the proposed applications:

- “E.3.1.1 Develop compact, mixed use, transit-supportive, and active transportation friendly neighbourhoods.
- E.3.1.2 Develop neighbourhoods as part of a *complete community*, where people can live, work, shop, learn, and play.
- E.3.1.3 Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs.
- E.3.1.4 Promote and support design which enhances and respects the character of existing neighbourhoods while at the same time allowing their ongoing evolution.
- E.3.1.5 Promote and support *residential intensification* of appropriate scale and in appropriate locations throughout the neighbourhoods.”

Per Section E.3.2.1, areas designated “Neighbourhoods” shall function as *complete communities*, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents.

- “E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:
 - a) residential dwellings, including second dwelling units and *housing with supports*;

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The proposed development complies with the above-noted policy goals as the proposed form of townhouses contributes to a compact urban form and complete community and contributes to a range of housing types, respects the existing character of the neighbourhood and provides an appropriate scale and location for the development.

Residential Intensification

“B.2.4.1.4 *Residential intensification* developments shall be evaluated based on the following criteria:

- a) a balanced evaluation of the criteria in b) through g) as follows:
- b) the relation of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
- c) the development’s contribution to maintaining and achieving a range of dwelling types and tenures;
- d) the *compatible* integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design;
- e) the development’s contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- f) infrastructure and transportation capacity; and,
- g) the ability of the development to comply with all applicable policies.

B.2.4.2.2 When considering an application for a residential intensification *development* within the Neighbourhoods designation, the following matters shall be evaluated:

- a) the matters listed in Policy B.2.4.1.4;
- b) *compatibility* with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;

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- d) the consideration of transitions in height and density to adjacent residential buildings;
- e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- h) the ability to complement the existing functions of the neighbourhood;
- i) the conservation of *cultural heritage resources*; and,
- j) infrastructure and transportation capacity and impacts.”

The existing neighbourhood is comprised of single detached dwellings and a park to the north, townhouses to the east, Winona Road to the west and North Service Road to the south. The proposed 60 dwellings will be of a size and scale that is compatible with the existing scale of development in the area.

The proposed development is appropriate in respect to the transition in scale to the neighbouring buildings which maintain a height of one and predominantly two and a half storeys, and the development is massed to respect the existing street proportions and lot patterns. The street townhouses are proposed to be approximately 9.6 m in height, while the maisonettes are proposed to be 12 m in height, which is in keeping with the adjacent townhouse development.

The proposed townhouses have a reverse frontage along Winona Road, however, there are existing reverse frontage lots on the west side of Winona Road and therefore, they are consistent with the existing character of the neighbourhood. In addition, due to the grade of Winona Road and the proposed setback, there are no adverse impacts with respect to streetscape. Similarly, the proposed maisonettes along Baseline Road are directly across from the existing park and will have direct access onto Baseline Road, which is consistent with the existing character of the street and therefore, no adverse impacts with respect to streetscape patterns.

Since there are surrounding residential uses, as well as an existing neighbourhood park, directly across the street from the subject lands, the proposed residential development is a more efficient land use to take advantage of this existing amenity feature.

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Since Winona Road is a flyover roadway over the Queen Elizabeth Way, the proposed new (Street “A”) will also provide residents of the neighbourhood a convenient connection to North Service Road.

Visitor parking is proposed within the development and sufficient amenity area is also proposed. Adequate servicing will also be made available. In addition, there are no anticipated shadowing, overlook, noise, lighting, and traffic issues. Finally, there are no cultural heritage resource concerns.

The proposed residential intensification of the property is an appropriate height, massing, and density, and therefore, is compatible with the existing neighbourhood.

Archaeological Assessment

With respect to archaeological concerns, the UHOP identifies the applicable policy under Section B.3.4.4.2:

“B.3.4.4.2 In *areas of archaeological potential* identified on Appendix F-4 – Archaeological Potential, an archaeological assessment shall be required and submitted prior to or at the time of application submission for the following planning matters under the *Planning Act*:

- a) official plan amendment or secondary plan amendment unless the *development* proposed in the application in question or other applications on the same property does not involve any *site alteration* or *soil disturbance*;
- b) zoning by-law amendments unless the *development* proposed in the application in question or other applications on the same property does not involve any site alteration or soil disturbance; and,
- c) plans of subdivision.

B.3.4.4.4 Archaeological assessments shall be prepared in accordance with any applicable guidelines and Policy F.3.2.4 - Archaeological Assessments.”

As noted on page 7 of this Report, an Archaeological Assessment was prepared and concluded that the assessment did not result in the identification of any archaeological sites and that no further archaeological assessments are recommended within the study area. Staff are satisfied that the Archaeological Assessment Requirement policies of the UHOP have been met.

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Noise Attenuation

The UHOP contains relevant policies with respect to noise. Section B.3.6.3 indicates:

“B.3.6.3 Noise, vibration, and other emissions such as dust and odours from roads, airports, railway lines and stationary sources have the potential to negatively impact the quality of life of residents. The objective of the following policies is to protect residents from unacceptable levels of noise, vibration, and other emissions and to protect the operations of transportation facilities, commercial, and employment (industrial) uses.

B.3.6.3.1 *Development of noise sensitive land uses*, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.

B.3.6.3.2 Any required noise or vibration study shall be prepared by a qualified professional, preferably a professional engineer with experience in environmental acoustics, in accordance with recognized noise and vibration measurement and prediction techniques, to the satisfaction of the City, and in accordance with all applicable guidelines and standards.”

In regard to the above applicable policies, a noise feasibility study was submitted with the subject applications entitled, “Environmental Noise Feasibility Study – 1288 Baseline Road”, prepared by Valcoustics Canada Ltd., and dated August 4, 2017. Due to the subject lands close proximity to the Queen Elizabeth Way, the aforementioned Study was reviewed by City staff and based on the results of the Study, all units will require air conditioning, noise warning clauses, a sound barrier and specific building materials.

City staff further notes that a detailed noise study / addendum will be required to be submitted with a future Site Plan Control and Draft Plan of Condominium applications to confirm Sound Transmission Class (STC) requirements based on floor plans and exterior wall design; ensure the appropriate noise warning clauses are implemented on the appropriate agreements; and, review the sound barrier details.

Based on the foregoing, the proposed development meets the overall intent of the UHOP policies and therefore, complies with Volume 1 of the UHOP.

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Urban Lakeshore Area Secondary Plan

The subject lands are within the Urban Lakeshore Secondary Plan provided in Volume 2 of the UHOP and are currently designated “Local Commercial” on Map B.7.3-1 – Urban Lakeshore Area Secondary Plan – Land Use Plan. The following policies, amongst others, apply to the applications.

“7.3.2 Local Commercial Designation

- 7.3.2.1 Sections E.3.8 – Local Commercial shall apply to the lands designated Local Commercial on Map B.7.3-1 – Urban Lakeshore Area – Land Use Plan.
- 7.3.2.2 Notwithstanding Section E.3.8.6 of Volume 1, on lands designated Local Commercial on Map B.7.3-1 – Urban Lakeshore Area – Land Use Plan, the maximum gross floor area of any individual commercial establishment shall be 500 square metres and the maximum gross floor areas of any grouping of local commercial uses shall be 1,500 square metres.”

An Amendment to the Urban Lakeshore Area Secondary Plan is required from the “Local Commercial” to the “Low Density Residential 3c” designation to permit the proposed development, as well as the proposed density of 53 units per ha.

The Secondary Plan provides the following applicable residential policies.

“B.7.3.1.6 Low Density Residential 3c Designation

Notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the lands designated Low Density Residential 3c on Map B.7.3-1 – Urban Lakeshore Area – Land Use Plan:

- a) the permitted uses shall be low rise apartments and townhouse dwellings; and,
- b) the density shall range from 30 to 49 units per net residential hectare.”

As the development proposal meets the intent of the policies of Volume 1 of the UHOP regarding intensification and built form and is consistent with the higher densities contemplated in current Provincial policies, the proposed re-designation can be supported. The analysis of the Amendment is discussed in greater detail in the Analysis and Rationale for Recommendations section of this Report.

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City of Stoney Creek Zoning By-law No. 3692-92

An Amendment to the Zoning By-law is required to add the subject lands to Zoning By-law No. 3692-92 and zone the lands to a site specific Multiple Residential “RM3” Zone in order to permit a total of 60 dwellings on a private condominium road. In addition, a number of site specific technical modifications are required to allow for the units to be freehold fronting onto a private (i.e. condominium) road, including:

- modification to recognize the condominium road as a public street;
- modification to the required lot area;
- modification to the required lot frontage;
- modification to the required side yard;
- modification to the required front yard;
- modification to the required rear yard;
- modification to the required privacy area;
- modification to the required visitor parking;
- modification to the maximum density;
- modification to the maximum building height;
- modification to the required landscaped open space; and,
- modification to the maximum lot coverage.

These modifications are technical to recognize the lot configuration and housing form. An analysis of the site specific modifications is included in the Analysis and Rationale for Recommendation section of this Report.

City of Hamilton Zoning By-law No. 05-200

The subject lands are zoned Community Commercial (C3) Zone within the City of Hamilton Zoning By-law No. 05-200. The Community Commercial (C3) Zone permits a variety of local commercial uses, including a medical clinic, a micro brewery, motor vehicle gas bar and motor vehicle service station. An Amendment to the Zoning By-law is required to remove the subject lands from Zoning By-law No. 05-200.

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RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections to the applications:

- Recreation Planning.

The following Departments and Agencies have provided comments on the applications:

Capital Budgets and Development provided that the applicant pay the Municipal Act Sanitary Sewer Frontage Charge of \$27,337.81 under By-law No 01-116 as at Oct. 31, 2017 to the satisfaction of the Capital Budgets Section of Corporate Services, which will be required at the Site Plan Control application stage.

Housing Services Division, Community and Emergency Services Department noted that the proposed units will be affordable in accordance with the Municipal Housing Facilities By-law 16-233, at least 10% below the median resale price for a similar unit in the City. At the time of sale, the City will provide a threshold home value for the affordable units and the applicant will provide documentation that the sale prices were below the threshold.

Forestry & Horticulture Section, Public Works Department requires that a detailed Landscape Planting Plan prepared by a Registered Landscape Architect, showing the placement of trees on internal / external City property be provided at the Site Plan Control application stage.

Hamilton Conservation Authority provided the opinion that the proposed development is consistent with the Natural Hazards policies of the Provincial Policy Statement (2014) and that they have no objection to the approval of the subject Official Plan and Zoning By-law Amendment applications. They recommended functional servicing and stormwater management reports be submitted with a future Site Plan Control application.

Environmental Services Division, Public Works Department commented that the proposed development is eligible for municipal waste collection service subject to meeting the City's requirements.

Transportation Planning Services, Planning and Economic Development commented that a future road widening will be required for Baseline Road and that a full TDM Report and sidewalks will be required, as well as consider AODA regulations. These items will be addressed at the Site Plan Control stage. Transportation Planning does not support two driveway access points for the subject development. In addition, traffic calming measures are also recommended for proposed Street "A". The

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applicants will also require an Access Permit at the Site Plan Control stage. The location and number of access points will be finalized at the Site Plan stage.

Ministry of Transportation of Ontario commented that the subject lands are within the Ministry's permit control area and therefore, permits will be required. In addition, the Ministry commented that nothing essential to the operation or viability of the site should be placed in the 14 m setback, so that if the lands are required for highway improvements, the site can still continue to operate.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 88 property owners within 120 m of the subject property on September 28, 2017, for the proposed Official Plan Amendment and Zoning By-law Amendment applications.

A Public Notice Sign was posted on the property on September 29, 2017, and updated on February 21, 2018, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on March 2, 2018.

Public Consultation Strategy

The applicant submitted a Public Consultation Strategy as required under the *Planning Act*, which resulted in a Public Information Meeting held on December 13, 2017. Five residents attended and expressed concerns regarding traffic, parking, loss of green space and intensification.

To date, one phone call and one e-mail from nearby residents have been submitted, expressing concerns regarding the proposed development. These concerns are discussed further in the Analysis and Rationale for Recommendation.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Official Plan and Zoning By-law Amendments have merit and can be supported for the following reasons:
 - (i) They are consistent with the Provincial Policy Statement, and conform to the Growth Plan for the Greater Golden Horseshoe (2017);
 - (ii) The addition of 60 dwelling units is supportable, as they will permit additional residential uses that are compatible with the character of the area;

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- (iii) The proposed development represents good planning by, among other things, providing a compact and efficient urban form. In addition, the subject proposal is an efficient use of infrastructure.

2. Urban Lakeshore Area Secondary Plan Amendment

The subject lands are designated “Local Commercial” on Map B.7.3-1 – Urban Lakeshore Area Secondary Plan – Land Use Plan.

Local Commercial uses permitted are retail and services uses such as a craftsperson shop, day nursery, commercial school, financial establishment, office, motor vehicle service station, personal service, place of worship, repair service, restaurant, studio, art gallery, tradesperson shop, and veterinary service.

Land Use

An Amendment to the Urban Lakeshore Area Secondary Plan is required to re-designate the subject lands from the “Local Commercial” designation to the “Low Density Residential 3c” designation to permit the proposed townhouse and maisonette development and a density of 53 units per net residential ha.

Since there are surrounding residential uses, as well as an existing neighbourhood park, directly across the street from the subject lands, the proposed residential development is a more efficient land use to take advantage of this existing amenity feature and is also more compatible with the existing neighbourhood. In addition, since the approval of the Urban Lakeshore Area Secondary Plan, commercial development has focused on the south side of the Queen Elizabeth Way. Further, there are existing local commercial uses in close vicinity, just to the east of Fifty Road, along North Service Road, which currently contain a salon and spa, daycare centre, dental centre, a small food market and take-out restaurants, all of which can serve the day-to-day needs of the neighbourhood. There are also “Local Commercial” designated lands to the north of the subject lands, along Winona Road, as well as to the west at Dartmouth Gate and North Service Road. Staff are of the opinion that there is sufficient “Local Commercial” designated lands to support the neighbourhood population. In addition, a local commercial use would require additional road network improvements. Therefore, staff feel that there is sufficient existing and zoned lands for local commercial needs for the area to support the loss of these local commercial lands and support the re-designation to “Low Density Residential 3c”.

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Proposed Roadway (Street “A”)

The proposed development will also include a public roadway (shown as Street “A” on Appendix “E” to Report PED18038) that will provide a direct connection from Baseline Road to North Service Road. A 15 m berm from North Service Road and the Queen Elizabeth Way is also proposed in keeping with the Ministry of Transportation of Ontario (“MTO”) setback of 14 m. Since Winona Road is a flyover roadway over the Queen Elizabeth Way, proposed Street “A” will also provide residents of the neighbourhood a convenient connection to North Service Road.

Proposed Density

The proposed development has a density of 53 units per net residential ha and therefore, an Amendment for a site specific policy area is required. The proposed density can be supported as it is a result of the proposed new street and the MTO setback requirements which effectively reduce the net developable area of the subject lands and that the proposed density is similar to that of other multiple dwelling/block townhouse developments within the Urban Lakeshore Secondary Plan area. As the development proposal meets the intent of the policies of Volume 1 of the UHOP regarding intensification and built form, meets the existing character of the neighbourhood, is compatible with the surrounding uses, and is consistent with the higher densities contemplated in current Provincial policies, the proposed re-designation and density can be supported.

Based on the foregoing, staff support the proposed Amendment to the Urban Lakeshore Area Secondary Plan.

3. **Zoning By-law Amendment**

An Amendment to the Zoning By-law is required to add the subject lands to Zoning By-law No. 3692-92 and zone the lands to a site specific Multiple Residential “RM3” Zone in order to permit a total of 60 dwellings (maisonettes and townhouses), including a private condominium road. Site specific modifications are required in order to permit the following:

- modification to recognize the condominium road as a public street;
- modification to the required lot area;
- modification to the required lot frontage;
- modification to the required front yard;

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- modification to the required side yard;
- modification to the required rear yard;
- modification to the required privacy area;
- modification to the minimum required landscaped open space;
- modification to the maximum building height;
- modification to the maximum density;
- modification to the required visitor parking; and,
- modification to the maximum lot coverage.

A number of these modifications are technical to recognize the lot configuration and housing form.

Condominium Road

A private common element condominium road is proposed to be deemed a street for the purposes of the proposed development and that permits landscaping and visitor parking within the common element condominium road. Staff consider this a minor modification, as this is typical for condominium developments. Therefore, this modification can be supported by staff.

Minimum Lot Area

The proposed modifications are to reduce the minimum lot area requirements for the street townhouses from 180 sq m (Interior) to 170 sq m (Interior), 250 sq m (Corner), 240 sq m (End) for the townhouses and from 4,000 sq m to 80 sq m (Interior) and 118 sq m (Corner) for the maisonette townhouses. The proposed unit areas will maintain adequate space on site to permit the establishment of appropriately sized dwelling units and amenity space, and are compatible with the adjacent existing townhouse development. The proposed modification has merit and can be supported.

Minimum Lot Frontage

The applicant is requesting modifications to reduce the minimum lot frontages for the street townhouses from 6.0 m (Interior), 9.0 m (Corner), 8.0 m (End Unit) to 5.5 m (Interior), 7.25 m (End Unit) and 8.5 m (Corner Unit) and from 50 m to 6.45

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m (Interior Unit) and 8.1 m (Corner Unit) for the maisonette townhouses. Staff consider these minor modifications, as they permit a more compact urban form, maintain the intent of the UHOP, maintain the intent of the By-law and are consistent with other development in the area. Therefore, staff can support the proposed modifications.

Minimum Front Yard

The applicant is requesting modifications to reduce the minimum front yard from 7.5 m to 6.0 m for the townhouses and 4.0 m to the dwelling face and 6.0 m to the attached garage for the proposed maisonette units. Staff can support this modification, as it is compatible with the neighbourhood, is minor, maintains the intent of the UHOP, and maintains the intent of the By-law.

Minimum Side Yard

The proposed modifications to reduce the minimum side yard requirements for the street townhouses from 2.0 m (End) and 3.0 m (Corner) to 1.5 m (End Unit) and 1.75 m (Corner Unit) and from 6.0 m (7.5 m for a flankage yard) to 2.75 m (Corner Unit) for the proposed maisonettes. Staff consider these minor modifications, as they are interior to the proposed development and will have no adverse impacts on adjacent properties. In addition, they will permit a more compact urban form, maintain the intent of the UHOP and maintain the intent of the By-law. Therefore, staff support the modifications.

Minimum Rear Yard

The applicant has requested a minimum rear yard setback of 3.0 m to the daylight triangle for one of the street townhouses (all other townhouses will maintain the required 7.5 m rear yard), whereas the By-law requires a minimum of 7.5 m. The applicant has also requested a 0.0 m rear yard setback instead of the required 6.0 m for the proposed maisonettes. Staff are satisfied that these are minor modifications in that they permit the built form for the maisonettes, and create a satisfactory amenity space in the rear yard of each unit for the street townhouses. They maintain the intent of the UHOP and maintain the intent of the By-law and can be supported by staff.

Maximum Density

The applicant has requested a maximum density of 53 units per net ha for the proposed townhouses and maisonettes, whereas the By-law requires a maximum density of 40 units per ha for maisonettes. Staff are satisfied that this is a minor modification as it is comparable to the adjacent townhouse

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1288 Baseline Road (Stoney Creek) (Ward 11) (PED18038) – Page 21 of 24

development, permits compact urban form and meets the intent of the UHOP. Therefore, the proposed modifications are supported by staff.

Minimum Privacy Area

The applicant has requested 36 sq m privacy area for the townhouses and 4.0 sq m privacy area per unit for the proposed maisonettes, whereas the By-law requires a privacy area with a minimum depth of 4.5 m. Due to their built form, the proposed maisonettes are intended to have a balcony amenity area of 4.0 sq m. Maisonettes are back to back units and therefore, a rear yard amenity area is not possible. A large landscaped area is proposed on the southerly portion of the development and John Wilson Park is located in close proximity north of Baseline Road, which can also be utilized by future residents of the proposal. Staff consider this a minor modification, as it permits a more compact urban form, maintains the intent of the UHOP and maintains the intent of the By-law.

Minimum Landscaped Open Space

A minimum landscaped open space of 50% of the lot area for the maisonettes, which may include the privacy area is required. The applicant has proposed that this requirement not apply for the proposed maisonettes. The maisonettes are back to back dwellings and therefore, the housing form does not lend itself to provide open space and the front yard includes the driveway. Nevertheless, there is a proposed amenity area of approximately 250 sq m within the MTO setback, which can be utilized for passive recreation use by the residents of the proposed development and therefore, provides the necessary function of landscaped open space. Staff can support this modification as it permits the built form, maintains the intent of the UHOP and maintains the intent of the By-law.

Maximum Building Height

The maximum height has been increased from the permitted 11.0 m to 12.0 m for the maisonettes to reflect the existing and proposed grading of the site. There are sufficient setbacks from other developments, including to the north and east and, therefore, the proposed height modification can be supported by staff.

Maximum Lot Coverage

The maximum lot coverage for maisonettes is 50%, however, the applicant has requested that this not apply for the maisonettes. The maisonettes are back to back dwellings and the front yard and side yard setbacks establish a building footprint that is appropriate for this form of development. Staff can support this

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1288 Baseline Road (Stoney Creek) (Ward 11) (PED18038) – Page 22 of 24

modification as it permits the built form, maintains the intent of the UHOP and maintains the intent of the By-law.

Minimum Visitor Parking

The minimum number of visitor parking spaces required is 0.5 spaces for each maisonette and townhouse dwelling unit, but would not include street townhouses. There are a proposed 60 units in total and therefore, 30 visitor parking spaces would be required. The applicant is providing 20 internal visitor parking spaces. As well there would be 12 on-street parking spaces along Street “A”. Staff are of the opinion that the combined visitor and on-street parking will be sufficient to support the proposal, the modification is minor and therefore, staff can support the modification.

4. The subject lands are zoned Community Commercial (C3) Zone within the City of Hamilton Zoning By-law No. 05-200. The Community Commercial (C3) Zone permits a variety of local commercial uses, including a medical clinic, a micro brewery, motor vehicle gas bar and motor vehicle service station. An Amendment to the Zoning By-law is required to remove the subject lands from Zoning By-law No. 05-200 as a housekeeping amendment to reflect the proposed change in land use.

5. There is a 375 mm diameter storm sewer, 250 mm sanitary sewer and a 300 mm watermain fronting the property on Baseline Road, which are available to service the subject lands. An External Works Agreement with the City to the satisfaction of the Manager of Development Engineering Approvals will be required as a condition of Site Plan Approval for the proposed municipal works, including roadway improvements, as well as for the construction of Street “A”. Baseline Road was fully urbanized during the construction of the Marina Point Crescent of the Baseline Subdivision development immediately to the east of the subject lands. As a condition of future Site Plan Approval, the applicant will be required to pay their fair share of the “as-constructed costs” for the construction of the above ground costs along Baseline Road, which directly benefit the subject lands. Baseline Road is designated as a collector road in accordance with Schedule “C-2” of the UHOP and is to have an ultimate right of way of 26.213 m. The existing roadway width from the centreline of this roadway measures approximately 10.048 m along the frontage of the subject lands. As a condition of future Site Plan Approval, the applicant / owner will be required to dedicate to the City of Hamilton sufficient lands across the frontage of the subject property adjacent to this roadway. This is to achieve a right of way width of 13.1 m from the original centreline of the roadway. In addition, the existing daylighting triangle at the intersection of Winona Road and Baseline Road is to be reconfigured to the ultimate widened limit of Baseline Road. Engineering staff

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are generally satisfied with the applications, however, all outstanding servicing, stormwater management, grading, water servicing, watermain hydraulic analysis, etc. will be reviewed in more detail at the Site Plan Control application stage.

6. Concerns were raised by nearby residents regarding traffic congestion, parking and intensification and loss of green space created by the proposed development. With respect to traffic congestion, it is staff's opinion that the proposed 60 units is of a size and scale that will not impact the existing traffic levels. The applicants have provided 20 internal visitor parking spaces and there will also be 12 on-street spaces available along Street 'A' for a total of 33 visitor parking spaces. Finally, regarding the concern for the loss of green space, it should be noted that the subject lands are not designated for a park. In addition, a tree protection plan will be required at the Site Plan Control stage and a large landscaped area / berm is proposed for the subject development.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Official Plan and Zoning By-law Amendment applications be denied, the property could be utilized in accordance with the Community Commercial (C3) Zone of Zoning By-law No. 05-200.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1288 Baseline Road (Stoney Creek) (Ward 11) (PED18038) – Page 24 of 24

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A”: Location Map
- Appendix “B”: Urban Hamilton Official Plan Amendment
- Appendix “C”: Zoning By-law No. 3692-92 Amendment
- Appendix “D”: Zoning By-law No. 05-200 Amendment
- Appendix “E”: Concept Plan
- Appendix “F”: Public Submissions

GZ:mo

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● Site Location



Key Map - Ward 11

N.T.S.

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-17-067/UHOPA-17-29

Date:
January 9, 2018

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
GZ/AL

Subject Property

1288 Baseline Road

Lands added to By-law 3692-92 and zone Multiple Residential "RM3-62" Zone, Modified

Schedule 1

**DRAFT Urban Hamilton Official Plan
Amendment No. XX**

The following text, together with Appendix "A"– Urban Lakeshore Area Secondary Plan – Land Use Plan – Volume 2: Map B.7.3-1 attached hereto, constitutes Official Plan Amendment **XX** to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to amend the Urban Lakeshore Area Secondary Plan to permit the development of sixty (60) Maisonette and Townhouse Dwellings with a density of 53 units per net residential hectare on the subject lands and to create a new local road.

2.0 Location:

The lands affected by this Amendment are known municipally as 1288 Baseline Road, in the former City of Stoney Creek.

3.0 Basis:

The basis for permitting this Amendment is as follows:

- The proposed Amendment is in keeping with the policies of the Urban Hamilton Official Plan and Urban Lakeshore Area Secondary Plan to provide a diversity of housing opportunities that are suitable for different segments of the population in order to make the best use of urban lands.
- The proposed development is considered to be consistent with, and complimentary to, the planned and existing development in the immediate area.
- The proposed development satisfies the characteristics and requirements of the designation, save and except the prescribed residential density range.
- The proposed Amendment is consistent with the Provincial Policy Statement, 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017.

4.0 Actual Changes:

4.1 Volume 2 – Urban Lakeshore Area Secondary Plan

Text

4.1.1 Volume 2 – Chapter 7.0 – Stoney Creek Secondary Plans – Section B.7.3 – Urban Lakeshore Area Secondary Plan

- a. That Volume 2: Section B.7.3 – Urban Lakeshore Area Secondary Plan be amended by adding a new Site Specific Policy, as follows:

“Site Specific Policy – Area X

Winona North Neighbourhood – 1288 Baseline Road

7.3.6.X For the lands located at 1288 Baseline Road, designated “Low Density Residential 3c”, and identified as “Site Specific Policy – Area X” on Map B.7.3-1 – Urban Lakeshore Area Secondary Plan – Land Use Plan, the following policies shall apply:

- a) Notwithstanding Policy E.3.4.3 of Volume 1 and in addition to Policy B.7.3.1.6 a) of Volume 2, maisonettes shall also be permitted; and,
- b) Notwithstanding Policies E.3.4.4 of Volume 1 and Policy B.7.3.1.6 b) of Volume 2, the density shall range from 30 to 53 units per net residential hectare.”

Schedules and Appendices

4.2.1 Appendices

- a. That Volume 2, Map B.7.3-1 – Urban Lakeshore Area Secondary Plan be amended by:
- i) redesignating the subject lands from “Local Commercial” to “Low Density Residential 3c”;
- ii) identifying the subject lands as Site Specific Policy - Area "X";

iii) adding a "Proposed Road" that connects Baseline Road and North Service Road; and,

iv) adding "Proposed Roads" to the Legend,

as shown on Appendix "A" attached to this Amendment.

5.0 **Implementation:**

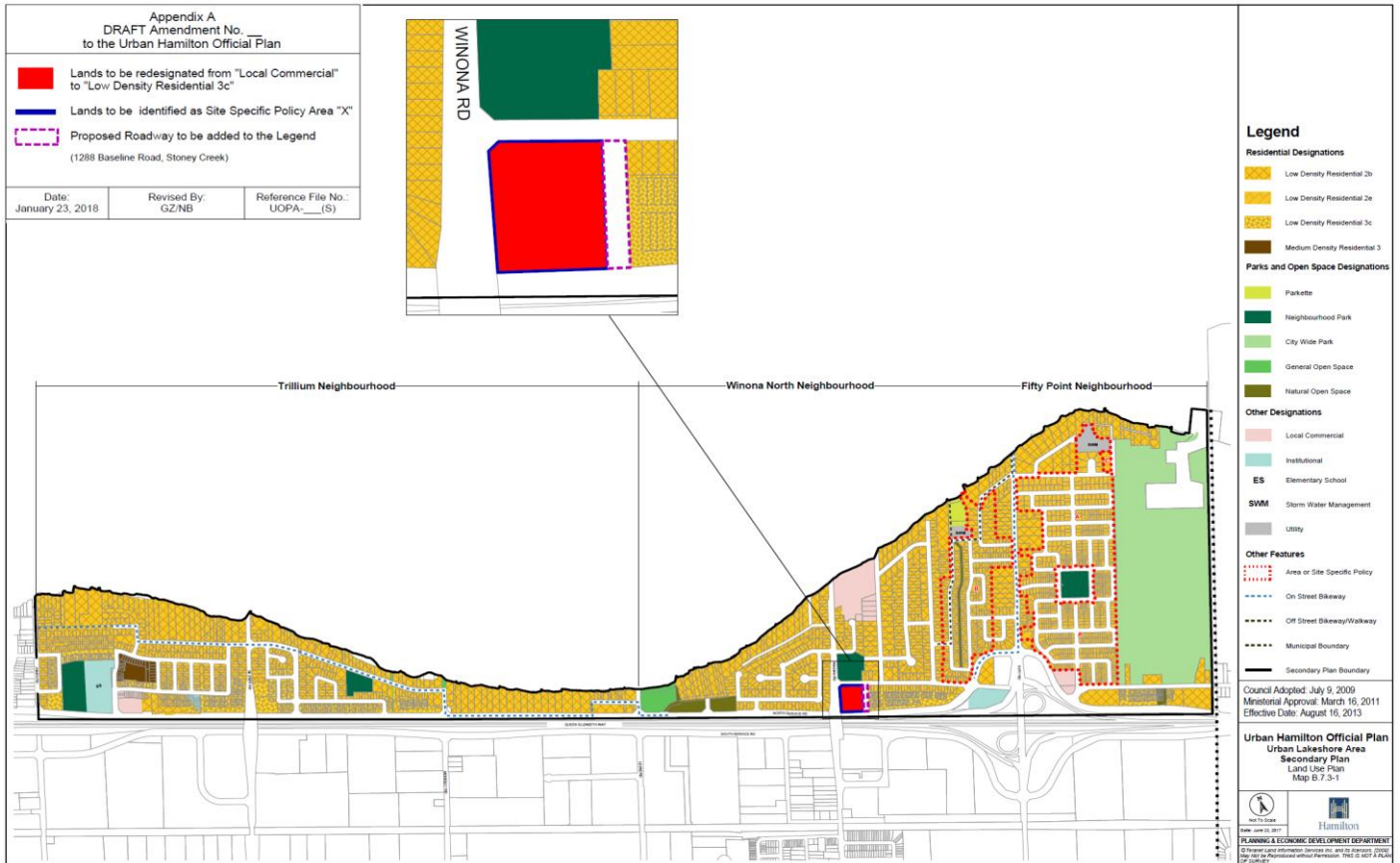
An implementing Zoning By-Law Amendment, Site Plan and Reference Plan will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule "1" to By-law No. _____ passed on the day of month, 2018.

**The
City of Hamilton**

Fred Eisenberger
MAYOR

Rose Caterini
CITY CLERK



Authority: Item XX, Planning Committee
Report 18-XXX
CM: XXXX
Ward: 12
Bill No. XXX

CITY OF HAMILTON

BY-LAW NO. 18-XXX

To Amend Zoning By-law No. 3692-92 Respecting Lands Located at 1288 Baseline Road (Stoney Creek)

WHEREAS the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the "The Corporation of the City of Hamilton" and is the successor to the former regional municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

AND WHEREAS the *City of Hamilton Act, 1999* provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

AND WHEREAS the Council of the City of Hamilton, in adopting Section _____ of Report 18-_____ of the Planning Committee at its meeting held on the 20th day of March 2018, recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided; and,

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan upon adoption of UHOPA No. _____;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map No. 4 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended as follows:
 - (a) by adding the subject property to Zoning By-law 3692-92 and zone to the Multiple Residential "RM3-62" Zone, Modified;

2. That Subsection 6.10.7, "Special Exemptions" of Section 6.10 Multiple Residential "RM3" Zone, of Zoning By-law No. 3692-92, be amended by adding a new Special Exemption, "RM3-62", as follows:

RM3 - 62

Notwithstanding the provisions of Section 6.9.3 "Zone Regulations", Paragraphs a), (b), (c), (d), (e), 6.10.3 "Zone Regulations for Maisonettes", Paragraphs (a), (b), (c), (d), (f), (g), (h) and (i) 6.10.4 "Zone Regulations for Street Townhouses" and Section 6.10.5 "Regulations for Parking", Paragraph (a):

REGULATIONS

(a)	Minimum Lot Area:	<u>Street Townhouses</u>	<u>Maisonettes</u>
	Interior Unit	170 sq m	80 sq m
	Corner Unit	250 sq m	118 sq m
	End Unit	240 sq m	N/A
(b)	Minimum Lot Frontage:	<u>Street Townhouses</u>	<u>Maisonettes</u>
	Interior Unit	5.5 m	6.45 m
	Corner Unit	8.25 m	8.1 m
	End Unit	7.25 m	N/A
(c)	Minimum Front Yard:	<u>Street Townhouses</u>	<u>Maisonettes</u>
		N/A	4.0 m to the dwelling face and 6.0 m to the attached garage
(d)	Minimum Side Yard:	<u>Street Townhouses</u>	<u>Maisonettes</u>
	End Unit	1.5 m	N/A
	Corner Unit	1.75 m	2.75 m
(e)	Minimum Rear Yard:	7.5 m, except 3.0 m to the daylighting triangle	0.0 m
(f)	Maximum Density:	53 units per net ha	
(g)	Maximum Building Height:	12 m (maisonettes)	
(h)	Maximum Lot Coverage:	Shall not apply to maisonettes	

- (i) Minimum Privacy Area: 4.0 sq m for maisonettes to be located on a balcony or patio
 - (j) Minimum Landscaped Open Space: Shall not apply to maisonettes
 - (k) Minimum Number of Visitor Parking Spaces: 20 internal visitor parking spaces to be provided
 - (l) Notwithstanding clause (a) of Section 4.16.1, unitary equipment may be located not closer than 0.5 m to any side lot line.
 - (m) Notwithstanding any provision to the contrary, prior to the registration of a plan of subdivision or condominium, 44 maisonette townhouse units and 16 standard townhouses, shall be permitted on one parcel of land.
 - (n) For the purpose of this By-law, maisonettes may front onto a public roadway.
 - (o) For the purpose of this By-law, a Private Common Element Condominium road shall be deemed a street and that landscaping and visitor parking for the dwelling units fronting onto the common element condominium road are permitted within the common element condominium road.
3. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Multiple Residential "RM3" Zone provisions, subject to the special requirements referred to in Section 2 of this By-law.
4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

PASSED this ____ day of _____, 2018.

Fred Eisenberger
Mayor

City Clerk

ZAC-17-067
UHOPA-17-029



<p>This is Schedule "A" to By-law No. 18-</p> <p>Passed the day of, 2018</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 18-_____</p> <p style="margin: 0 0 0 0;">to Amend By-law No. 3692-92</p>	<p>Subject Property 1288 Baseline Road, Stoney Creek</p> <p> Lands added to By-law 3692-92 and zoned Multiple Residential "RM3-62" Zone, Modified</p>
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<p>Scale: N.T.S.</p>	<p>File Name/Number: ZAC-17-067/UHOPA-17-29</p>		<p>Date: February 12, 2018</p>	<p>Planner/Technician: GZ/AL</p>
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>			<p>Hamilton</p>	

For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law

Is this by-law derived from the approval of a Committee Report? No

Committee: Chair and Members Report No.: PED18038 Date: 02/20/2018

Ward(s) or City Wide: Ward: 11 (MM/DD/YYYY)

Prepared by: George T. Zajac

Phone No: 905-546-2424, ext. 1024

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Hello Mr. Zajac,

We live ,to the 1288 Baseline rd. proposed Trillium Winona project.
First and foremost me and 3 other members of my family opposing to the idea of this whole idea.
Years ago,and I am para fraising,I read that all the overpasses above the QEW have a green
,habited by flora and fauna.

And it was proposed by the city that those greens will be not used as developments but left as
nature reserve.

When I moved into Marina Point Cr.,Winona in 2009 there was a beaver walking behind my
home,several eagles,hawks were hunting rodents,shore birds showed up twice during the
migratory season.

I purposely left our backyard open,no fence erected.I use lilac bushes,plum trees and flowers as
my fence.Try to keep it natural.

Regard the above mentioned wild life all is left ..."stinky" the skunk,and few cotton tail
bunny.The rest of the animals gone!

And all this in a few years.

At the mean time more housing appeared,every little green space got the cityhall approval houses
to be built on.

My question is,why do we have to destroy every little bit of the natural habitat?

Also this whole area is a socalled water way to Lake Ontario....several creeks openly or partially
covered and houses built on top running here.

Across from this planned subdivision is the newly developed Fifty rd. huge plaza.

Wonder was it assesed for future safe sewer,natural water way isuues?!

Fifty rd and Baseline rd west already has a "lake".The water is not able to flow by any means to
the lake....ditches dug leading to no where!

There is a serious of questions to be discussed here about the proposed sixty! townhomes.

I AM APPOSING IT!

Please consider my input upon making a dession of permit.

Also keep my personal information confedential.

Authority:

Ward: 11

Bill No.

CITY OF HAMILTON

BY-LAW NO. _____

**A by-law to amend Zoning By-law No. 05-200 respecting lands located at 1288
Baseline Road (Stoney Creek)**

WHEREAS Council approved Item _____ of Report _____ of the Planning Committee, as its meeting held on the March 20, 2018;

AND WHEREAS this By-law repeals Zoning By-law 05-200 on lands located in Stoney Creek;

AND WHEREAS this By-law conforms to the Urban Hamilton Official Plan;

NOW THEREFORE Council enacts as follows:

1. That Map No. 1259 of Schedule "A" – Zoning Maps, of Zoning By-law No. 05-200, be amended by deleting lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" to this By-law. as follows:
2. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

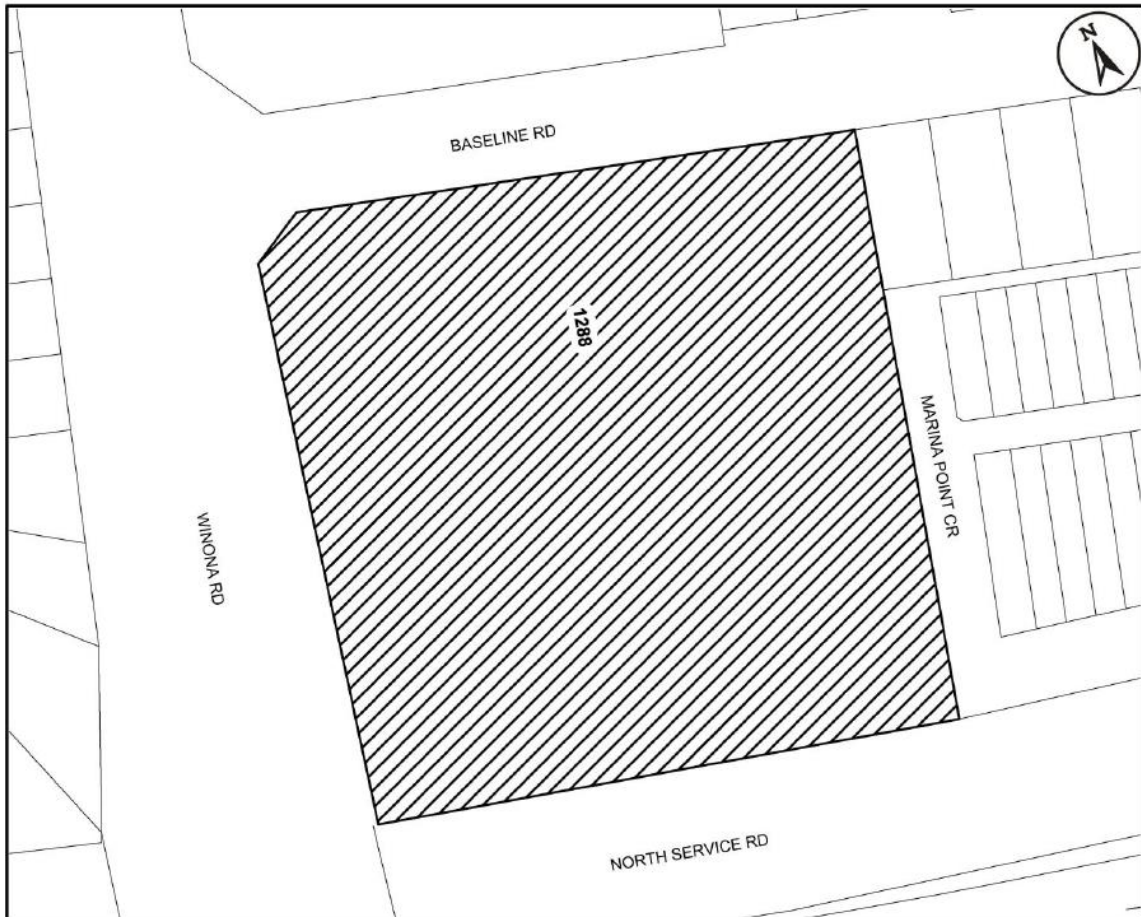
PASSED AND ENACTED this _____ day of March, 2018.

F. Eisenberger
MAYOR

CITY CLERK

ZAC-17-067

UHOPA-17-029



<p>This is Schedule "A" to By-law No. 18-</p> <p>Passed the day of, 2018</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 18-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 05-200 Map 1259</p>	<p>Subject Property 1288 Baseline Road</p> <p> Lands removed from By-law No. 05-200</p>
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<p>Scale: N.T.S.</p>	<p>File Name/Number: ZAC-17-067/UHOPA-17-29</p>	
<p>Date: January 26, 2018</p>	<p>Planner/Technician: GZ/VS</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		



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Is this by-law derived from the approval of a Committee Report? No

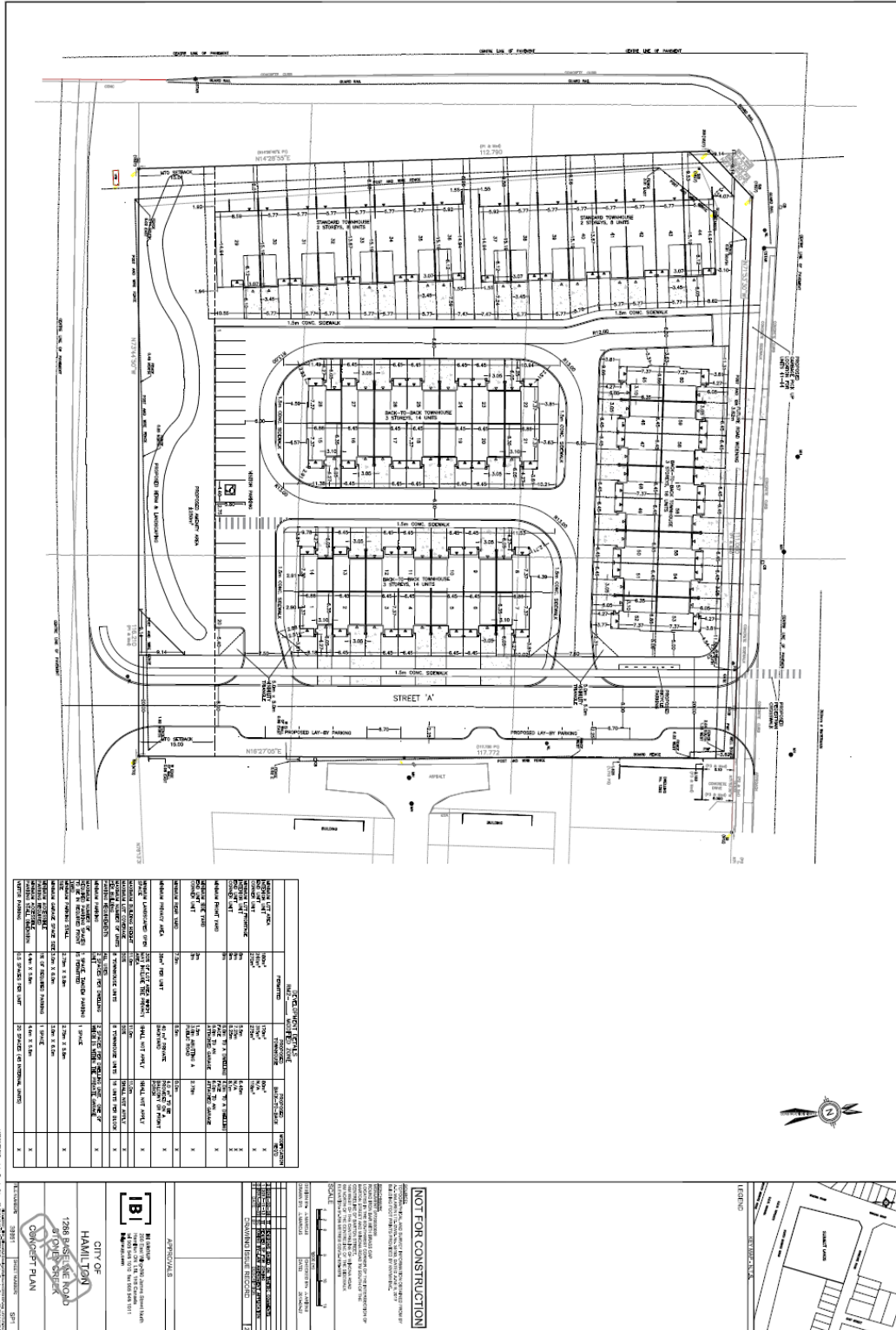
Committee: Chair and Members Report No.: PED18038 Date: 03/20/2018

Ward(s) or City Wide: Ward: 11 (MM/DD/YYYY)

Prepared by: George T. Zajac

Phone No: 905-546-2424, ext. 1024

For Office Use Only, this doesn't appear in the by-law

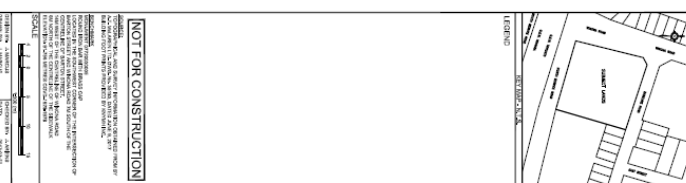


NO.	DESCRIPTION	QUANTITY	UNIT	EST. COST
1	CONCRETE DRIVEWAY	1	LINEAR METRE	1500.00
2	CONCRETE DRIVEWAY	1	LINEAR METRE	1500.00
3	CONCRETE DRIVEWAY	1	LINEAR METRE	1500.00
4	CONCRETE DRIVEWAY	1	LINEAR METRE	1500.00
5	CONCRETE DRIVEWAY	1	LINEAR METRE	1500.00
6	CONCRETE DRIVEWAY	1	LINEAR METRE	1500.00
7	CONCRETE DRIVEWAY	1	LINEAR METRE	1500.00
8	CONCRETE DRIVEWAY	1	LINEAR METRE	1500.00
9	CONCRETE DRIVEWAY	1	LINEAR METRE	1500.00
10	CONCRETE DRIVEWAY	1	LINEAR METRE	1500.00
11	CONCRETE DRIVEWAY	1	LINEAR METRE	1500.00
12	CONCRETE DRIVEWAY	1	LINEAR METRE	1500.00
13	CONCRETE DRIVEWAY	1	LINEAR METRE	1500.00
14	CONCRETE DRIVEWAY	1	LINEAR METRE	1500.00
15	CONCRETE DRIVEWAY	1	LINEAR METRE	1500.00
16	CONCRETE DRIVEWAY	1	LINEAR METRE	1500.00
17	CONCRETE DRIVEWAY	1	LINEAR METRE	1500.00
18	CONCRETE DRIVEWAY	1	LINEAR METRE	1500.00
19	CONCRETE DRIVEWAY	1	LINEAR METRE	1500.00
20	CONCRETE DRIVEWAY	1	LINEAR METRE	1500.00
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48	CONCRETE DRIVEWAY	1	LINEAR METRE	1500.00
49	CONCRETE DRIVEWAY	1	LINEAR METRE	1500.00
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99	CONCRETE DRIVEWAY	1	LINEAR METRE	1500.00
100	CONCRETE DRIVEWAY	1	LINEAR METRE	1500.00

NOT FOR CONSTRUCTION

THIS PLAN IS A PRELIMINARY CONCEPT PLAN AND IS NOT TO BE USED FOR CONSTRUCTION. IT IS SUBJECT TO CHANGE WITHOUT NOTICE. THE CITY OF HAMILTON IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS PLAN.

CITY OF HAMILTON
 1288 BROADVIEW AVENUE
 HAMILTON, ONTARIO L8N 4R1
 TEL: 905.571.2200
 WWW.CITYOFHAMILTON.CA



Zoning By-law Amendment Proposal File No. ZAC-17-067

March 19, 2018

Attention George T. Zajac, City of Hamilton
Planning and Economic Development Department
Planning Division,
71 Main Street West, 5th Floor, Hamilton, On L8P 4Y5
E-Mail: George.Zajac@hamilton.ca

Re: File Numbers - UHOPA-17-029 and ZAC-17-067

Applications by Trillium Housing Non-Profit Corporation for Official Plan and Zoning By-law Amendments for Lands Located at 1288 Baseline Road, Stoney Creek (Ward 11).

To whom it may concern:

The undersigned individuals are existing owners and occupants of properties adjacent to the identified property listed in the Application for Zoning By-Law Amendment (File No. ZAC-17-067). We are looking forward to a thoughtful development of 1288 Base Line Road in character with the existing R2 Zoned properties of the North Side of Baseline Road and the West Side of Winona Rd.

Several years ago the Marina Point Development to the South of Baseline Rd. was re-designated R3 and RM3. It is unfortunate at the time that the undersigned individuals did not understand the impact that the RM3 portion of the development would have on our neighbourhood and therefore we did not appeal the re-zoning for this parcel of land. The RM3 portion of the Marina Point Development has caused the density of our neighbourhood to increase creating a negative impact to the existing neighbouring R1 and R2 zoned properties. For example; one of the negative impacts caused by the zoning change and the accepted plan was the lack of suitable parking for the new occupants that would occupy the Marina Point Cr. Units (see photo IMG_5654.jpg of the short driveway and the red truck at end of this document). The existing frontage and driveways only allow for one midsized car to be parked per unit which has caused an overflow parking condition to occur into the neighbouring areas of Baseline Rd. and branching streets such as East Street. Parking of cars on this road and streets presents an unsightly and hazardous condition as there are blind spots caused by these parked cars. In most cases these cars parked in-front of the residences along Baseline Rd. or the branching streets are not the vehicles of the owners of these residences as they have driveways that can all hold between 2 to 4 midsized cars. The hazards caused by these parked vehicles and the negative impact to the surrounding neighbourhood are directly attributed to the poor planning choice and zoning amendment to RM3.

In review of the current proposed zoning amendment to RM3-62 to permit 44 maisonette units would cause further negative impact similar to those experienced with the Marina Point Development Project without resolving the current problems already being experienced from the previous development.

The proposed request for Zoning By-law Amendment is not in character with existing properties in the fully developed and established neighborhood along Winona Rd. Baseline Rd, or East Street. The proposed development does not offer a solution to the existing problems experienced by the zoning change and development at the adjacent Marina Point Development. The package of documents sent on

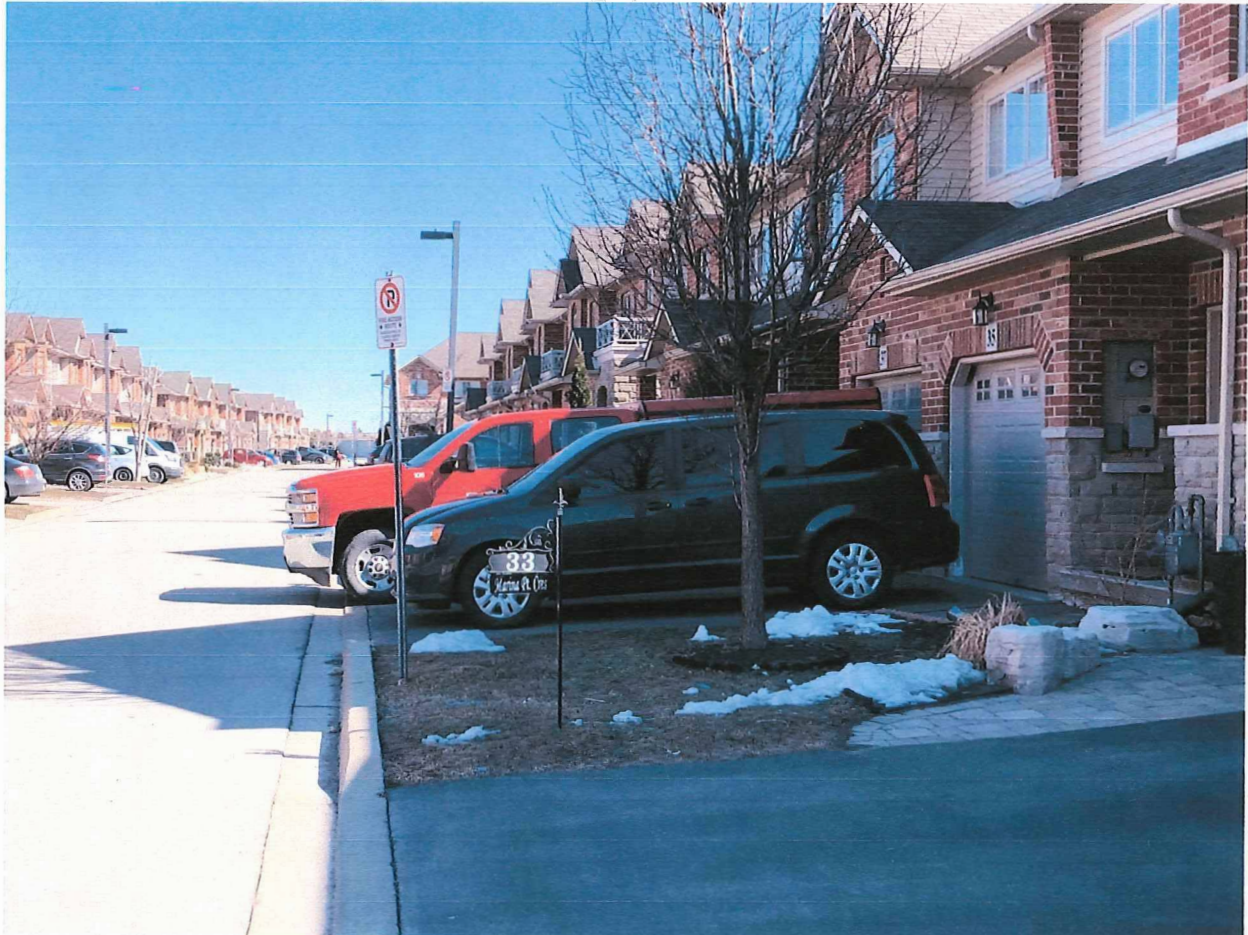
March 2, 2018 UHOPA-17-029 and ZAC-17-067 is a proposal that will further negatively impact the existing owners and occupants of the neighbouring lands.

The reason for this rezoning application is not a result of a newly purchased land and properties suddenly becoming non-conforming when purchased, but rather, it is a result of the planning choices that the Developer is making for the Developer's gain; the existing proposal is not an improvement for the residents that currently live in or own properties in the neighbourhood. No zone amendment or change shall ever be a change that negatively affects existing owners of adjacent lands.

The undersigned residents are not looking to stop development but rather ensure that if a zoning change is made and any new development proposed plan is to be accepted it shall be in a thoughtful manner that improves our neighbourhood without negatively impacting existing owners. The undersigned agree that in character with the existing zoning along Baseline Rd. and the adjacent neighbourhood the appropriate change from a commercial to a residential zoning shall be to R2.

The undersigned existing property owners wish to make a formal Appeal of the proposed Zoning By-Law Amendment (File No. ZAC-17-067) and Concept Plan drawing sent in the March 2, 2018 documentation package.

Photo File Name: IMG_5654.jpg – Reference Paragraph





CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 20, 2018
SUBJECT/REPORT NO:	Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 417, 419, 421, and 423 Highway No. 8, 176 Millen Road, and 175 Margaret Avenue, (Stoney Creek) (Ward 10) (PED18065)
WARD(S) AFFECTED:	Ward 10
PREPARED BY:	Jacob Larsen (905) 546-2424 Ext. 5277
SUBMITTED BY:	Steve Robichaud Director, Planning & Chief Planner Planning and Economic Development
SIGNATURE:	

RECOMMENDATION

- (a) That **Urban Hamilton Official Plan Amendment Application UHOPA-17-15, by Sammani 786 Inc. (Owner)**, to redesignate a portion of the subject lands from “Low Density Residential 2b” to “Local Commercial” in the Western Development Area Secondary Plan; and to establish a Site Specific Policy Area to permit a three storey office / commercial building with a veterinary clinic on the ground floor and professional offices on the second and third floors, for the lands known as 417, 419, 421, and 423 Highway No. 8, and portions of 176 Millen Road, and 175 Margaret Avenue (Stoney Creek), as shown on Appendix “A” to Report PED18065, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED18065 be adopted by City Council; and,
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conform to the Growth Plan for the Greater Golden Horseshoe.
- (b) That **City of Stoney Creek Zoning By-law Amendment Application ZAC-17-028, by Sammani 786 Inc. (Owner)**, for a change in zoning from the Single Residential “R2” Zone to the General Commercial “GC-57” Zone, Modified (Block 1), to permit a three storey office / commercial building with a veterinary clinic on the ground floor and professional offices on the second and third floors; and from

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 417, 419, 421, and 423 Highway No. 8, 176 Millen Road, and 175 Margaret Avenue, (Stoney Creek) (Ward 10) (PED18065) - Page 2 of 25

the Single Residential “R2” Zone to the Single Residential “R2-64” Zone, Modified (Block 2) to permit an existing single detached dwelling with a reduced lot area, for the lands known as 175 Margaret Avenue (Stoney Creek), as shown on Appendix “A” to Report PED18065, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED18065, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and will comply with the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No. XX.
- (c) That approval be given to add the lands located at 417, 419, 421, and 423 Highway No. 8, and portions of 176 Millen Road and 175 Margaret Avenue (Stoney Creek), to Zoning By-law No. 05-200, and to zone said lands as Neighbourhood Commercial (C2, 673) Zone in Zoning By-law No. 05-200, subject to the following:
- (i) That the draft By-law, attached as Appendix “D” to Report PED18065, be held in abeyance until such time as the Commercial and Mixed Use Zones are in force and effect; and,
 - (ii) That staff be directed to bring forward the draft By-law, attached as Appendix “D” to PED18065, for enactment by City Council, once the Commercial and Mixed Use Zones are in force and effect.

EXECUTIVE SUMMARY

The purpose and effect of the proposed Official Plan Amendment is to amend the Western Development Area Secondary Plan of Volume 2 of the Urban Hamilton Official Plan by changing the land use designation of a portion of the subject lands from “Low Density Residential 2b” to “Local Commercial”, to establish a site specific policy to remove the maximum gross floor area of an individual business and to establish a maximum gross floor area of 1,800 sq m for any grouping of commercial uses.

The purpose and effect of the proposed Zoning By-law Amendment to the City of Stoney Creek Zoning By-law 3692-92 is to rezone the subject lands from the Single Residential “R2” Zone, to the General Commercial “GC-57” Zone, Modified, and the Single Residential “R2-64” Zone, Modified, and to introduce site specific performance

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standards in order to permit the development of a three storey commercial / office building with veterinary services on the ground floor and professional offices on the upper floors, as well as continued single detached residential use with a reduced lot area and reduced front and northerly side yards.

The proposed Official Plan Amendment and Zoning By-law Amendments have merit, and can be supported, as they are consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow) and comply with the Urban Hamilton Official Plan, subject to the recommended amendment.

Alternatives for Consideration – See Page 25

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider applications for amendments to the Official Plan and Zoning By-law.

HISTORICAL BACKGROUND

Proposal

The subject lands, totalling approximately 0.49 ha in area, are located on the north side of Highway No. 8, between Millen Road and Margaret Avenue, with a frontage of approximately 61.0 m along Highway No. 8 and a depth of approximately 60.0 m, upon completion of the proposed severance required to implement this proposal. The subject lands are currently occupied by two single residential dwellings along Highway No. 8 which will be replaced, two single residential dwellings on lots on Millen Road and Margaret Avenue which will remain, and an existing hair salon in a converted residential dwelling which will remain on Highway No. 8 as shown as Appendix “A” to Report PED18065.

On May 17, 2012, the lands located at 175 Margaret Avenue were the subject of a Consent and Minor Variance application. The Consent application was to sever the rear portion of 175 Margaret Avenue and merge the severed portion with the lands at 423 Highway No. 8. The Minor Variance application legalized a reduced lot size of 416 sq m at 175 Margaret Avenue. The severance of this parcel lapsed before the required

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conditions were satisfied and the parcel of land was therefore not created. However, the Minor Variance for the reduced lot size is approved and remains in effect.

The proposed three storey building is a rectangular form and will contain a veterinary clinic on the ground floor and commercial / offices on the two upper floors. The building has a proposed front setback of 3.0 m to the main building face, and 2.0 m to the entrance feature (upon completion of the required ROW widening), a westerly side setback of 3.0 m to the main building face and 2.5 m to the building articulation (see Site Plan and Elevations attached as Appendix "E" to Report PED18065). The existing building located at 423 Highway No. 8 and operating as a hair salon, is a converted single detached residential dwelling and will remain. There are 59 parking spaces provided in the proposed development and shared between existing and proposed buildings. A portion of the lots on which the single detached dwellings located at 176 Millen Road and 175 Margaret Road will be severed and consolidated with the office / commercial use fronting onto Highway No. 8. The remainder of these lots will remain as single residential dwellings.

The Official Plan Amendment application is to re-designate a portion of the subject lands from "Low Density Residential 2b" to "Local Commercial". This is needed to permit the proposed use, to permit a maximum gross floor area for any grouping of local commercial uses of up to 1,800 sq m and to remove the maximum gross floor area cap for an individual business.

The Zoning By-law Amendment application is to change the zoning from the Single Residential "R2" Zone to a modified General Commercial "GC" Zone, for the lands identified as Block 1 on Schedule "A" of Appendix "C" to Report PED18065, to change the zoning from the Single Residential "R2" Zone, to a modified Single Residential "R2" Zone, the lands identified as Block 2 on Schedule "A" of Appendix "C" to Report PED18065; and to establish site specific zoning regulations in order to permit the proposed three storey commercial / office building on the subject lands and for modifications to the remaining residential uses. The proposed modifications to the zoning regulations pertaining to Block 1 include: reduced minimum front yard setback, reduced minimum landscaped open space, reduced minimum landscape strip abutting a street, and reduced minimum number of parking spaces. The proposed modification to the zoning regulations pertaining to Block 2 is for a reduction in the minimum lot area and front and northerly side yards.

New Commercial and Mixed Use (CMU) Zones in Zoning By-law No. 05-200 have been Council adopted. The portion of the subject lands consisting of 419, 421, and 423 Highway No. 8 have previously been included in this by-law as Neighbourhood Commercial (C2, 579) Zone. The portion of the subject lands consisting of 417 Highway No. 8, 176 Millen Road, and 175 Margaret Avenue are not included within Zoning By-

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law No. 05-200. In anticipation of resolution of Ontario Municipal Board appeals pertaining to the CMU Zones in Q2 / 18 or Q3 / 18, a draft by-law has been prepared with this Report (attached as Appendix “D” to Report PED18065), to include 417 Highway No. 8, and the subject portions of 176 Millen Road and 175 Margaret Avenue into Zoning By-law No. 05-200. The draft by-law will be held in abeyance until the CMU Zones are in force and effect, at which time the by-law will be brought forward to City Council for enactment. The subject property is to be rezoned a modified Neighbourhood Commercial (C2) Zone. A number of site specific modifications are proposed to be carried forward from the General Commercial “GC-57” Zone in the Zoning By-law No. 3692-92 to recognize site specific zoning permissions.

Chronology

<u>March 7, 2017:</u>	Applications UHOPA-17-015 and ZAC-17-028 received.
<u>March 27, 2017:</u>	Applications UHOPA-17-015 and ZAC-17-028 deemed complete.
<u>April 4, 2017:</u>	Circulation of Notice of Complete Application and Preliminary Circulation for Applications UHOPA-17-015 and ZAC-17-028 to 166 property owners within 120 m of the subject lands.
<u>April 18, 2017:</u>	Public Notice Sign installed on subject lands.
<u>February 21, 2018:</u>	Public Notice Sign updated with Public Meeting Information.
<u>March 2, 2018:</u>	Circulation of the Notice of Public Meeting to 166 property owners within 120 m of the subject lands.

Details of Submitted Applications:

<u>Location:</u>	417, 419, 421 and 423 Highway No. 8, 176 Millen Road, and 175 Margaret Avenue, (Stoney Creek) (Ward 10)	
<u>Owner / Applicant:</u>	Sammani 786 Inc.	
<u>Agent:</u>	IBI Group (c/o Scott Arbuckle)	
<u>Property Description:</u>	<u>Lot Frontage:</u>	61.0 m
	<u>Lot Depth:</u>	60.0 m

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Lot Area: 4,877 sq m (0.49 ha)

Servicing: Existing Municipal Services

Existing Land Use and Zoning

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Single Detached Dwelling; Hair Salon	Single Residential "R2" Zone in Zoning By-law No. 3692-92 and Neighbourhood Commercial (C2, 673) Zone, Modified, in Zoning By-law No. 05-200

Surrounding

Land Uses

North	Single Detached Dwellings	Single Residential "R2" Zone
East	Automotive Services	General Commercial "GC-51" Zone
South	Retail	General Commercial "GC-18" Zone
	Restaurant	General Commercial "GC" Zone
West	Single Detached Dwelling	Single Residential "R2" Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2014). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Municipal

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Board approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (e.g. efficiency of land use, balanced growth, environmental protection and sensitive land uses) are reviewed and discussed in the Official Plan analysis that follows.

The PPS provides policies that support intensification and development, encourage a range and mix of housing, and promotes efficient development and land use patterns.

Section 1.1 of the Provincial Policy Statement states:

“Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns identifies that healthy, livable and safe communities are sustained by:

- a) Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) Accommodating an appropriate range and mix of residential (including second units, affordable housing, and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries, and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c) Avoiding development and land use patterns which may cause environmental or public health and safety concerns;”

The proposed development will result in the consolidation of four existing lots for commercial / office use and the creation of two smaller residential lots, where the current and future proposed use is single detached dwellings. The proposed development is a more intensive use of the subject lands. As such the proposed development promotes efficient development and land use patterns which support the PPS.

The proposed development will result in additional employment opportunities to help the City meet its long-term employment projections and which can meet the needs of the surrounding community. The proposed development is located within the Urban Boundary of the City of Hamilton, in an area serviced by existing municipal water, wastewater, and electric infrastructure. The proposed development minimizes land consumption and better utilization of existing infrastructure reduces servicing costs.

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Staff note that the Cultural Heritage policies have not been updated within the UHOP in accordance with the PPS (2014). The following policy of the PPS (2014) also applies:

“2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.”

The subject property meets two of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

- 1) Local knowledge associates areas with historic events / activities / occupations; and,
- 2) Along historic transportation routes.

Notwithstanding current surface conditions, these criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the Provincial Policy Statement apply to the subject applications. As such, staff have required an archaeological assessment. Consequently an Archaeological Assessment was prepared by AMICK Consultants Inc., and entered into the Ontario Public Register of Archaeological Reports. The Stage 1 & 2 Archaeological Assessment did not find any historical artifacts on the subject lands and archaeological potential has been addressed.

Therefore the proposal is consistent with the Provincial Policy Statement.

Growth Plan for the Greater Golden Horseshoe (2017)

The subject lands are located within the built-up area, as defined by the Growth Plan. Section 1.2.1 of the Growth Plan outlines a number of Guiding Principles regarding how land is developed, resources are managed and protected, and public dollars are invested. The subject proposal conforms to these Guiding Principles in that:

- It supports the achievement of *complete communities* that are designed to support healthy and active living and meeting people’s needs for daily living throughout an entire lifetime.

The Growth Plan is focused on accommodating forecasted growth in complete communities and provides policies on managing growth. The following policies, amongst others, apply:

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- “2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:
- a) The vast majority of growth will be directed to *settlement areas* that:
 - i. have a *delineated built boundary*;
 - ii. have existing or planned *municipal water and wastewater systems*; and,
 - iii. can support the achievement of complete communities.
- 2.2.1.4 Applying the policies of this Plan will support the achievement of *complete communities* that:
- a) feature a diverse mix of land uses, including residential and employment uses, convenient access to local stores, services, and *public service facilities*;
 - d) expand convenient access to:
 - i. a range of transportation options, including options for the safe, comfortable and convenient use of *active transportation*;

The subject application proposes a mixed use development comprising both a veterinary clinic and other office uses. The proposed development supports the achievement of complete communities by proposing a mixed use development that utilizes existing infrastructure, including transit.

The Growth Plan outlines the following policies to manage future growth:

- “2.2.5.1 Economic development and competitiveness in the *GGH* will be promoted by:
- a) making more efficient use of the existing *employment areas* and vacant and underutilized employment lands and increasing employment densities;
 - c) planning to better connect areas with high employment densities to transit;”
- “2.2.5.3 Retail and office uses will be directed to location that support *active transportation* and have existing or planned transit.”

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The subject lands are located within the built-up area of Hamilton, along a Secondary Corridor where the City directs intensification. The subject lands are located where full municipal services are available, along an existing transit route, and contribute to creating complete communities by providing additional employment opportunities and services for the area.

The proposal conforms to the Growth Plan for the Greater Golden Horseshoe.

Urban Hamilton Official Plan (UHOP)

The subject lands are designated as “Neighbourhoods” on Schedule “E-1” of the Urban Hamilton Official Plan (UHOP). Further, the subject lands are located on a Secondary Corridor on Schedule “E” – Urban Structure of the UHOP. Within the Western Development Area Secondary Plan of the UHOP, the subject lands are designated “Local Commercial” and “Low Density Residential 2b”. As such, the following policies, amongst others, apply to the proposal.

Secondary Corridor

- “E.2.4.3 Urban Corridors shall be the location for a range of higher density land uses along the corridor, including mixed uses where feasible, supported by higher order transit on the Primary Corridors.
- E.2.4.5 Secondary Corridors shall serve to link nodes and employment areas, or Primary Corridors.
- E.2.4.10 The built form along the Urban Corridors shall generally consist of low to mid rise forms, but will vary along the length of the corridors with some areas permitted to accommodate high density and high rise built form. The Primary Corridors shall have a greater proportion of the corridor length in retail and mixed use forms, while the Secondary Corridors shall generally accommodate retail and mixed use forms in small clusters along the corridors with medium density housing located between the clusters.
- E.2.4.11 Urban Corridors shall be a focus for intensification through the Neighbourhoods which they traverse. However, it is anticipated that intensification will also occur within the surrounding Neighbourhoods, particularly on sites along other arterial roads that are not designated as Urban Corridors.
- E.2.4.12 Secondary Corridors are currently characterized, in large measure, by single use buildings. The intent of this Plan is to evolve the Secondary

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Corridors to an increasing proportion of multiple storey, mixed use buildings in small cluster locations with at grade retail and service commercial uses.

- E.2.4.15 New development shall respect the existing built form of adjacent neighbourhoods where appropriate by providing a gradation in building height. New development shall locate and be designed to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods.
- E.2.4.16 Reductions in parking requirements shall be considered in order to encourage a broader range of uses and densities to support existing and planned transit routes.”

The subject lands are located along Highway No. 8 and the Official Plan directs higher densities and residential intensification along Highway No. 8, as it is a Secondary Corridor. The lands are serviced by #55 and #58 Stoney Creek bus routes, with a transit stop directly in front of the subject lands. Highway No. 8 is also a potential future high order transit corridor, specifically the potential future extension of the B-Line rapid transit line. As the proposal involves intensification on a Secondary Corridor, with a mixture of uses and services provided at grade, it complies with the Urban Corridors policies.

Neighbourhoods

The policy goals for the Neighbourhoods designation include developing neighbourhoods as complete communities that are compact, mixed use, transit supportive, and active transportation friendly.

- “E.3.2.1 Areas designated Neighbourhoods shall function as *complete communities*, including the full range of residential dwelling types and densities, as well as supporting uses intended to serve the local residents.
- E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E -1 – Urban Land Use Designations:
- a) residential dwellings, including second dwelling units and *housing with supports*;
 - b) local commercial uses.
- E.3.2.7 The City shall require quality urban and architectural design. Development of lands within the Neighbourhoods designation shall be designed to be

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safe, efficient, pedestrian oriented, and attractive, and shall comply with the following criteria:

- a) New development on large sites shall support a grid system of streets of pedestrian scale, short blocks, street oriented structures, and a safe and attractive public realm.
- b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized.
- c) Adequate and direct pedestrian access and linkages to community facilities/services and local commercial uses shall be provided.
- d) Development shall improve existing landscape features and overall landscape character of the surrounding area.
- e) Development shall comply with Section B.3.3 – Urban Design Policies and all other applicable policies.”

As the proposal involves a mix of commercial and office uses in accordance with the uses permitted under Policy E.3.2.3, the subject application complies with the intent and purpose of the Neighbourhoods general policies. The parking provided is located primarily behind the proposed building, and adequate pedestrian linkages are provided, as well as improvements to the overall landscape character of the area. Therefore, the proposal complies with the relevant policies related to the Neighbourhoods designation.

Noise

- “B.3.6.3.7 A noise feasibility study, or detailed noise study, or both, shall be submitted as determined by the City prior to or at the time of application submission, for development of residential or other noise sensitive land uses on lands in the following locations:
- a) 100 metres of a minor arterial road, as identified on Schedule C – Functional Road Classification;
 - b) 400 metres of a major arterial road, as identified on Schedule C – Functional Road Classification.”

A Noise Impact Study was prepared by HGC Engineering dated February 21, 2017, and submitted by the applicant. The study reviewed the acoustic requirements for this

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development with respect to traffic on Highway No. 8 and rooftop HVAC equipment. The Noise Report found that the potential noise from the proposed development on the nearest residential dwelling can comply with the Ministry of Environment and Climate Change (MOECC) criteria without any additional noise mitigation measures.

Urban Design

- “B.3.3.2.3 Urban design should foster a sense of community pride and identity by:
- a) respecting existing character, development patterns, built form, and landscape;
 - b) promoting quality design consistent with the locale and surrounding environment.
- B.3.3.2.4 Quality spaces physically and visually connect the public and private realms. Public and private *development* and *redevelopment* should create quality spaces by:
- a) organizing space in a logical manner through the design, placement, and construction of new buildings, streets, structures, and landscaping; and,
 - c) recognizing that every new building or structure is part of a greater whole that contributes to the overall appearance and visual cohesiveness of the urban fabric.
 - f) demonstrating sensitivity toward community identity through an understanding of the character of a place, context and setting in both the public and private realm.
- B.3.3.2.5 Places that are safe, accessible, connected and easy to navigate shall be created by using the following design applications, where appropriate:
- c) ensuring building entrances are visible from the street and promoting shelter at entrance ways.
- B.3.3.2.6 Where it has been determined through the policies of this Plan that compatibility with the surrounding areas is desirable, new development and redevelopment should enhance the character of the existing environment by:

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- a) complementing and animating existing surroundings through building design and placement as well as through placement of pedestrian amenities;
- d) complementing the existing massing patterns, rhythm, character, colour, and surrounding context; and,
- e) encouraging a harmonious and compatible approach to infilling by minimizing the impacts of shadowing and maximizing light to adjacent properties and the public realm.”

The proposed three storey office / commercial building has been designed to respect and enhance the existing character, development patterns and built-form of the area. This form is characterized by a mix of one to two storey single detached residential and local commercial uses fronting onto Highway No. 8. The proposal provides for an appropriate building typology along a major arterial road, which will contribute to the evolution of the Secondary Corridor into higher order, mixed use buildings. The site is organized so that the building is close to the street and is connected to the public realm via municipal sidewalks and proposed landscaping.

Western Development Area Secondary Plan

The subject lands are designated “Low Density Residential 2b” and “Local Commercial” in the Western Development Area Secondary Plan. The following policies for “Low Density Residential 2b” and “Local Commercial” from the Western Development Area Secondary Plan apply to the proposal:

- “7.1.1.3 Notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the Low Density Residential 2b designation identified on Map B.7.1-1– Western Development Area - Land Use Plan:
- a) the permitted uses shall be single, detached, and duplex dwellings and,
 - b) the density shall range from 1 to 29 units per net residential hectare.”

The single detached residential dwellings located at 176 Millen Road and 175 Margaret Avenue will remain and comply with the Secondary Plan policies.

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For the portion of the subject lands currently designated Local Commercial, the following policy applies to the proposal:

- 7.1.1.2 Notwithstanding Policy E.3.8.6 of Volume 1, on Lands designated Local Commercial on Map. B.7.1-1 Western Development Area – Land Use Plan, the maximum gross floor area of any individual commercial establishment shall be 500 square metres and the maximum gross floor areas of any grouping of local commercial uses shall be 1,500 square metres.”

The proposed Urban Hamilton Official Plan Amendment is necessary to re-designate the portion of the subject lands currently designated “Low Density Residential 2b” as “Local Commercial”, which will permit the proposed use. Additionally, a site specific policy is necessary to permit the proposed gross floor areas of local commercial uses. This will be discussed in greater detail in the Analysis and Rationale for Recommendation section of the Report.

Stoney Creek Zoning By-law No. 3692-92

The subject lands are currently zoned Single Residential “R2” Zone, in the former City of Stoney Creek Zoning By-law No. 3692-92. This zoning permits a single detached dwelling, a Home Occupation, and uses, buildings or structures accessory to a permitted use. There is also a previous Minor Variance for a reduced lot area for the lands located at 175 Margaret Avenue.

A Zoning By-law Amendment is required to facilitate the proposed redevelopment and would rezone the lands located at 417, 419, 421 and 423 Highway No. 8 and the rear portion of the lands located at 176 Millen Road and 175 Margaret Avenue from Single Residential “R2” Zone to a site specific General Commercial “GC” Zone. Additionally, a site specific rezoning on the residential portion of 175 Margaret Avenue is being requested to recognize the reduced lot area and reduced front and northerly side yards.

Site specific modifications will be required to implement the proposal, and are further discussed in the Analysis and Rationale for Recommendation section of Report PED18065.

Hamilton Zoning By-law No. 05-200

New Commercial and Mixed Use (CMU) Zones in Zoning By-law No. 05-200 have been Council adopted. The portion of the subject lands consisting of 419, 421, and 423 Highway No. 8 have previously been included in this by-law as Neighbourhood Commercial (C2, 579) Zone. The portion of the subject lands consisting of 417 Highway

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No. 8, 176 Millen Road, and 175 Margaret Avenue are not included within Zoning By-law No. 05-200. In anticipation of resolution of Ontario Municipal Board appeals pertaining to the CMU Zones, a draft by-law has been prepared with this report (attached as Appendix “D” to Report PED18065), to include 417 Highway No. 8, and the subject portions of 176 Millen Road and 175 Margaret Avenue into Zoning By-law No. 05-200. The draft by-law will be held in abeyance until the CMU Zones are in force and effect, at which time the by-law will be brought forward to City Council for enactment. The subject property is to be rezoned a modified Neighbourhood Commercial (C2) Zone. A number of site specific modifications are proposed to be carried forward from the General Commercial “GC-57” Zone in the Zoning By-law No. 3692-92 to recognize site specific zoning permissions.

RELEVANT CONSULTATION

The following internal departments and external agencies had no comments or objections to the applications:

- Corporate Assets and Strategic Planning Division, Public Works Department;
- Horizon Utilities;
- Recreation Planning, Community Services Department;
- Operations Support, Business Programs, Public Works Department; and,
- Trails, Parks and Open Space, Public Works Department.

The following Departments and Agencies submitted the following comments:

Hamilton Street Railway has advised that the #55 Stoney Creek Central and #58 Stoney Creek Local bus routes provide direct service to the subject lands and that street orientation, pedestrian entrances, short walking distances between buildings and transit service are preferable, and that establishing new employment uses within an easy walk of transit service will contribute positively to the long term sustainability of the Stoney Creek transit operations.

Transportation Management, Public Works Department advised that the Transportation Demand Management Initiatives initially included did not meet the City’s Transportation Demand Management (TDM) objectives. In response, the applicant submitted a memo outlining on-site bicycle parking and travel planning resources which would be made available in a central location, such as a lobby. Transportation Management also advises that providing no more than the minimum number of motor vehicle parking spaces is strongly supported by TDM. TDM measures will be finalized at the Site Plan Control stage.

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Forestry and Horticulture, Public Works Department advised that no Tree Management Plan is required as there are no municipal tree assets of significance on site. A Landscape Plan will be required at the Site Plan Control stage.

Corridor Management, Public Works Department has reviewed the Transportation Impact Study. The current Right of way width of the subject properties vary along Highway No. 8, with the smallest being 20.4 m. The Right of way requirements for Highway No. 8 according to the Volume 1 of the Urban Hamilton Official Plan - Schedule C-2 is 36.58 m. As a condition of Site Plan approval, the owner will be required to dedicate sufficient lands across the frontage of the subject properties adjacent to this roadway. The current Right of way width for the frontage of Millen Road at this location is 20.4 m. According to the Schedule C-2, the designated road allowance of Millen Road is 26.213 m. Therefore, as a condition of Site Plan approval, the owner will be required to dedicate sufficient lands across the frontage of the subject properties adjacent to this roadway. These requirements have been incorporated into the proposed concept.

During construction, all vehicles, equipment and materials must be kept on private property and cannot occupy the municipal sidewalk or roadway. A Road Occupancy permit must be obtained from Corridor Management should occupancy of the roadway be required. The applicant will also require an access permit to change the access from the existing access on Highway No. 8. A 5.0 m by 5.0 m visibility triangle is required between the driveway limits and the road allowance limits and the applicant must ensure that the areas adjacent to the driveways at the municipal roadways are clear of visual encumbrances. These items will be reviewed at the Site Plan Control stage.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and Council's Public Participation Policy, Notice of Complete Application and Preliminary Circulation was circulated to 166 property owners within 120 m of the subject lands on April 4, 2017. A Public Notice sign was also posted on the property on April 18, 2017 and updated with the Notice of the Public Meeting on February 21, 2018 with the Public Meeting date.

To date, one email was received from a local resident, with questions relating to privacy concerns of adjoining uses, construction and phasing. This written submission is appended as Appendix "F" to Report PED18065. A review of the concerns raised, including those raised in the neighbourhood information meeting, is contained in the Analysis and Rationale for Recommendation section of this Report.

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Public Consultation Strategy

Pursuant to the requirements of Bill 73 *Planning Act* changes, the applicant submitted a Public Consultation Strategy, dated March 1, 2017. This strategy included a neighbourhood meeting, attended by the local Ward Councillor and staff, held on June 22, 2017. Notification was sent to residents within 120 m of the subject lands and based on the sign-in sheets, eight people attended the information meeting. In addition to this meeting, the strategy identified existing requirements under the *Planning Act*, including the installation of a public notice sign on the property and circulation of a notification letter to property owners within 120 m of the property boundary.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe;
 - (ii) The proposal is considered to be compatible with the existing and planned neighbourhood; and,
 - (iii) The proposal is a form of compatible employment intensification, fulfilling key UHOP policies regarding the creation of complete communities and promoting a compact and efficient urban form of development and an efficient use of existing infrastructure.
2. The purpose of the proposed Official Plan Amendment is to re-designate a portion of the lands from the “Low Density Residential 2b” designation to the “Local Commercial” designation with a site specific policy to remove the restriction on gross floor area for a single local commercial use and to permit a gross floor area for any grouping of local commercial uses up to a maximum of 1,800 sq m.

As previously noted, the lands are located on a Secondary Corridor, on the periphery of the neighbourhood, on a major arterial road, where there is a mix of residential, commercial, and institutional uses. The subject lands are in close proximity to schools, places of worship, parks, institutional and community uses, retail and services uses. Two bus routes currently service the subject lands, and the bus stop is located on Highway No. 8 in front of the subject lands.

The BLAST network, as shown on Appendix B of Volume 1 of the UHOP, identifies Highway No. 8 as part of the B-Line. Phase 1 of the B-Line, which will extend to the Queenston traffic circle, has committed funding and is expected to commence

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construction in 2019. Phase 2 of the B-Line, to be constructed to Eastgate Square, will be a continuation of the LRT line. As per the BLAST network in the UHOP, it is intended to continue this rapid transit corridor along Highway No. 8 to Fruitland Road.

At three storeys, the proposed building is comparable in scale with respect to the two storey automotive service building to the east and the single storey detached residential building to the west along Highway No. 8. A landscaped front yard setback of 3.0 m (2.0 m to main entrance feature) will ensure the building relates directly to the street, while a rear yard setback of 33.9 m will provide sufficient buffer distance to single detached residential dwellings to the north. A landscape strip and tree plantings are also proposed along the rear and side lot lines, which will provide additional visual screening. The parking area associated with the proposed new commercial / office building will be separated from the remaining buildings located at 176 Millen Road and 175 Margaret Avenue by landscape areas ranging from 3.0 to approximately 10 m for the former, and 1.77 m to approximately 8 m for the latter.

To the west of the subject lands at 415 Highway No. 8, there is a single detached dwelling set back approximately 4.0 m from the shared property line. With a proposed side yard setback of 2.7 m (2.5 m from building articulation), and a zoning requirement for a minimum of 50% non-transparent glass in west-facing windows, the privacy concerns of the immediate neighbour are taken into account. Parking and loading will take place in the parking area located to the east and north of the building. A waste enclosure is proposed to be added alongside the existing hair salon.

The proposal has been designed to be a compatible built form with the neighbouring land uses, maintaining and respecting the character of the neighbourhood. The proposal is consistent with the pattern of development being introduced in the area, and is contributing to providing a range of employment types. Recognizing this transition toward greater local commercial uses, the proposal will preserve development opportunities with respect to potential redevelopment of the three existing residential uses to the west of the subject lands. Consolidation of these lots will allow future commercial redevelopment which is functionally and visually compatible with the proposed development. The removal of the Gross Floor Area (GFA) cap for an individual business and the increase in maximum GFA from 1,500 sq m to 1,800 sq m for any grouping of local commercial uses can be supported since the proposed development is comparable in scale to adjacent local commercial uses and would therefore not have a negative impact on the character of the neighbourhood.

Therefore staff are in support of the proposed Official Plan Amendment.

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3. The proposed Zoning By-law Amendment is required in order to implement the office/commercial portion of this development. As part of this proposed site specific amendment, modifications to the zoning regulations are also proposed in order to permit the development concept as submitted. The following modifications to the General Commercial "GC" Zone are proposed:

Permitted Uses

To ensure conformity with Section E.3.8.2 of the Urban Hamilton Official Plan, detailing Local Commercial policies, the site specific zoning restricts permitted uses to: Animal Hospital only if wholly enclosed within a building; Art Galleries; Athletic Clubs; Bakeries; Banks or Financial Institutions; Business or Commercial Schools; Car Washing Establishments; Convenience Food Stores; Day Nurseries; Dry Cleaning Depots; Equipment Rental, Sales or Repairs; Medical Clinics; Food Stores; Funeral Homes; Gasoline Bars; and Office.

Minimum Front Yard

Based on this proposed building design, the front yard setback varies from 2.03 m (rounded to 2.0 m for the proposed Zoning By-law) to 3.0 m. The Zoning By-law requires a minimum front yard setback of 7.5 m. The proposed reduction to the front yard setback allows for the building to be brought closer to the street, creating a more pedestrian friendly environment along Highway No. 8. Additionally, reduced front yard setbacks achieve compliance with City Urban Design guidelines. The front of the building is also in line with the front of the hair salon to the east, thereby further establishing a consistent street edge. Therefore, the reduced front yard setback is appropriate and supported by staff.

Minimum Landscape Open Space

The proposed development requires a reduced landscape strip of 1.75 m instead of the required 3.0 m landscape strip abutting a street. This reduction in the landscaped strip abutting a street is required to facilitate the reduced front yard setback and achieve the design and site layout envisioned for these lands.

The proposed development also involves a reduced landscape strip below the required 6.0 m landscaping strip abutting any other zone than commercial or industrial. A minimum 1.5 m landscaped strip has been proposed on property lines abutting any zone other than a commercial or industrial zone. The modification is minor and only required for approximately one third of the residential lot. In other locations a minimum of 3.0m will be maintained. Additionally, fencing and screening will be provided around the perimeter of the site to help reduce any potential impacts

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from the commercial lands on the neighbouring residential lands. Additionally, a 2.0 m landscape strip is proposed along the abutting commercial lands. Staff are in support of the proposed modifications.

Minimum Number of Loading Spaces

The Stoney Creek Zoning By-law requires one loading space for a commercial building with a gross floor area of 1,000 sq m – 1,999 sq m. The proposed development does not include loading spaces as the intended uses of the building do not result in the need for a dedicated loading space to be provided. Periodic loading of goods or materials will take place via the parking area, using the rear building doors. Staff are therefore in support of the proposed modification.

Minimum Number of Parking Spaces

The Stoney Creek Zoning By-law requires one parking space per 30 sq m of Business, Professional, and Medical Offices not located in a shopping centre and one parking space per 18.5 sq m of Personal Service Shops; based on the concept plan provided, this equates to 64 parking spaces. The proposal is to reduce the required parking on the subject lands from 64 spaces in Stoney Creek Zoning By-law No. 3692-92 and 63 parking spaces in Hamilton Zoning By-law No. 05-200 to 59 spaces, for all uses on the subject lands. The intention of this is that any future use on the lands will be deemed to comply with the Zoning By-law. Additionally, a Parking Study was prepared to justify the proposed reduction, and found that the reduction of five spaces was appropriate on the subject lands. Staff are supportive of the reduction of the number of parking spaces, as the subject lands are served by transit and alternative modes of transportation. Travel Demand Management measures such as the provision of bicycle parking spaces will encourage alternative modes of transportation to the automobile.

Parking Space Dimensions

The Stoney Creek Zoning By-law requires a minimum parking space size of 2.75 m wide and 5.80 m in length. While the concept plan reflects the current required minimum parking space dimensions, the applicant is requesting a site specific amendment in anticipation of potential changes to the minimum parking size to 2.75 m by 5.8 m in Hamilton Zoning By-law No. 05-200. In the event of such changes, this amendment will ensure a future Site Plan Control application is able to comply with the minimum number of spaces required by the adoption of this amendment. This space size has been considered by planning staff and deemed to be sufficient for this commercial use. This modification is minor in nature and is considered appropriate as the parking space sizes remain adequate in size and allows for

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sufficient space for vehicle parking and vehicle entry and exit. As such, staff are supportive of this modification.

Non-Vision Glass

The Stoney Creek Zoning By-law does not limit transparent vision glass; however, to mitigate concerns with respect to overlook on the existing residential use located at 415 Highway No. 8, limitations on vision glass on the west-facing windows of the proposed office / commercial building have been incorporated. The site specific Zoning By-law will therefore include a maximum of 50% of glazing on west-facing windows which shall be composed of transparent glass. This site specific requirement will ensure that west-facing windows mitigate overlook concerns while maintaining the building's coherent appearance. Staff are in support of this modification.

Maximum Gross Floor Area

The Stoney Creek Zoning By-law does not limit the maximum gross floor area of a permitted use or uses in the General Commercial "GC" Zone. However, to ensure alignment with the proposed Official Plan Amendment, the maximum gross floor area for combined commercial uses within a building will be 1,800 sq m. As By-law No. 3692-92 contains no limitation on the gross floor area for an individual commercial use within a building, no site specific zoning regulation is required.

4. Single Residential "R2-64" Zone

The creation of site specific General Commercial "GC-57" Zone entails the consolidation of portions of 176 Millen Road and 175 Margaret Avenue. In the case of 175 Margaret Avenue, this will require the creation of a site specific Single Residential "R2-64" Zone. The modifications to the zoning include permitting a reduced lot area of 420 sq m, a minimum front yard of 4.75 m, a minimum side yard on the north side of 1 m, the projection of a bay window and porch into the front yard, and the projection of an air conditioner within northerly side yard no closer than 0.4 m from the side lot line. The reduced lot area has been approved under Minor Variance SC/A-12:68. However, these permissions will be lost with the passage of the proposed site specific zoning by-law. The reduced front and northerly side can be supported as this is considered minor, and is a condition observed at a nearby single detached residential dwelling on Margaret Avenue. The projection of the air conditioner within the side yard, as well as the projection of the bay window and porch into the front yard, are similarly considered minor in nature, and were existing prior to this application. Therefore, staff are in support of the modifications.

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 417, 419, 421, and 423 Highway No. 8, 176 Millen Road, and 175 Margaret Avenue, (Stoney Creek) (Ward 10) (PED18065) - Page 23 of 25

5. Lands comprised of 419, 421, and 423 Highway No. 8 are currently zoned Neighbourhood Commercial (C2, 579), Modified, in Zoning By-law No. 05-200. A draft by-law has been prepared to add 417 Highway No. 8 and portions of 176 Millen Road and 175 Margaret Avenue to Zoning By-law No. 05-200 and establish a new modified Neighbourhood Commercial (C2) Zone. The implementing by-law will be held in abeyance until the Commercial and Mixed Use Zones are in force and effect, at which time the draft by-law will be brought forward to City Council for enactment.

The implementing By-law for Zoning By-law No. 05-200 attached as Appendix “D” to Report PED18065, proposes a modified Neighbourhood Commercial (C2) Zone. A number of site specific modifications are proposed to be carried forward from the General Commercial “GC-57” Zone into Zoning By-law No. 05-200 to reflect the proposed development. The proposed modifications are as follows:

- Minimum number of parking spaces reduced;
 - Parking design standards do not apply;
 - Increase in the maximum building setback from the street line to the existing building;
 - Increase in maximum height;
 - A limit in the proportion of transparent vision glass located on the west facing windows;
 - A limit on the maximum gross floor area for commercial uses on a lot; and,
 - Minimum interior side yard reduced.
6. This proposal will be subject to Site Plan Control. As part of this application, the applicant will be required to submit a Landscape Plan. These plans will address the landscaping provisions of the draft Zoning By-law Amendment. In addition, additional design matters will be further reviewed at the Site Plan Control stage relating to pedestrian access / circulation, barrier-free accessibility, grading, drainage, right-of-way dedications, and site details for the visitor parking spaces and architectural design and materials. Furthermore, should any encroachment agreements be required to permit the landscaping and walkway features on the City right-of-way, these would also be secured through the Site Plan Control process.
7. With respect to engineering details, Development Engineering advises that they have no concerns with the Official Plan or Zoning Amendment applications proceeding to approval. All outstanding servicing, stormwater management, grading, municipal road improvements, etc. will be reviewed in more detail at the Site Plan application review and approval stage.

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 417, 419, 421, and 423 Highway No. 8, 176 Millen Road, and 175 Margaret Avenue, (Stoney Creek) (Ward 10) (PED18065) - Page 24 of 25

The subject location is within the delineation of the Intake Protection Zone for Hamilton's Municipal Water Intake. The proposed land use is acceptable within this regulated area. If dewatering is required for construction activities, the proponent is reminded that any dewatering discharge leaving the site must conform to City of Hamilton sewer by-laws.

Water service for the proposed development can be provided by the existing 400 mm diameter municipal watermain on Highway No. 8. At the time of the Site Plan Control application, the proponent shall update the domestic and fire flow demands in order to demonstrate that water servicing requirements have been satisfied.

Separated systems are available on Highway No. 8 for collection of storm water from the redevelopment. The proposed design is to capture and manage site runoff up to the 100-year storm event and convey flows to the Highway 8 storm sewer. In an emergency overland flow situation (an event greater than the 100-year storm event) runoff is conveyed north, as is the case under existing site conditions.

For Site Plan Control, the applicant is required to submit a "detailed submission" with an illustration of all private networks both for sanitary and minor storm water management. The submission should address comments received from Development Engineering.

The proponent shall ensure that the Fire Department / Building Department is satisfied with the hydrant coverage, accessibility and provisions for firefighting within the development.

8. To date, one submission from the neighbouring property owner has been received. In addition, Planning staff was in attendance at a neighbourhood meeting where comments and concerns were raised. The letter received is attached as Appendix "F" to Report PED18065 and the concerns are discussed further below.

Loss of Sunlight / Lack of Privacy

The immediately adjacent resident expressed some concern with the potential shadow impact of the proposed building on the rear yards of their property. Privacy and overlook concerns have been addressed through provision in the site specific by-law to use non-transparent glazing on a minimum of 50% of the second and third storey windows on the west-facing wall. There is no shadow impact on this residence, as the shadow would be cast at the northern limit of any adjacent property by the sun located in the southern portion of the sky.

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 417, 419, 421, and 423 Highway No. 8, 176 Millen Road, and 175 Margaret Avenue, (Stoney Creek) (Ward 10) (PED18065) - Page 25 of 25

Construction Issues

Concerns were also raised about the contractors' responsibilities with respect to adjacent properties. A Construction Management Plan will be required prior to issuance of a building permit.

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the subject lands could be developed in accordance with the existing Single Residential "R2" Zone and Neighbourhood Commercial (C2, 579) Zone provisions.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

- Appendix "A": Location Map
- Appendix "B": Draft Official Plan Amendment
- Appendix "C": Draft Zoning By-law Amendment for Stoney Creek Zoning By-law No. 3692-92
- Appendix "D": Draft Zoning By-law Amendment for Hamilton Zoning By-law No. 05-200
- Appendix "E": Concept Site Plan and Elevations
- Appendix "F": Public Submissions

JL:mo

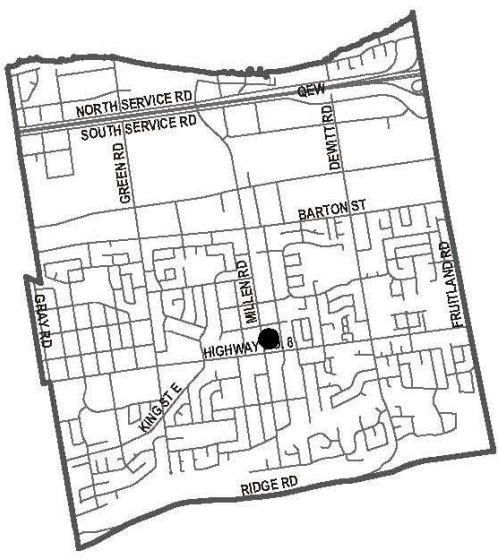
OUR Vision: To be the best place to raise a child and age successfully.

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● Site Location



Key Map - Ward 10

N.T.S.

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
 ZAC-17-028 / UHOPA-17-15

Date:
 February 5, 2018

Appendix "A"

Scale:
 N.T.S.

Planner/Technician:
 VM/VS

Subject Property

417, 419, 421 & 423 Highway No. 8
 176 Millen Road & 175 Margaret Avenue

Change in zoning from the Single Residential "R2" Zone to the Single Residential "R2-64" Zone

Change in zoning from the Single Residential "R2" Zone to the General Commercial "GC-57" Zone

Schedule 1

**DRAFT Urban Hamilton Official Plan
Amendment No. X**

The following text, together with Appendix "A" – Western Development Area Secondary Plan Land Use Plan – Volume 2, Map B.7.1-1 attached hereto, constitutes Official Plan Amendment XX to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to change the land use designation for the lands located at 417 Highway No. 8, and portions 176 Millen Road and 175 Margaret Avenue from "Low Density Residential 2b" to "Local Commercial"; and add a Site Specific Policy Area to lands located at 417, 419, 421, and 423 Highway No. 8, and portions of 176 Millen Road and 175 Margaret Avenue within the Western Development Area Secondary Plan to remove the restriction on gross floor area for a single local commercial use and to permit a three (3) storey commercial/office building with a maximum gross floor area of 1,800 square metres for any grouping of local commercial uses.

2.0 Location:

The lands affected by this Amendment are located at 417, 419, 421, & 423 Highway No. 8, 176 Millen Road and 175 Margaret Avenue, in the former City of Stoney Creek.

3.0 Basis:

The basis for permitting this Amendment is as follows:

- The Amendment is in general conformity with the Urban Hamilton Official Plan, including general policies pertaining to promoting compact, mixed use urban communities.
- The proposed development meets the requirements of the "Local Commercial" designation, save and except for the maximum gross floor area for an individual business, and the maximum gross floor area of any grouping of local commercial uses.
- The proposed development makes efficient use of the urban land and existing infrastructure and services and, is suitably located adjacent to a minor arterial road (Highway No. 8) with access to public transit.

Schedule 1

- The proposed development is compatible with the surrounding development, will contribute to the community, and will serve both existing and future residents.
- The proposed amendment is consistent with the Provincial Policy Statement 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017.

4.0 **Actual Changes:**

4.1 **Text Changes:**

Volume 2 – Stoney Creek Secondary Plans

4.1.1 Chapter B – Chapter B.7.1 Western Development Area Secondary Plan

- a. That Volume 2: Chapter B – Chapter B.7.1 Western Development Area Secondary Plan be amended by adding a new Site Specific Policy, as follows:

"Site Specific Policy – Area X

- 7.1.5.X** Notwithstanding Policy E.3.8.8 of Volume 1 and Policy B.7.1.2.2 of Volume 2, for lands located at 417, 419, 421, & 423 Highway No. 8, and portions of 176 Millen Road and 175 Margaret Avenue, designated "Local Commercial", and identified as Site Specific Policy - Area "X" on Map B.7.1-1 – Western Development Area Secondary Plan – Land Use Plan, the maximum gross floor area for an individual business shall not apply, and the maximum gross floor area for any grouping of local commercial uses shall be 1,800 square metres.

Schedules and Appendices

4.1.2 Appendices

- a. That Volume 2, Map B.7.1-1 – Western Development Area Secondary Plan – Land Use Plan be amended by:
 - i. Re-designating a portion of the subject lands from "Low Density Residential 2b" to "Local Commercial"; and

Schedule 1

ii. Adding Site Specific Policy – Area "X" to the subject lands,
as shown on Appendix "A", attached to this Amendment.

5.0 Implementation:

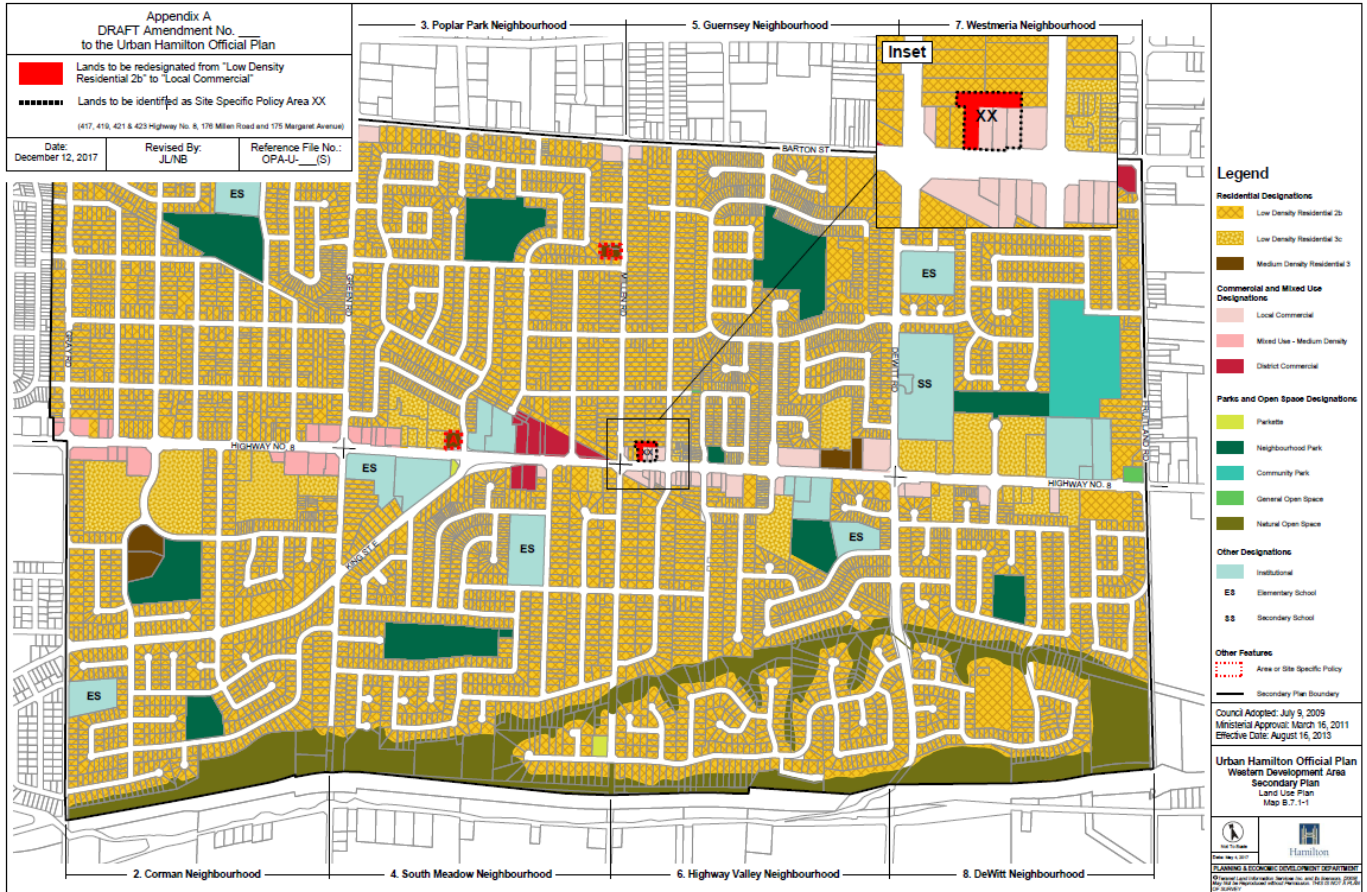
An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule "1" to By-law No. _____ passed on the day of month, 2018.

**The
City of Hamilton**

Fred Eisenberger
MAYOR

Rose Caterini
CITY CLERK



Authority	Item
	Report (PED18XXX)
	CM:
	Ward: 10

CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-law No. 3692-92 Respecting Lands Located at 417, 419, 421, and 423 Highway 8, 176 Millen Road, and 175 Margaret Avenue, Stoney Creek

WHEREAS the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the "The Corporation of the City of Hamilton" and is the successor to the former regional municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

AND WHEREAS the *City of Hamilton Act, 1999* provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8th day of December 1992, and approved by the Ontario Municipal Board by Order on the 31st day of May 1994;

AND WHEREAS the Council of the City of Hamilton, in adopting Item _____ of Report 18-_____ of the Planning Committee, at its meeting held on the _____ day of _____ 2018, recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan upon adoption of UHOPA No. _____;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map No. 6 of Schedule "A," appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended as follows:
 - a) by changing the zoning from the Single Residential "R2" Zone to the General Commercial "GC-57" Zone, Modified, for the lands comprised

g) Minimum Landscape Open Space

1. A landscape strip having a minimum width of 1.75 metres shall be provided adjacent to every portion of any lot line that abuts a street except for points of ingress and egress.
2. A landscaped strip having a minimum width of 1.5 metres shall be provided adjacent to every portion of any lot line that abuts any zone other than a commercial or industrial zone.

Notwithstanding Section 4.9.2, loading spaces shall not be required.

Notwithstanding the provisions of Paragraph (a) of Section 4.10.3 the minimum dimension of a parking space shall be 2.75 metres in width by 5.8 metres in length.

Notwithstanding Section 4.10.9, Schedule of Minimum Parking Requirements, a minimum of 59 parking spaces shall be provided for all uses on the subject lands.

A maximum of 50% of glazing on west facing windows shall be composed of transparent vision glass.

3. That Subsection 6.3.7 "Special Exemptions", of Section 6.3 Single Residential "R2" Zone of the Zoning By-law No. 3692-92, be amended by adding a new Special Exemption, "R2-64", as follows:

"R2-64" 175 Margaret Avenue, Schedule "A", Map No. 6

Notwithstanding the provisions of Paragraphs (a), (c), & (d) of Section 6.3.3 "Zone Regulations" of Zoning By-law No. 3692-92, the following shall apply to the lands identified as Block 2 on Schedule "A" for the dwelling existing at the date of the passing of this By-law:

- | | | |
|----|---------------------------|--------------|
| a) | Minimum Lot Area | 420.0 metres |
| c) | Minimum Front Yard | 4.75 metres |
| d) | Minimum Side Yard (North) | 1.0 metres |

Notwithstanding Section 4.16 an air conditioner shall be permitted within the northerly side yard, not closer than 0.4 metres from the northerly lot line.

Notwithstanding the provisions of Paragraph (a) of Section 4.19 a bay window may project into the front yard not more than 0.6 metres.

Notwithstanding the provisions of Paragraph (d) of Section 4.19 an unenclosed porch may project into the front yard not more than 2.7 metres.

4. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the General Commercial "GC" Zone provisions and the Single Residential "R2" Zone provisions, subject to the special requirements referred to in Sections 2 and 3.

5. In all other respects, By-law No. 3692-92 is hereby confirmed, unchanged.

That the Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED and ENACTED this day of , 2018.

Fred Eisenberger
Mayor

City Clerk

ZAC-17-028



This is Schedule "A" to By-law No. 18-
Passed the day of, 2018

Mayor


Clerk


Schedule "A"

Map Forming Part of
By-law No. 18-_____

to Amend By-law No. 3692-92

Subject Property
417, 419, 421 & 423 Highway No. 8
176 Millen Road & 175 Margaret Avenue

 **Block 1** - Change in zoning from the Single Residential "R2" Zone to the General Commercial "GC-57" Zone

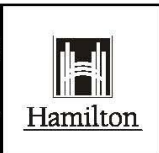
 **Block 2** - Change in zoning from the Single Residential "R2" Zone to the Single Residential "R2-64" Zone

Scale:
N.T.S.

File Name/Number:
ZAC-17-028 / UHOPA-17-15

Date:
Feb. 5, 2018

Planner/Technician:
JL/VS



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Appendix "C" to Report PED18065

Page 6 of 6

For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law

Is this by-law derived from the approval of a Committee Report? Yes

Committee: PC

Report No.: PED18XXX

Date: 03/20/2018

Ward(s) or City Wide: Ward 10

(MM/DD/YYYY)

Prepared by: Jacob Larsen

Phone No: 5277

For Office Use Only, this doesn't appear in the by-law

----- Original message -----

From: mjfoxcorvette <mjfoxcorvette@gmail.com>

Date: 2017-04-24 1:29 PM (GMT-05:00)

To: Valeria.Maurizio@hamilton.ca, Maria.Pearson@hamilton.ca, sonya fox
<sonyafox8@gmail.com>

Subject: File ZAC-17-028 UHOPA-17-15

Hi we are Michael and Sonya Fox

415 highway 8

Stoney Creek

As the only owner occupants and neighbours to the adjoining properties.

Our concerns are how this new building effect our privacy in our yard. Will the building block the sun to our garden.

During construction what are the responsibilities of the contractor as to the cleanliness of our property . Especially to the protection of our 2 high end sports cars. Also to the safety of our 2 dogs and 2 cats.

Also we there be communication with us to ensure we are aware of phases of construction that will effect us.

Thank You

Michael and Sonya Fox

Sent from my Galaxy Tab® A

Authority:
Ward: 6
Bill No.:**CITY OF HAMILTON****BY-LAW NO. _____**

A By-law to amend Zoning by-law 05-200 respecting lands located at 417, 419, 421, & 423 Highway No. 8, and a portion of the lands located at 176 Millen Road and 175 Margaret Avenue (Stoney Creek)

WHEREAS Council approved Item __ of Report _____ of the Planning Committee, at its meeting held on March 20, 2018;

AND WHEREAS this By-law conforms to the Urban Hamilton Official Plan, upon finalization of Official Plan Amendment No. XX;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map No. 1252 of Schedule "A" – Zoning Maps, of Zoning By-law No. 05-200 is amended as follows:
 - a. By rezoning 419, 421, and 423 Highway No. 8 from Neighbourhood Commercial (C2, 579) Zone to Neighbourhood Commercial (C2, 673) Zone, the lands to the extent and boundaries shown as "Block 1" on Schedule "A" to this By-law; and,
 - b. By removing the lands known as 417 Highway No. 8, and a portion of 176 Millen Road and 175 Margaret Avenue, the lands to the extent and boundaries of which are shown as "Block 2" on Schedule "A" to this By-law, from the City of Stoney Creek Zoning By-law 3692-92 and adding said lands into to the City of Hamilton Zoning By-law 05-200; and,
 - c. By establishing a Neighbourhood Commercial (C2, 673) Zone, to the lands the extent and boundaries of which are shown together as "Block 1" and "Block 2" on Schedule "A" to this By-law.

2. That Schedule "C" – Special Exceptions of By-law No. 05-200 is hereby amended by removing 419, 421, and 423 Highway No. 8 from Special Exception No. 579.
3. That Schedule "C" – Special Exceptions, of By-law No. 05-200 is hereby amended by adding an additional special exception as follows:

"673 Within the lands zoned Neighbourhood Commercial (C2, 673) Zone, identified on Map No. 1252 of Schedule "A" Zoning Maps and described as 417, 419, 421, & 423 Highway No. 8, and the rear portions of the lands located at 176 Millen Road and 175 Margaret Avenue, the following special provisions shall apply:

a) Notwithstanding Sections 5.2b), h) and 5.6 c) the following special parking regulations shall apply:

i) **Parking Space Size Dimension** A minimum parking space size dimension of 2.75 metres by 5.8 metres shall be provided;

iii) Section 5.2 h) shall not apply.

iv) **Minimum Parking Requirement** 59 parking spaces shall be provided and maintained for the entire site.

b) In addition to Section 10.2.3 a) ii) and Notwithstanding Sections 10.2.3 c) ii), d), f), and g) the special regulations shall apply:

i)	Maximum Building Setback from a Street Line	5.3 metres for the building existing on the date of the passing of this By-law.
ii)	Minimum Interior Side Yard	2.7 metres abutting a Residential or Institutional Zone or lot containing a residential use;
iii)	Maximum Height	15.0 metres;
iv)	Section 10.2.3 f) shall not apply;	
v)	Maximum Gross Floor Area for Commercial Uses on a Lot	1,800 square metres;

vi)	Maximum Glazing of Façade	A maximum of 50% of glazing on west facing windows shall be composed of transparent vision glass.

4. That the Clerk is hereby authorized and directed to proceed with the giving of the notice of passing of this By-law, in accordance with the *Planning Act*.

PASSED and ENACTED this _____ day of _____, 2018

F. Eisenberger
MAYOR

CITY CLERK

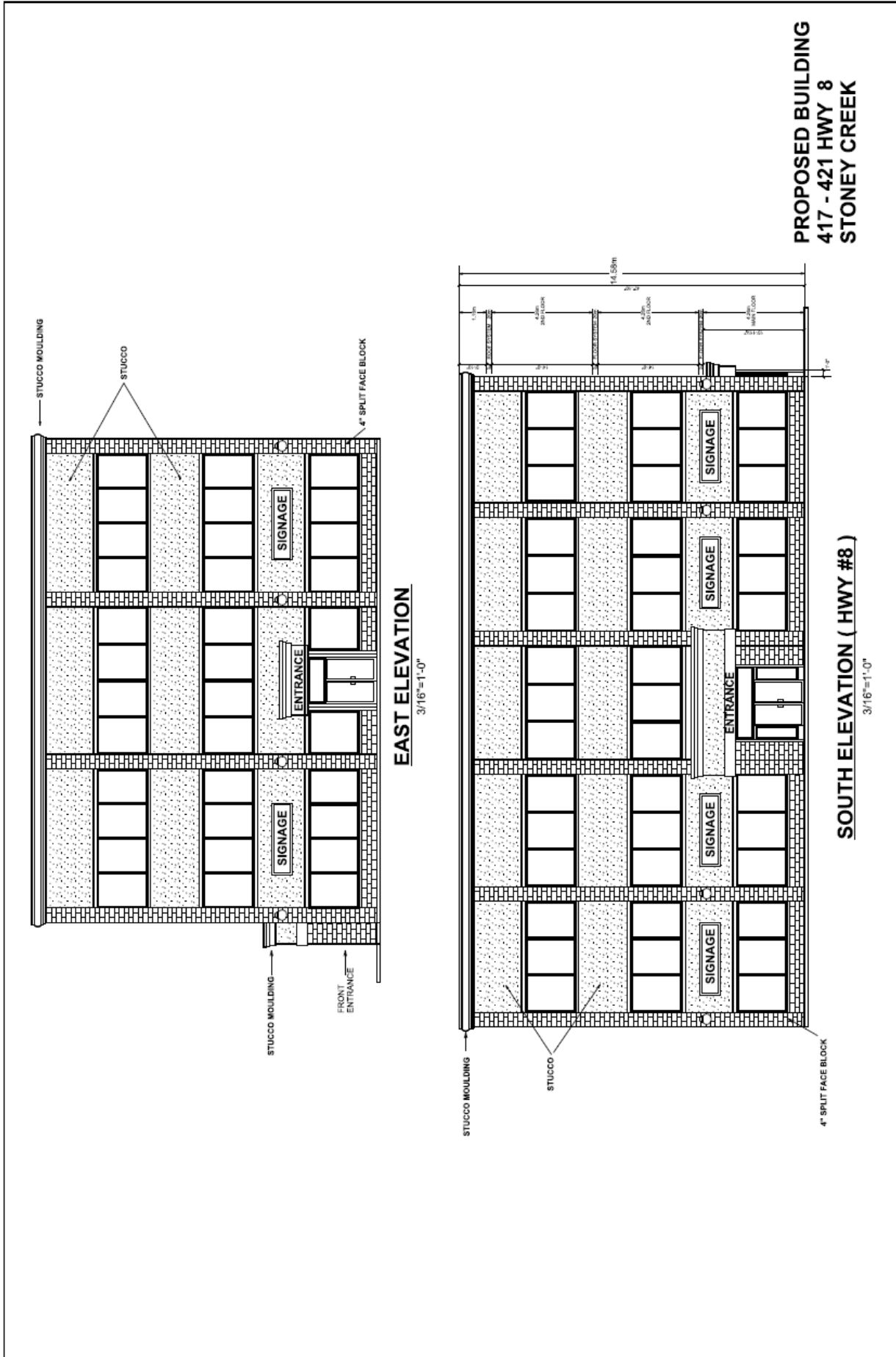
ZAC-17-028



<p>This is Schedule "A" to By-law No. 18-</p> <p>Passed the day of, 2018</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
--	---

<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 18-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 05-200 Map 1252</p>	<p>Subject Property 417, 419, 421 & 423 Highway No. 8 176 Millen Road & 175 Margaret Avenue</p> <p> Block 1 - Change in zoning from Neighbourhood Commercial (C2, 579) Zone to Neighbourhood Commercial (C2, 673) Zone</p> <p> Block 2 - Lands to be added to City of Hamilton Zoning By-law No. 05-200 Neighbourhood Commercial (C2, 673) Zone</p>
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<p>Scale: N.T.S.</p>	<p>File Name/Number: ZAC-17-028/UHOPA-17-15</p>	
<p>Date: Feb. 5, 2018</p>	<p>Planner/Technician: JL/VJS</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		





CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 20, 2018
SUBJECT/REPORT NO:	Applications to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 163 Jackson Street West (Ward 2) (PED18040)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Adam Lucas (905) 546-2424 Ext. 7856
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Urban Hamilton Official Plan Amendment Application UHOPA-17-027, by Television City Hamilton Inc., Owner**, to re-designate the lands from “Medium Density Residential” to “Mixed Use Area” in the Downtown Hamilton Secondary Plan to permit a multiple dwelling, consisting of two tower elements connected at the base between the buildings on the ground level having a maximum building height of 125.0 m (40 storeys) and 94.3 m (30 storeys), on lands located at 163 Jackson Street West, Hamilton, as shown on Appendix “A” to Report PED18040, be **DENIED** on the following basis:
- (i) That the proposed amendment to the Official Plan does not comply with the policies and intent of the Urban Hamilton Official Plan and Downtown Hamilton Secondary Plan, with regards to matters including but not limited to, built form and compatible integration with the surrounding context, and sun shadow impacts.
- (b) That **Zoning By-law Amendment Application ZAC-17-063, by Television City Hamilton Inc., Owner**, for a modification to the Downtown Multiple Residential (D6) Zone to permit a mixed use development consisting of two tower elements connected at the base between the buildings on the ground level, having a maximum building height of 125.0 m (40 storeys) and 94.3 m (30 storeys) and to permit retail, office and restaurant uses, for lands located at 163 Jackson Street West, Hamilton, as shown on Appendix “A” to Report PED18040, be **DENIED** on the following basis:

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OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Applications to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 163 Jackson Street West (Ward 2) (PED18040) - Page 2 of 45

- (i) That the proposed change in zoning does not comply with the policies and intent of the Urban Hamilton Official Plan and Downtown Hamilton Secondary Plan, with regards to matters including but not limited to, built form and compatible integration with the surrounding context, and sun shadow impacts.

EXECUTIVE SUMMARY

The Owner, Television City Hamilton Inc., has applied for an Urban Hamilton Official Plan Amendment and a Zoning By-law Amendment to permit the redevelopment of lands located at 163 Jackson Street West in the former City of Hamilton (see Appendix “A” to Report PED18040). More specifically, the applications propose to permit a mixed use development consisting of two tower elements, being 40 storeys and 30 storeys, connected at the base between the buildings on the ground level having a maximum height of 125.0 m (40 storeys) and 94.3 m (30 storeys) respectively. The proposal is for a total of 618 dwellings units, four commercial units at grade, 500 bicycle parking spaces and 397 vehicular parking spaces located in a six level underground parking garage. Further, the proposed development includes the adaptive reuse and addition to the existing designated building on site, commonly known as the Pinehurst Residence and formerly used as a television production studio and associated offices for CHCH Television.

The Urban Hamilton Official Plan Amendment proposes to re-designate the lands from “Medium Density Residential” to “Mixed Use Area” to permit a mixed use development consisting of two tower elements connected at the base between the buildings on the ground level having a maximum building height of 125 m (40 storeys) and 94.3 m (30 storeys).

The Zoning By-law Amendment proposes to modify the Downtown Multiple Residential (D6) Zone to add retail, office and restaurant to the list of permitted uses, permit a maximum building height of 125.0 m, reduce the minimum number of vehicle parking spaces, establish minimum bicycle parking spaces, and minimum amenity area requirements, and increase the maximum front and flankage yard setbacks.

The proposal fails to adequately address the “Downtown Mixed Use Area” designation, residential intensification and urban design policies of the Urban Hamilton Official Plan (UHOP), and the “Mixed Use Area” and “Medium Density Residential” designations and general policies and urban design policies of the Downtown Hamilton Secondary Plan. It is a form of high density, mixed use development that would be incompatible with the established character of the area. As such, staff are recommending that the applications be denied.

Alternatives for Consideration – See Page 44

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SUBJECT: Applications to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 163 Jackson Street West (Ward 2) (PED18040) - Page 3 of 45

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider applications for an amendment to the Official Plan and Zoning By-law.

HISTORICAL BACKGROUND

Proposal:

The subject property is municipally known as 163 Jackson Street West. The property is an irregular L-shaped site having a lot area of 4,468 sq m (1.1 ac). The site is located along three street frontages being Hunter Street West to the south, Caroline Street South to the east and Jackson Street West to the north, and is within the Durand neighbourhood of Downtown Hamilton (see Appendix “A” to Report PED18040).

The property currently contains a three storey building occupied as a television studio (CHCH TV) which flanks the corner of Hunter Street West and Caroline Street South. Also, an existing designated heritage building, known as the Pinehurst Residence, is situated along the Jackson Street West frontage.

The purpose of the Urban Hamilton Official Plan Amendment and Zoning By-law Amendment applications is to permit a mixed use development consisting of two tower elements, being 40 storeys and 30 storeys, connected at the base between the buildings on the ground level, having a maximum height of 125.0 m and 94.3 m respectively based on the submitted elevation drawings. The proposed development is located along the Hunter Street West and Caroline Street South frontages (see Appendix “B” to Report PED18040). The proposal is for a total of 618 dwelling units, four commercial units at grade, 500 bicycle parking spaces and 397 vehicular parking spaces located in a six level underground parking garage. Further, the proposal includes both private indoor amenity spaces and a 2nd level outdoor amenity area. Moreover, the proposed development includes the adaptive reuse of the existing designated building in its current location, Pinehurst Residence, along with an addition, and the redevelopment of the existing asphalt parking lot along Jackson Street West with a publicly accessible but privately owned seating court and outdoor patio area, which is consistent with the proposed updates to the Downtown Secondary Plan to encourage Privately Owned Public Spaces (POPS).

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Chronology:

- August 10, 2017: Urban Hamilton Official Plan Amendment Application UHOPA-17-027 and Zoning By-law Amendment Application ZAC-17-063 received.
- August 21, 2017: Official Plan Amendment Application UHOPA-17-027 and Zoning By-law Amendment Application ZAC-17-063 deemed incomplete.
- September 6, 2017: Receipt of outstanding information (i.e. signed Formal Consultation Document and Public Consultation Strategy) from Applicant.
- September 12, 2017: Applications UHOPA-17-027 and ZAC-17-063 deemed complete.
- September 28, 2017: Notice of Complete Applications and Preliminary Circulation were sent to 2,573 tenants / property owners within 120 m of the subject property. Also, a Public Notice Sign was posted on site.
- November 9, 2017: Preliminary proposal presented to Design Review Panel (DRP).
- November 14, 2017: Applicant launched public microsite with application details.
- December 6, 2017: Public information meeting held by the Applicant.
- February 21, 2018: Public Notice published in the Hamilton Spectator.
- March 2, 2018: Circulation of the Notice of Public Meeting to 2,573 tenants / property owners within 120 m of the subject property.

Details of Submitted Application:

- Owner / Applicant:** Television City Hamilton Inc. (c/o Ilana Shteinberg)
Agent: Bousfields Inc. (c/o David Faletta)
- Location:** 163 Jackson Street West (see Appendix "A" to Report PED18040)
- Property Description:** Lot Frontage: 28.97 m (Jackson Street West)

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80.47 m (Caroline Street South)
70.38 m (Hunter Street West)

Lot Depth: 80.47 m

Lot Area: 4,468 sq m (1.1 ac)

Servicing: Existing Full Municipal Services

Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Property:</u>	Commercial building occupied by a television studio and a two storey heritage building currently utilized as a sales centre	Downtown Multiple Residential (D6) Zone

Surrounding Lands:

North	Office	Downtown Multiple Residential (D6) Zone
East	Single detached dwellings	Downtown Residential (D5) Zone
South	Retail Variety Store and Multiple Dwelling	High Density Multiple Dwelling (E-3) District and High Density Multiple Dwelling (E-3/S-802) District, Modified
West	Multiple Dwellings	Downtown Multiple Residential (D6) Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (2014). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The following policies, amongst others, apply to the proposed development.

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Settlement Areas

With respect to Settlement Areas, the PPS provides the following:

- “1.1.3.1 *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted.
- 1.1.3.2 Land use patterns within *settlement areas* shall be based on:
- a) densities and a mix of land uses which:
 1. efficiently use land and resources;
 2. are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
 3. minimize negative impacts to air quality and climate change, and promote energy efficiency;
 4. support *active transportation*;
 5. are *transit-supportive*, where transit is planned, exists or may be developed;
 6. are *freight-supportive*; and,
 - b) a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.”

The subject property is located within a settlement area as defined by the PPS and more specifically located within Downtown Hamilton. The proposed mixed use building, consisting of 618 dwelling units and four commercial units at grade would contribute to the mix of land uses in Downtown Hamilton that would efficiently use land and existing infrastructure, and represents a form of intensification. The application seeks a reduction in the amount of required vehicular parking spaces, provides 500 bicycle parking spaces and the subject lands are located in close proximity to the Hunter GO Station. As such, the proposed conforms with the aforementioned provisions of the Growth Plan.

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Housing

- “1.4.3 Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the *regional market area* by:
- b) permitting and facilitating:
 - 1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements;”

The applications propose to construct a mixed use development consisting of varying dwelling sizes (i.e. studio, one bedroom, two bedroom and three bedroom). The proposal would therefore contribute to the range and mix of housing types and densities provided within the City of Hamilton, all in accordance with the applicable provisions of the PPS.

Cultural Heritage and Archaeology

With respect to Cultural Heritage and Archaeology, the PPS provides the following:

- “2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.
- 2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or area of archaeological potential unless significant archaeological resources have been conserved.
- 2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.”

In support of the proposal, a Cultural Heritage Impact Assessment (CHIA) was completed by GBCA Architects. The CHIA has concluded that the proposed development will have no negative impacts on heritage resources on or adjacent to the subject property. Staff have reviewed the CHIA as well as the above noted policies and note the following information.

The subject property contains an existing two storey building that exemplifies pre-confederation architecture, is a property designated under Part IV of the *Ontario*

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Heritage Act, and a “protected heritage property” under the PPS. The designated features of the home, commonly referred to as the Pinehurst Residence, include all original facades, entranceways, porches, windows and chimneys. In addition, the subject property contains a building (former television studio) that is of post-modern architectural style and may also possess cultural heritage value.

Further, the subject property is adjacent to a number of properties included in the City’s Register of Property of Cultural Heritage Value or Interest and included in the City’s Inventory of Buildings of Architectural and / or Historical Interest. However, with respect to Policy 2.6.3, staff note that the subject property is not considered adjacent to any properties that are protected heritage property pursuant to the PPS, which requires the lands to be contiguous.

As part of the development proposal, the applicant is proposing to retain the existing two storey building in its current location. Furthermore, a future addition is proposed to the rear of the building (the Pinehurst Residence), as well as the redevelopment of the asphalt parking lot to the north of the building into a publicly accessible seating court and outdoor patio (see Appendix “B” to Report PED18040).

Staff are of the opinion that the heritage attributes of adjacent protected heritage properties and lands containing cultural resources will be conserved. Further, the proposed addition to the existing two storey building will be subject to heritage permit approval. However, based on the scale and mass of the proposed building on the subject lands, the proposal does not respect the existing cultural heritage features of the surrounding area and does not incorporate design features to ensure compatible integration, but staff acknowledge that the Pinehurst Residence is being retained.

In respect to archaeological potential, the subject property meets four of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

- In the vicinity of distinctive or unusual landforms;
- In areas of pioneer EuroCanadian settlement;
- Along historic transportation routes; and,
- Within a property designated under the *Ontario Heritage Act*.

These criteria define the property as having archaeological potential.

In support of the proposal, the applicant submitted Stage 1 and 2 Archaeological Assessments of the property both to the City and the Ministry of Tourism, Culture and

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Sport. While the Provincial interest has yet to be signed off by the Ministry, staff concur with the recommendations of the Report which indicate that no archaeological resources were encountered and no new archaeological sites were identified, and the archaeology condition for the application has been met. Staff request a copy of the letter from the Ministry when available.

In Section 2.6 of the foregoing, staff are of the opinion that the proposal is consistent with the Provincial Policy Statement in that the Pinehurst Residence is being conserved and the recommendations of the Archaeological Assessment.

It is further noted that based on the analysis of the proposal, it is staff's opinion that the proposal is consistent with the Provincial Policy Statement.

Growth Plan for the Greater Golden Horseshoe (2017)

As of July 1, 2017, the policies of the Growth Plan for the Greater Golden Horseshoe, 2017 apply to any planning decision. The Growth Plan supports mixed use intensification within built-up urban areas, particularly in proximity to transit. As noted in Section 2.1 of the Plan:

“Better use of land and *infrastructure* can be made by directing growth to *settlement areas* and prioritizing *intensification*, with a focus on *strategic growth areas*, including *urban growth centres* and *major transit station areas*, as well as *brownfield sites* and *greyfields*....This Plan recognizes transit as a first priority for major transportation investments. It sets out a regional vision for transit, and seeks to align transit with growth by directing growth to *major transit station areas* and other *strategic growth areas*, including *urban growth centres*, and promoting transit investments in these areas.”

The following policies, amongst others, are applicable to the proposed development:

- “2.2.3.2 Urban growth centres will be planned to achieve, by 2031 or earlier, a minimum density target of:
- b) 200 residents and jobs combined per hectare for each of the Downtown Brampton, Downtown Burlington, Downtown Hamilton, Downtown Milton, Markham Centre, Downtown Mississauga, Newmarket Centre, Midtown Oakville, Downtown Oshawa, Downtown Pickering, Richmond Hill Centre / Langstaff Gateway, Vaughan Metropolitan Centre, Downtown Kitchener, and Uptown Waterloo urban growth centres;

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- 2.2.2.4 All municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will:
- b) Identify the appropriate type and scale of development and transition of built form to adjacent areas.
- 2.2.4.10 Lands adjacent to or near to existing and planned frequent transit should be planned to be transit-supportive and supportive of active transportation and a range and mix of uses and activities.”

The subject site is located in Downtown Hamilton, which is well served by an existing bus route and located approximately 280 m south of King Street West which will be the future east-west Light Rail Transit (LRT) corridor for this stretch of the Downtown. The proposed development will contribute to the density target for this identified urban growth centre (Policy 2.2.3.2) and is considered a transit supportive development.

Given the above, staff are of the opinion that the proposal conforms to the applicable provisions of the Growth Plan.

Urban Hamilton Official Plan

The subject property is identified on Schedule “E” - Urban Structure as being within the “Downtown Urban Growth Centre” and designated “Downtown Mixed Use Area” on Schedule “E-1” – Urban Land Use Designations. The subject property is further designated “Medium Density Residential” on Map B.6.1-1 - Land Use Plan in the Downtown Hamilton Secondary Plan. The following policies, amongst others, apply to the proposed development.

Urban Structure

- “E.2.3.1.2 The Downtown Urban Growth Centre shall be the pre-eminent node in Hamilton due to its scale, density, range of uses, function and identity by residents of the City as the Downtown and accordingly, it shall be planned for a broad range of uses appropriate to its role as the City’s pre-eminent node.
- E.2.3.1.6 The Downtown Urban Growth Centre shall function as a residential neighbourhood with a large and diverse population. A range of housing types, including affordable housing and housing with supports, shall be encouraged as set out in the Downtown Hamilton Secondary Plan and other associated secondary plans and policies of this Plan.

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- E.2.3.1.8 The Downtown Urban Growth Centre shall function as a major transit hub for the City with a GO rail station and higher order transit systems extending out from the Centre.
- E.2.3.1.9 The Downtown Urban Growth Centre shall generally have the higher density within the City with a minimum overall density of 250 persons and jobs per hectare. Overall density in excess of this target may be achievable and warranted. Increases to this density target shall be considered as part of a review of the Downtown Hamilton Secondary Plan. The density targets shall be evaluated based, in part, on the results of the Downtown Office Strategy and the impacts on existing infrastructure and transportation networks.
- E.2.3.1.10 It is anticipated that the Downtown Urban Growth Centre will accommodate approximately 20% of the City-wide residential intensification over the time period of this Plan which equates to a range of 5,000 to 6,000 dwelling units.
- E.2.3.1.11 The Downtown Urban Growth Centre shall be planned and encouraged to accommodate in excess of 100,000 square metres of retail floor space.
- E.2.3.1.12 Detailed policies on permitted building heights and densities shall be set out in the Downtown Hamilton Secondary Plan, other secondary plans covering lands within the Downtown Urban Growth, and other policies of this Plan.
- E.2.3.1.13 The Downtown Urban Growth Centre shall be designed with a strong pedestrian focus to create a comfortable and animated pedestrian environment.
- E.2.3.1.15 Parking shall continue to be provided within the Downtown Urban Growth Centre to serve the needs of residents, employees, and consumers, and shall increasingly be provided in underground or above ground structures where feasible.
- E.2.3.1.16 Reduced parking requirements shall be considered to encourage a broader range of uses and to support transit.”

With respect to the foregoing policies, the proposal is located within the City’s primary urban node which supports a range of residential densities and uses. At a total of 618 dwelling units, the proposal would provide for a density of 1,388.28 units per gross ha. As it relates to the Downtown Urban Growth Centre, density is determined on an area

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wide basis for the Downtown as a whole rather than for individual development sites. As a result, not all sites are required to be developed at high densities to achieve the City's density targets.

The proposal is consistent with Policy E.2.3.1.9 to encourage the City's highest densities in the Downtown to make this area more vibrant and livable by providing for a significant housing development in the core, and supporting planned transportation infrastructure investments as per Policy E.2.3.1.8.

However, staff are concerned with the appropriateness of the density proposed on this property given the site's contextual constraints.

In regards to Policy E.2.3.1.13, the proposal will support pedestrian activity along Hunter Street West, Caroline Street South and Jackson Street West through the creation of a multiple dwelling and the establishment of street-oriented commercial uses. However, staff have concerns with the location of the building's base relative to the streetline of Caroline Street South and Hunter Street West and creating a comfortable pedestrian environment.

Redevelopment of the site for residential uses supports transit, walking and cycling in the Downtown and adjacent neighbourhoods by proposing a reduced parking requirement, and 500 long-term bicycle parking spaces, which is generally encouraged in the Downtown. Further, parking will be provided in a six level underground area. Six hundred and eighteen additional residential units and additional commercial space at this location has the potential to support transit, as per Policy E.2.3.1.16.

Land Use

The general function and uses of the Downtown Mixed Use Area are set out in the following policies, amongst others:

"E.4.4.2 The area designated Downtown Mixed Use shall also serve as a central focus for the City by creating a sense of place. Retail and service commercial uses are a key element in maintaining that function and ensuring the continued vibrancy of the Downtown. New commercial development shall be designed and oriented to enhance the street life of the Downtown.

E.4.4.3 Increasing the number of people who work and live in the Downtown shall enhance the day and night activity and contribute to its planned function as a vibrant people place.

E.4.4.4 The following uses shall be permitted on lands designated Downtown Mixed Use on Schedule E-1 – Urban Land Use Designations:

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- a) commercial uses such as retail stores, auto and home centres, home improvement supply stores, offices, including major offices, personal services, live work units, artist studios, financial establishments, and restaurants;
- b) institutional uses such as hospitals, universities, government offices, places of worship, and schools;
- c) arts, cultural entertainment, and recreational uses;
- d) accommodation such as hotels, motels, conference and convention centres; and residential uses; and,
- e) residential uses.”

With respect to the foregoing policies, the proposal includes commercial space located at grade along Caroline Street South and Hunter Street West which if appropriately designed will add to the function and vibrancy of the Downtown (Policy E.4.4.2). The proposal will increase the number of people who reside and work in the Downtown, which will enhance the daytime and nighttime activity levels of the core (Policy E.4.4.3). Lastly, the proposed multiple dwelling and street level commercial uses are consistent with the uses permitted in Policy E.4.4.4.

“E.4.4.7 Permitted density and heights shall be set out in the secondary plan for the lands designated Downtown Mixed Use.

E.4.4.8 Within the area designated Downtown Mixed Use, a higher density form of housing shall be encouraged, including affordable housing that may be integrated with business uses, including retail and service commercial establishments on the ground floor, as further set out in the Downtown Secondary Plan.”

As noted above, permitted density and heights are addressed as policy requirements in the Downtown Hamilton Secondary Plan, however, higher density housing forms such as the subject proposal are encouraged, where appropriate, in order to achieve the higher density targets envisioned for the Downtown. The UHOP defines high density as being 100 uph or greater. It is the opinion of staff that opportunity exists to appropriately increase the density on the subject property. However, this should be achieved through a form and density of development that more appropriately considers the existing character and pattern of development in the area. This will be discussed in greater detail in the Residential Intensification section of this Report.

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In accordance with the Secondary Plan policies, an increase in building height above that shown on Map B.6.1-4 – Downtown Hamilton – Building Heights, is subject to a comprehensive review of urban design requirements such as a wind assessment, sun-shadow study, and impact of views on streetscapes. This review is discussed in greater detail in the Downtown Hamilton Secondary Plan section of this Report.

“E.4.4.10 The Downtown Mixed Use area shall be designed as a pedestrian focused area with a high level of pedestrian comfort and amenities. Buildings shall generally be situated close to and oriented to the street. Retail buildings shall have store-fronts and other active uses opening onto the sidewalk. On the *pedestrian predominant streets*, new *development* shall enhance pedestrian comfort and street activity and where possible increase the built block face. New *development* in other areas of the Downtown Mixed Use area should create a comfortable pedestrian environment.

E.4.4.11 Building mass shall consider the pedestrian nature of the area designated Downtown Mixed Use. Massing techniques such as stepped back or terraced floors may be required.

E.4.4.13 Streets within the Downtown Mixed Use area shall be designed to accommodate the automobile, transit and *active transportation*, including pedestrian and bicycle trips within the Downtown and from the surrounding Neighbourhoods. Along *pedestrian predominant streets*, sidewalk widths shall be maximized where possible and a broad range of sidewalk activities, permitted where space allows, to promote sidewalk cafés, sidewalk kiosks, street vendors, and performers.

E.4.4.14 Reduced parking requirements shall be considered in recognition of the high level of transit service to the area designated Downtown Mixed Use.”

Respecting the above policies, the following evaluation is provided:

Building Location

The new building will be constructed on the southerly portion of the property, oriented towards Hunter Street because of the location of the existing designated building, which is set back approximately 21.5 m from Jackson Street West. The applications seek to construct the base of the building 7.9 m from Hunter Street East and 5.58 m from Caroline Street South, while the upper storeys will be cantilevered closer to the said streets (see Appendix “C” to Report PED18040). In keeping with the above Policy, staff are of the opinion that the base of the building should be located closer to the Hunter Street West streetline to reinforce the pedestrian nature of the downtown, while the upper storeys should be set further back through the use of step backs and / or

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terracing in order to reduce the impact associated with the massing at the pedestrian level. Further, by relocating the building closer to the Hunter Street West streetline, this will ensure that the proposed retail uses will have store-fronts and other active uses opening onto the sidewalk and will create a consistent and contextually appropriate street wall (Policy E.4.4.10). This policy direction is also in alignment with policies of the Downtown Hamilton Secondary Plan. Based on the current design, the proposal is unsuccessful in creating a comfortable pedestrian environment.

Massing

With respect to massing, the proposal seeks to construct two tower elements, being 30 storeys and 40 storeys in height, while maintaining the same floor plate with the exception of the base of the building, which is inset relative to the rest of the building (see Appendix “C” to Report PED18040). Massing techniques such as step backs or terracing of floors have not been incorporated in the design of the building, whereas staff consider the implementation as such techniques appropriate in considering the pedestrian nature of the area to avoid the building “over-powering” pedestrians or creating adverse microclimatic conditions.

In review of the proposal, it would appear that the base of the building has been setback from the streetline in an attempt to address the significant massing of the building from a pedestrian perspective. However, in doing so, the built form does not address the street appropriately to create a comfortable pedestrian environment as required by Policy E.4.4.10. More specifically, the set back of the building further emphasises the massing of the building at the pedestrian level. As mentioned earlier, in keeping with the in effect Official Plan Policies, staff are of the opinion that the building’s base should be brought closer to the streetline, while the upper storeys should provide step backs and terracing to reduce the massing of the building along the street. In consideration of the above, the location and the proposed design of the building does not comply with the design policies of the UHOP.

Parking

With respect to parking, the proposal meets the City’s Travel Demand Management objectives and it has been developed on the basis of a reduced parking rate of 0.64 parking spaces per unit in recognition of the adjacency to existing public transit and also in anticipation of the future LRT system. In addition, the proposal will accommodate active transportation by including 500 long-term indoor bicycle parking spaces (E.4.4.13).

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Residential Intensification

The following Volume 1 policies pertain to residential intensification:

- “B.2.4.1.4 Residential intensification developments shall be evaluated based on the following criteria:
- a) A balanced evaluation of the criteria in b) through g) as follows:
 - b) The relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
 - c) The development’s contribution to maintaining and achieving a range of dwelling types and tenures;
 - d) The compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
 - e) The development’s contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
 - f) Infrastructure and transportation capacity; and,
 - g) The ability of the development to comply with all applicable policies.”

The subject property is a corner lot situated along Hunter Street West, Caroline Street South and Jackson Street West within the Durand Neighbourhood in Downtown Hamilton. The existing neighbourhood is characterized as 1950s one storey single detached dwellings to the east, an adaptive reuse of a two storey 1800s Victorian house as an office (financial establishment) to the north and 1960s multiple dwellings ranging in heights from 13 to 22 storeys to the north, west and south. Further, an existing two storey commercial building is also located to the south of the subject land. As part of the development proposal, the applicant proposes an adaptive reuse of the existing Pinehurst Residence in its current location on the property, a rear addition to the said building and the redevelopment of the existing asphalt parking lot along Jackson Street West with a publicly accessible seating court and outdoor patio area.

The application seeks to construct two multiple dwelling towers which include studio, one bedroom, two bedroom and three bedroom units. Further, at grade commercial

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uses are proposed in the base of the towers, while the existing heritage building is proposed to be used for commercial purposes.

While the reuse of the heritage building, provision of varying dwelling sizes and at grade commercial uses are aspects of the proposal that are supportable, staff are of the opinion that the proposed mixed use building, which includes two towers being 30 storeys and 40 storey in height, have not been designed in a manner that maintains or enhances the character, established pattern and built form of the neighbourhood. More specifically, given the height of the towers relative to the neighbouring area and the Pinehurst Residence adjacent to it, elements such as terracing floors, step backs and overall building articulation are key elements to be considered in the design of the building in order to ensure that, both compatible integration and the appropriate transitioning of built form are achieved relative to the lower density development around the subject land. Based on the elevations submitted as part of the application, the aforementioned elements have not been considered in the design of the new building.

While staff are of the opinion that this property could allow for a mixed use, multiple dwelling and this is contemplated in the draft Downtown Hamilton Secondary Plan, staff consider that the current proposal incorporates little design consideration and compatible integration relative to its surrounding context, which includes one storey single detached dwellings to the east, and low rise development to the north and south of the subject site. Based on the design constraints of retaining the Pinehurst Residence, the twin tower design proposed by the application represents an over-intensification of the subject lands. In consideration of the foregoing, the proposal does not comply with Policy B.2.4.1.4 b) and d).

As previously noted, the Urban Structure identifies the subject lands as within the Downtown Urban Growth Centre, which is intended to accommodate approximately 20% of the total overall residential intensification target. Given the built-up nature of the Downtown, this growth is anticipated to be achieved through higher density infill residential intensification. However, within the Downtown, such thresholds are to be measured over the entire Urban Growth Centre boundary area (as opposed to property by property). As such, not all sites within the Downtown Urban Growth Centre are required to build at high densities, with certain areas more constrained and less appropriate for significant density changes. The subject lands are one such site that, although intensification is encouraged and the proposal would add to the range of dwelling types and tenures (Policy B.2.4.1.4 c)), has a number of constraints that serve to limit the form in which intensification is to occur thereon (Policy B.2.4.1.4 e)). These constraints require careful consideration of the proposed built form on the property.

With regard to infrastructure and transportation capacity, it is noted that Hunter Street West is classified as a collector road on Schedule "C" - Functional Road Classification to the UHOP. In support of the proposal, a Traffic Impact Study has been submitted.

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There will be a requirement for daylight triangles along Hunter Street West, Caroline Street and Jackson Street West. However, there have not been any transportation capacity issues identified.

In support of the proposal, a Functional Servicing Report was also submitted. The Growth Management Division indicated no concerns with respect to water, sanitary and storm water capacity issues. Notwithstanding, further details with respect to infrastructure would be dealt with as part of a Site Plan Control application (Policy B.2.4.1.4 f)).

Urban Design

The following Volume 1 urban design policies, amongst others, are applicable to the proposal.

- “B.3.3.2.6 Where it has been determined through the policies of this Plan that compatibility with the surrounding areas is desirable, new development and redevelopment should enhance the character of the existing environment by:
- a) complementing and animating existing surroundings through building design and placement as well as through placement of pedestrian amenities;
 - b) respecting the existing cultural and natural heritage features of the existing environment by re-using, adapting, and incorporating existing characteristics;
 - c) allowing built form to evolve over time through additions and alterations that are in harmony with existing architectural massing and style;
 - d) complementing the existing massing patterns, rhythm, character, colour, and surrounding context; and,
 - e) encouraging a harmonious and compatible approach to infilling by minimizing the impacts of shadowing and maximizing light to adjacent properties and the public realm.”

The development proposes four commercial units at grade, the adaptive reuse of the Pinehurst Residence in its current location, and addition thereto, for commercial purposes and redeveloping the asphalt parking lot adjacent to Jackson Street West into a publicly accessible seating court including outdoor patio areas (Policy B.3.3.2.6 a) and

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b)). Staff are supportive of these design elements of the development in principle as they will help animate the street with new street level commercial uses and adaptively reuse a designated heritage building.

The proposed mixed use building, however, proposes two towers that do not respect the existing cultural heritage features of the surrounding area by way of incorporating existing characteristics of the buildings surrounding it to ensure compatible integration (Policy B.3.3.2.6. b)). Further, the design of the building does not complement the surrounding massing, patterns, rhythm and character of and surrounding context through appropriate massing and integration. The heights of the proposed towers far exceed that of the adjacent area, and sun shadowing has not been minimized through careful design consideration resulting in new adverse impacts to adjacent properties and public sidewalks. As a result, the development fails to provide a harmonious and compatible approach to infilling. Sun shadowing is discussed in greater detail later in this Report.

Given all the above, the proposal does not comply with the urban design policies of the UHOP.

Built Form

The following Volume 1 built form policies, amongst others, are applicable to the proposal.

- “B.3.3.3.2 *New development* shall be designed to minimize impact on neighbouring buildings and public spaces by:
- a) creating transitions in scale to neighbouring buildings;
 - b) ensuring adequate privacy and sunlight to neighbouring properties; and,
 - c) minimizing the impacts of shadows and wind conditions.
- B.3.3.3.3 *New development* shall be massed to respect existing and planned street proportions.
- B.3.3.3.4 *New development* shall define the street through consistent setbacks and building elevations. Design directions for setbacks and heights are found in Chapter E – Urban Systems and Designations and in the Zoning By-law.”

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Transition

As previously noted, the existing neighbourhood is characterized as low rise residential to the east (one storey), an adaptive reuse of an existing two storey 1800s Victorian house as a professional office to the north and 1960s multiple dwellings ranging in heights of 13 to 22 storeys to the north, west and south. Further, an existing two storey commercial building is also located to the south of the subject land.

Given the considerable height difference between the existing one and two storey buildings to the east, north and south and the proposed building, the importance of appropriate transition in scale is integral to achieve compatible integration with the surrounding built environment. In reviewing the proposed mixed use building, staff are of the opinion that appropriate transitions in scale relative to the neighbouring area have not been applied to the current design. This is illustrated in the elevations of the proposed towers, where the building contains a sheer wall facing Caroline Street South and Hunter Street West that lacks building articulation, step backs and terracing, which are common design considerations when transitioning to low rise development.

Privacy

With respect to privacy, it is noted that the proposed tower along Caroline Street South will have a considerable amount of glazing located along the east elevation of the building. The balconies serving the dwelling units in this tower have been located along the east and west elevations of the building. As a result, staff are of the opinion that privacy for the single detached dwellings located on the east side of Caroline Street South have not been carefully considered in the design of the proposed building.

Sun Shadowing

The applicant has submitted a Planning Justification Report which provides illustrations of the new net sun shadow impacts associated with the development at different times and dates of the year. The general intent of a sun shadow impact study is to demonstrate how considerations have been made to the design of the building to minimize the shadow impacts on adjacent properties and public spaces. In reviewing the sun shadow analysis, there are eight streets that contain sidewalks that are affected by new net sun shadows associated with the proposed development. This matter is discussed in greater detail in the Downtown Hamilton Secondary Plan section of this Report. As a result, staff are of the opinion that sun shadow impacts have not been minimized through careful consideration of the design of the towers.

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Wind

With respect to wind impacts, a Pedestrian Wind Study was prepared in support of the proposal. Based on the wind tunnel test results, meteorological data analysis of the Hamilton wind climate, and experience with similar developments in Hamilton, it is expected that wind conditions will be acceptable, save and except for the west residential lobby entrance, potential retail entrance locations along the west portion of the south elevation and the level two outdoor amenity terrace in the spring and autumn months on the account of prominent southwest and northeast winds. The Pedestrian Wind Study has recommended measures such as wind screens, decorative screen and plantings, or a combination thereof along the north and south side of the terrace to help reduce the winds. If approved, the applicant would be expected to further investigate the proposed wind condition and mitigation measures and implement these design / landscape considerations through the Site Plan Control process.

Given all the above, and except for wind conditions, subject to the implementation of mitigation measures, the applications do not comply with the Built Form policies of the UHOP.

Integrated Transportation Network

“C.4.2.4. Transportation Demand Management measures shall be evaluated in all transportation related studies, master plans, environmental assessments, neighbourhood traffic management plans and new development plans including the degree to which it can help achieve transportation goals in accordance with Section C.4.1 – Policy Goals.

C.4.2.4.1 Transportation demand management measures may include:

- a) provision of active transportation features including secure bicycle storage facilities and pedestrian and cycling access to the road network;
 - a. supporting transit through reduced parking standards for some land uses where appropriate and making provisions for car-sharing spaces through the site plan process where feasible and appropriate; and,
- b) other measures detailed in the Transportation Master Plan and described in Section F.3.1.8 of the Master Transportation Plan.”

The proposal provides TDM measures such as secure bicycle storage facilities within the building and short term visitor bicycle parking along Caroline Street South and is accessible to existing and planned LRT public transit facilities along King Street East

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("B" Line) and the Hunter Street GO Station. As previously noted, the proposal also includes a reduced parking rate to support transit usage. Staff are of the opinion that the proposal meets the above policies.

Housing

The following Housing objectives are applicable to the proposal:

- "B.3.2.1.6 Increase the mix and range of housing types, forms, tenures, densities, affordability levels, and housing with supports throughout the urban area of the City.
- B.3.2.4.1 The development of a full range of housing forms, types, and densities shall be provided for and promoted throughout the City of Hamilton through residential intensification and new development. A full range of housing forms, types, and densities means the full spectrum of physical housing types including single detached dwellings, semi-detached dwellings, duplexes, townhouses of various types (street, block, stacked), apartments and other forms of multiple dwellings, and lodging houses, built at a range of densities."

The proposed mixed use development would provide a large supply of dwelling units at a higher density that offers downtown living close to transit, employment and amenities, and contributes to a range of units, all of which is encouraged in the UHOP.

Environmental Site Conditions

The following Environmental Site Condition policies are relevant to the proposed development:

- "B.3.6.1.2 Where there is potential for site contamination due to previous uses of a property and a more sensitive land use is proposed, a mandatory filing of a Record of Site Condition is triggered as outlined in provincial guidelines. The Record of Site Condition shall be submitted by the proponent to the City and the Province. The Record of Site Condition shall be to the satisfaction of the City.
- B.3.6.1.4 Where there is potential for site contamination due to a previous use or uses on lands subject to development or redevelopment proposals, and a mandatory filing of a Record of Site Condition is triggered, the City shall:

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- a) withhold final approval of an application until acceptance of a Record of Site Condition. In the interim, conditional approval may be considered; or,
- b) defer or establish conditions of approval for applications involving official plan amendments, zoning by-law amendments, plans of subdivision, and site plan approvals where a Record of Site Condition is necessary.”

The subject property is recognized as a potentially contaminated site due to the current use of the property for commercial purposes. As a result, the property is subject to environmental review to allow for the proposed multiple dwelling use. The applicant has undergone a Phase I and II Environmental Site Assessment. The applicant has submitted their findings to the Ministry of Environment and Climate Change (MOECC), but has yet to receive an acknowledgement that the Record of Site Condition (RSC) has been filed appropriately satisfying MOECC. As such, if approved, a Holding Provision would be required as the provision of an acknowledgment letter from the MOECC for the RSC is a requirement or alternatively a conditional building permit could be proposed by the applicant.

Noise Policies

The following Noise policies are relevant to the proposal:

- “B.3.6.3.7 A noise feasibility study, or detailed noise study, or both, shall be submitted as determined by the City prior to or at the time of application submission, for development of residential or other noise sensitive land uses on lands in the following locations:
- b) 400 metres of a major arterial road, as identified on Schedule C – Functional Road Classification;
 - c) 400 metres of a truck route.”

Staff note the proposed development is located within 400 m of a major arterial road (Main Street East) and is within 400 m of a truck route (King Street East). Therefore, a noise assessment is required for the proposal. The noise assessment is required to address both indoor noise levels for the arterial roads as well as noise levels on the 2nd floor outdoor rooftop amenity area. In support of the proposal, a Transportation Noise and Vibration Assessment has been completed by Gradient Wind Engineering Inc. Staff have reviewed the assessment and have requested additional information. As of the writing of this Report, that additional information has not been provided. Notwithstanding, if approved, further consideration of this matter will occur at the Site

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Plan Control Stage, where noise warning clauses may be included on all future purchase and / or lease agreements and any noise control measures recommended will be implemented.

Downtown Hamilton Secondary Plan (Volume 2)

The subject property is included in the Downtown Hamilton Secondary Plan. The subject property is designated “Medium Density Residential” on Map B.6.1-1, Land Use Plan for the Downtown Hamilton Secondary Plan.

In order to permit the proposed mixed use multiple dwelling on the subject lands, the applicant is proposing to re-designate the lands from “Medium Density Residential” to “Mixed Use Area”.

As result, the following policies, amongst others, apply to the proposal.

General Land Use

“B.6.1.5.6 It is the intention that density of development be achieved through complete site coverage rather than through building height in accordance with this Plan. All new development in the Downtown shall be a minimum of two storeys in height and subject to height limitations as shown on Map B.6.1 – 4 – Downtown Hamilton - Building Heights and in the specific policies.

B.6.1.5.7 Building height limitations fall into three ranges:

- a) Low rise - 2 to 4 storeys;
- b) Mid rise - 6 to 8 storeys; and,
- c) High rise - 12 to 15 storeys.

B.6.1.5.9 Building heights may be increased above that shown on Map B.6.1 – 4 – Downtown Hamilton - Building Heights, provided the upper storeys are massed, stepped back, or terraced in order to ensure that the additional height, above that permitted shall not result in: increased sun shadow impacts on public sidewalks or public spaces, and shall address the following:

- a) coverage of the site, in accordance with this Plan, is achieved;
- b) sun shadow impacts on public sidewalks or public spaces;

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- c) wind impacts on public sidewalks; and,
- d) impacts on streetscapes and views of streetscapes, landmark structures or heritage buildings from the public sidewalks.

B.6.1.5.12 Proposed increases in height must demonstrate design consideration for the surrounding urban form.

B.6.1.6.3 New development and redevelopment shall be at a scale and density that supports public transit in the Downtown. It is a priority to provide public transit in the planning area and pedestrian access to public transit through: a) providing transit routes into and within Downtown Hamilton; b) ensuring transit accessibility is incorporated into street redesign; c) providing direct access between buildings and the public streets to transit stops; and, d) providing pedestrian scaled distances to transit stops within the Downtown.”

With respect to the above referenced polices, staff provide the following analysis:

Site Coverage

The subject property is an irregular ‘L’ shaped site having a lot area of 4,468 sq m (1.1 ac). The property is currently occupied by a three storey television studio and a designated heritage building (i.e. Pinehurst Residence). As part of the redevelopment of the property, the applicants are proposing to demolish the existing television studio, while retaining the heritage building in its current location and introducing a publicly accessible outdoor seating court and patio area. While the subject property is sizable, its potential for siting a tall building has been limited given the retention of the heritage building located on site, which is approximately 21.47 m from Jackson Street West and approximately 6.74 m from Caroline Street South (see Appendix ‘B’ to Report PED18040). Given the above, staff are of the opinion that complete site coverage of the net developable portion of the subject lands is being achieved.

Building Height

The proposed development is considered a high rise building pursuant to Policy B.6.1.5.7. Given that the maximum permitted building height of this property is four storeys as shown on Map B.6.1 – 4 – Downtown Hamilton - Building Heights, the additional height proposed is being sought through the submission of supporting studies addressing the items in Policy B.6.1.5.9.

With respect to sun shadow impacts (Policy B.6.1.5.9.b)), the applicant has submitted a Planning Justification Report which provides illustrations of the new net sun shadow

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impacts associated with the development at 10 am, 12 pm, 2 pm and 4 pm on March 21st / September 21st, June 21st and December 21st. These specific dates / times are industry accepted to assess sun shadow impacts, while guidance is also provided from the City's Site Plan Guidelines and the Secondary Plan.

Staff have reviewed the sun shadow impacts associated with the proposed development and note that the following streets having public sidewalks will experience new sun shadow impacts as a result of the proposal relative to the as of right condition on this property, being a building 15.0 m in height are as follows:

- Hess Street South (March / September 21st and December 21st);
- Main Street West (March / September 21st and December 21st);
- King Street West (December 21st);
- Hunter Street West (June 21st);
- Queen Street South (March / September 21st);
- Wesandford Street (March / September 21st and June 21st); and,
- George Street (December 21st).

Further, staff note that the following streets will have increased sun shadow impact on March 21st / September 21st June 21st and December 21st as a result of the proposal relative to the as of right condition on this property:

- Jackson Street West; and,
- Caroline Street South.

Given the number of additional streets having sidewalks impacted by the proposal and the increase in the sun shadow impact on adjacent streets, all relative to the as of right permissions, staff consider these impacts to be significant and require further design considerations to lessen the impact. Given the above, the proposal does not comply with Policy B.6.1.5.9.

With respect to wind impacts, a Pedestrian Wind Study (PWS) was prepared in support of the proposal. Based on the wind tunnel test results, meteorological data analysis of the Hamilton wind climate and experience with similar developments in Hamilton, the Study concluded that wind conditions over most pedestrian sensitive grade-level locations within and surrounding the study site will be acceptable for the intended uses on a seasonal basis. Exceptions include the west residential lobby entrance and potential retail entrance locations along the west portion of the south elevation. For the west residential lobby entrance, the PWS recommends that a canopy be installed above the doorway to protect from downwash winds from the tower façade, while at the commercial entrances, it is recommended to either recess the entrance within the

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façade of the development or to install vertical wind barriers on opposing sides of the doorways.

With regard to wind conditions over the level two outdoor amenity terrace, the majority of the space would be suitable for sitting during the summer months. On account of prominent southwest winds, and to a lesser extent northeast winds, conditions were measured to be unsuitable for sitting into the spring and autumn months. The study noted that the updated landscape plan for the terrace includes a decorative screen and plantings along the north side of the terrace, which were not accounted for in the test model, and will be effective in reducing northeast winds. If it is desired to extend the sitting conditions into the spring and autumn, it is recommended to include a similar wind barrier (wind screens, plantings, or a combination thereof) along the south perimeter of the terrace.

With respect to the consultant's recommended mitigation measures (i.e. wind screens, plantings, combination thereof), if approved, the applicant will be expected to update the study and to implement the wind mitigation recommendations outlined in the Report, which will be reviewed in detail at the Site Plan Control Stage.

Concerning the visual impact of the proposal, the applicants have submitted illustrations within the Planning Justification Report (PJR) showing views of the Downtown Hamilton Skyline from the north, east, west and south boundaries of the downtown. The PJR concluded that the proposal did not create any unacceptable impacts to the view of the escarpment or any other key view. Staff have reviewed the proposal and are of the opinion that views provided within the PJR are insufficient as they are taken from a bird's eye view, which doesn't represent the pedestrian experience. In keeping with current practice views are to be provided from the ground plane. Furthermore, staff have requested that additional views be provided from the following alternative locations at ground level in order to appropriately assess the visual impact of the proposal:

- Caroline Street South southward from York Blvd;
- Caroline Street South southward from Jackson St W;
- Caroline Street South northward from Charlton Ave W.;
- Highway 6 south from Old Guelph Line; and,
- North from Sam Lawrence Park.

As of the writing of this Report, staff have not received revised illustrations addressing the additional requested information. As a result, staff are of the opinion that consideration of the visual impact is premature at this time to determine if the proposed complies with Policy B.6.1.5.9d).

Based on all the foregoing, staff are of the opinion that the proposal overall does not comply with Policy B.6.1.5.9.

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Surrounding Urban Form

With respect to design considerations of the surrounding urban form (Policy B.6.1.5.12), the proposal seeks to construct a 30 and 40 storey tower while maintaining the same floor plate, save and except the building's base which is inset relative to the rest of the towers (see Appendix "C" to Report PED18040). Staff are of the opinion that the proposal does not provide an appropriate transition in built form to its surrounding context, given that the property is located adjacent to a mix of high rise, low rise (one and two storey) and cultural heritage buildings. Also it is unclear what elements, if any, have been incorporated in the design of the building to ensure that it is sensitively integrated with the surrounding area. This includes architectural details such as massing, step backs or terracing. Proposed increases in height must demonstrate design consideration for the surrounding urban form. As a result, staff are of the opinion the proposal does not consider the surrounding urban form.

Transit

Staff are of the opinion that the proposed development is at a scale and density that would support transit in the Downtown. However, density is to be achieved in a manner that is sensitive to the character of the area with appropriate transitions in scale in which it is located, which the proposal has failed to demonstrate.

Given all the above, staff are of opinion that the proposal does not comply with the General Land Use policies of the Downtown Secondary Plan.

General Urban Design Policies

- "B.6.1.7.9 New development in the Downtown, and redevelopment, shall address the urban design principles in this plan, and particularly, the following:
- a) Achieving a comfortable and intimate pedestrian environment;
 - b) Ensuring that new development is compatible with existing adjacent structures and streetscapes in terms of design, scale, massing, setbacks, height, integration with the built form, and use;
 - c) Eliminating street level parking lots and vacant properties along major streets;
 - d) Creating a sense of place through the incorporation of public art and interpretive media;

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- e) Providing “eyes on the street” and an interesting pedestrian experience by ensuring that the ground floors of all buildings have windows and doors opening onto the street or public laneways where appropriate. Entrances are to be provided at grade;
- f) Ensuring barrier-free access from grade level; and,
- g) Eliminating expanses of blank walls along street frontages.

B.6.1.5.12 Proposed increases in height must demonstrate design consideration for the surrounding urban form.”

The application seeks to construct the first and second storeys of the building 7.9 m from Hunter Street East and 5.58 m from Caroline Street South, while the upper storeys will provide for an architectural overhang closer to said streets (see Appendix “E” to Report PED18040).

Staff have concerns with the proposed setback of the building’s base relative to the street line from a pedestrian environment perspective. It would appear that planter boxes have been introduced along the frontages of Hunter Street East and Caroline Street South while proposing to site the building further away from the streetline as a means to address the significant massing and height of the proposed towers from the neighbouring area. Further, the above policy directs buildings to be located close to the street line with windows and doors opening onto the street to create an interesting pedestrian experience (Policy B.6.1.7.9 e)). The location of the building’s base does not comply with this policy intent. While the use of a low rise podium is not an absolute ‘must’ in all instances to ensure the appropriate integration of a building, the building design does not provide an appropriate response to the existing context and character of the area nor is the street framed to create a comfortable and intimate pedestrian environment, especially with the proposed commercial spaces on the ground floor (Policy B.6.1.7.9 a) and b)). Further, staff consider the use of terracing and stepbacks to be appropriate design considerations in transitioning the building relative to low rise development in the area. Moreover the use of designs and themes found on buildings in the neighbourhood, and particularly with respect to the Pinehurst Residence located on site, would appear appropriate in the context of the proposed mixed use building and further supported by Policy 6.1.7.9 b). However, these design elements have not been incorporated in the design of the towers.

With respect to parking, a six level underground parking lot is proposed, which eliminates street level parking lots (Policy B.6.1.7.9 c). Further, the base of the building proposes windows looking onto the streets surrounding it, thus providing “eyes on the street” and avoiding expanses of blank walls along the street frontages (Policy B.6.1.7.9 e) and g)). Based on the elevations submitted, it would appear that barrier free access

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is provided at grade (Policy B.6.1.7.9 f)). However, public art and interpretive media has not been incorporated in the proposal (Policy B.6.1.7.9 d)).

In consideration of the foregoing, staff are of the opinion the proposal overall does not comply with the urban design policies of the Downtown Hamilton Secondary Plan.

Mixed Use Area

As previously noted, in order to support the proposal on the subject site, the Official Plan Amendment application seeks to re-designate the lands from “Medium Density Residential” to “Mixed Use Area”. In this regard, staff consider it appropriate to discuss the intent of lands located within this land use designation.

The following policies, amongst other, are applicable to the proposal:

“B.6.1.9.5

- a) Mixed Use Areas are intended to serve as a buffer between intensive commercial activities and the residential areas within and around the Downtown.
- b) Residential *development* in Mixed Use Areas shall conform to the Medium Density Residential designation policies.

As noted above, the intent of the Mixed Use Area designation is to provide for a buffer between intensive commercial activities and residential areas within and around the Downtown. This policy is reinforced through Land Use Plan Map B.6.1-1 which further illustrates how the Mixed Use Area designation has been used to provide said buffer. Given that the subject land is surrounded by residential designated properties, staff are of the opinion the intent of this designation is not being maintained as this property would not be providing a buffer between intensive commercial activities and residential areas within and around the Downtown.

With respect to Policy B.6.1.9.5.b), this is discussed below.

Medium Density Residential

“B.6.1.8.7 The following policies, amongst others, apply to lands designated “Medium Density Residential” in the Downtown Land Use Plan:

- a) The Medium Density Residential designation permits stacked townhouses, low rise apartment and mid rise apartment built forms.

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- b) Medium Density Residential development shall achieve an urban character by:
 - i) street oriented buildings restoring traditional downtown character;
 - ii) an absence of direct driveway accesses to individual units; and,
 - iii) open space in new development provided in the form of parkettes and internalized semi-private open spaces within courtyards formed by buildings.
- c) Surface parking areas in the Medium Density Residential areas shall be located at the rear of the property or in an underground structure. There shall be no surface parking in the front yard adjacent to the street.
- d) The relationship between buildings and the street shall be reinforced by:
 - i) minimizing the shadowing of adjacent sidewalks and generation of wind impacts; and,
 - ii) ensuring that the ground levels of buildings have windows and doors that face the street.
- e) The design of new developments shall have consideration for light, view and privacy of adjacent buildings and areas. Existing patterns of streets, lanes, blocks and private or public open space shall be respected.”

Staff note that the proposal is for a multiple dwelling that is considered a high density residential form of development at a maximum height of 40 storeys. As such, the applicant has submitted an Official Plan Amendment to allow for this building type and height on the lands (Policy 6.1.8.7 a)). As previously discussed, staff are of the opinion that the base of the building should be located closer to the street line and the upper floors of the building should incorporate terracing and step backs as a means to provide for street oriented buildings that restore the traditional downtown character, while mitigating the impact of massing and overall height on the surrounding area (Policy 6.1.8.7 b)). With respect to parking, the applicant has proposed a six level underground parking area (Policy 6.1.8.7 c)). Concerning the relationship of the proposed building and the street, the proposed building would provide for windows and doors that face the street (Policy B.6.1.8.7 d ii)). However, as previously discussed, the impacts of sun

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shadowing on sidewalks have not been carefully considered in the context of this proposal (Policy B.6.1.8.7 d i)).

With respect to light, view and privacy of adjacent buildings and areas (Policy B.6.1.8.7 e)), it is noted that the proposed east tower will have a considerable amount of glazing located along the east elevation of the building. Also, the balconies serving the dwelling units in this tower have been located along the east and west elevations of the building. This will have an impact with respect to privacy on the adjacent single detached dwellings on the east side of Caroline Street South. Further, as outlined previously, there will be significant sun shadow impacts on public sidewalks in the area. In consideration of the above, staff are of the opinion that the proposed building does not carefully consider the impacts on light, view and privacy of adjacent buildings and areas.

Given the above, staff are of the opinion that the proposal, as submitted, is not appropriate for the area.

In consideration of the foregoing, staff are of the opinion that the proposal does not comply with the applicable policies of the Downtown Hamilton Secondary Plan.

Downtown Hamilton Secondary Plan Review (Draft – October, 2017)

A review of the Downtown Hamilton Secondary Plan (DTSP) is currently underway and a review of the draft policies has been conducted. The updated Downtown Hamilton Secondary Plan Review is expected to be presented to Planning Committee in early 2018. The policies and discussion below is informative, not determinative, for the purpose of assessing the applications and is based on the draft policies released in October, 2017 for public review and comment.

Under the draft updated Downtown Hamilton Secondary Plan, the subject property is designated 'Downtown Residential' on Land Use Plan Map B.6.1-1. Further, the Secondary Plan contemplates tall buildings within the entire Downtown Secondary Plan area, subject to the following policies:

- “6.1.4.10 For lands identified on Map B.6.1.2 - Downtown Hamilton Building Heights, increases in height to a maximum of 12 storeys, may be permitted without an amendment to this Plan, subject to the following:
- a) meeting the principles, objectives and policies of this Plan, in particular, Policy 6.1.4.9 and Policies B.6.1.4.24 through B.6.1.4.32.
 - b) demonstrating how the proposed building and site design relate to the *existing* and / or planned context of the area;

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- c) demonstrating how the proposed building and site relate to topography, the Niagara Escarpment, and other buildings in the area;
- d) demonstrating how any net new increase to sun shadow impacts on public sidewalks, public spaces, and private amenity areas will be mitigated;
- e) demonstrating how any net new increase to wind impacts on public sidewalks, public spaces, and private amenity areas will be mitigated;
- f) demonstrating how any impacts on streetscapes and views of streetscapes, landmark structures or *cultural heritage resources* from public sidewalks or public spaces will be mitigated;
- g) demonstrating how the proposed development mitigates impacts to on-site or *adjacent cultural heritage resources*; and,
- h) in order to demonstrate the considerations listed above, proponents may be required to submit all of the following studies, in addition to any other studies identified as part of the Formal Consultation required under Section F – Implementation of Volume 1, as part of a *development* application:
 - i) Shadow Impact Study;
 - ii) Pedestrian Wind Impact Study;
 - iii) Visual Impact Assessment;
 - iv) Traffic Impact Study;
 - v) Infrastructure and Servicing Study;
 - vi) Cultural Heritage Impact Assessment;
 - vii) Urban Design Brief;
 - viii) Planning Justification Report.

6.1.4.11 A Zoning By-law Amendment shall be required for any development proposal that seeks to increase height greater than 12 storeys, unless otherwise permitted by the Zoning By-law regulations existing at the time of adoption of this Secondary Plan, in accordance with the following:

- a) building height shall be no greater than the height of the top of the Escarpment; and,
- b) Policies B.6.1.4.10 a) through h) shall apply.

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6.1.4.12 The siting, massing, height, and design of a building on one site will not necessarily be a precedent for development on an adjacent or nearby site.

Tall Buildings

6.1.4.13 The following policies shall apply to tall buildings:

- a) a tall building is any building that is greater than 12 storeys in height;
- b) new tall buildings shall be no greater than the height of the top of the Escarpment;
- c) a tall building is typically defined as having a building base component (also known as podium), a tower component and tower top, however, Policies B.6.1.4.13 through B.6.1.4.17 shall also apply to other typologies of a tall building;
- d) a building base is defined as the lower storeys of a tall building which are intended to frame the public realm and contains streetwall heights that respect the scale and built form character of the existing context through design, articulation, and use of the ground floor;
- e) a tower is defined as the storeys above the building base; and,
- f) the tower top is defined as the uppermost floors of the building including rooftop mechanical or telecommunications equipment, signage and amenity space. This portion of the building will have a distinctive presence in Hamilton's skyline.

6.1.4.14 The Downtown Hamilton Tall Building Guidelines shall apply to tall building development and shall be used by City Staff when evaluating tall building development proposals.

6.1.4.15 In addition to Policy B.6.1.4.14 above, it is not the intent of the Downtown Hamilton Tall Building Guidelines to limit creativity. Where it can be demonstrated that an alternative built form achieves the intent of the Downtown Hamilton Tall Building Guidelines, alternative built forms may be permitted.

6.1.4.16 Tall building development shall require transition to low-rise and mid-rise built form adjacencies through the application of separation distances, setbacks, and stepbacks in accordance with Policies B.6.1.4.25 through

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B.6.1.4.27 of this Plan and as informed by the Downtown Hamilton Tall Building Guidelines.

6.1.4.17 Not every site in the Downtown can accommodate a tall building or is a suitable site for a tall building. Where sites are suitable for tall buildings, the following shall apply:

- a) the building base shall be designed to:
 - i) fit harmoniously within the context of neighbouring street wall heights. Where there is no consistent street wall height context for the area, the street wall height shall be established in a manner that maintains a comfortable pedestrian scale and appropriate street proportion;
 - ii) reduce and mitigate wind impacts on the public realm, including streets, sidewalks, parks and open spaces, and privately owned publicly accessible spaces. Pedestrian level wind conditions should be suitable for sitting and standing, with higher standards applied to parks and open spaces and Pedestrian Focus Streets; and,
 - iii) minimize shadows, in accordance with Policies B.6.1.4.28 through B.6.1.4.32 of this Plan, to preserve the utility of sidewalks, parks, public and private open spaces, school yards and buildings, childcare centres, playgrounds, sitting areas, patios and other similar programs.

- b) the building base may be required to setback at grade to achieve access to sunlight on sidewalks, parks, public and private open spaces, schoolyards and buildings, childcare centres, playgrounds, sitting areas, patios and other similar programs;

- c) tall building development that occurs in the Downtown shall provide setbacks from the lot line to the building face of the tower. These lot line tower setbacks shall ensure that individual tall buildings within a block and the cumulative effect of multiple tall buildings within a block contribute to creating a strong and healthy neighbourhood by fitting in with the existing and / or planned context. Providing adequate space between towers will:
 - i) enhance the ability to provide a high-quality, comfortable public realm;
 - ii) protect development potential of other sites within blocks;
 - iii) provide access to sunlight on surrounding streets, parks, open spaces, school yards and other public or civic properties;

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- iv) provide access to natural light and a reasonable level of privacy for occupants of tall buildings;
 - v) provide pedestrian-level views of the sky between towers particularly as experienced from adjacent streets, parks and open spaces and views between towers for occupants of tall buildings;
 - vi) limit the impacts of uncomfortable wind conditions on streets, parks, open spaces and surrounding properties; and,
 - vii) provide appropriate transitions to adjacent lower-scale planned context, built heritage resources, and cultural heritage landscapes.
- d) as building heights increase, greater setbacks may be required from the tower to the lot line to achieve the intent of Policy B.6.1.4.17 c); and,
- e) development proposals that do not meet the intent of Policy B.6.1.4.17 c), of this Plan, present significant concerns for building a strong healthy Downtown and as such shall not be approved for tall building development.”

As identified on proposed Map B.6.1-2, a maximum building height of 30 storey designation was applied to this property, but this schedule is to be read in conjunction with Policy B.6.1.4.17 and the applicable policies including B.6.1.4.1a) that no new building shall be greater in height than the top of the escarpment. However in order to permit this maximum height, approval of a Zoning By-law Amendment and demonstration of compliance with the criteria provided in Policy B.6.1.4.11 is required. This includes the completion of studies and reports in support of the proposed development, which were discussed earlier in this Report. Additionally, staff note that the East Tower (along Caroline Street South) of the development is proposed to be 40 storeys in height. Further, as illustrated in the submitted Planning Justification Report completed by Bousfields Inc. dated August 2017, both of the proposed towers would be greater than the height of the top of the Escarpment. An Official Plan Amendment would be required to the proposed DTSP as the proposal exceeds the height of the Niagara Escarpment. The height of the proposal is further emphasized as the subject property sits upon the Iroquois Bar (~110 m above sea level), which is higher than the elevation of the rest of downtown Hamilton. As a result, a building height of 30 storeys could not occur without the building being taller than the escarpment. Further, the proposed tower portions of the building have not been setback further from the lot lines in an attempt to integrate with the context of the surrounding area. In consideration of the foregoing, the proposed height of the towers does not comply with the draft policies.

With respect to appropriate transition, the subject property is located in close proximity to a cluster of one storey single detached dwellings, as well as other lower rise forms of development. Further, the one storey single detached dwellings are located on Weasansford Place, which is also recognized as a cultural heritage landscape. As

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such, it is important the proposal is designed in a manner that appropriately provides a transition to the high rise residential development proposed on the property. The use of step backs and terracing of the building have not been incorporated in the building. Further, staff have outlined concerns with the placement of the structure in terms of creating a comfortable pedestrian scale while it has not been demonstrated how shadow impacts have been mitigated as a result of the proposed design of the towers.

Given the above, the proposal does not comply with the direction of the draft Downtown Hamilton Secondary Plan.

City of Hamilton Zoning By-law No. 05-200

The subject property is currently zoned Downtown Multiple Residential (D6) Zone which permits a multiple dwelling use. In order to implement the proposed development, the applicant has applied to modify the existing zoning to a site specific D6 to permit the following:

- Retail, office and restaurant uses on the property;
- An increase to the maximum building height;
- Maximum setbacks to lot lines;
- Reduced minimum number of on-site parking spaces;
- A minimum number of bicycle parking spaces; and,
- Minimum indoor and outdoor amenity areas.

RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections to the applications:

- Alectra Utilities (formerly Horizon Utilities Corporation); and,
- Hamilton Light Rail Transit Office.

The following Departments and Agencies have provided comments on the application:

Metrolinx has advised that the applicant provide the following:

The consultant has not provided an assessment and/or reference of rail traffic noise. Further information has been requested in this regard.

The following warning clause shall be inserted in all development agreements, offers to purchase and agreements of Purchase and Sale or Lease of each dwelling unit within 300 m of the railway right-of-way:

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“Warning: Metrolinx, carrying on business as GO Transit, and its assigns and successors in interest operate commuter transit service within 300 metres from the land which is the subject hereof. 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 GO Transit or any railway entering into an agreement with GO Transit or any railway assigns or successors as aforesaid may expand their 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 dwellings. 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.”

The Owner shall grant Metrolinx an environmental easement for operational emissions, registered on title against the subject residential dwellings in favour of Metrolinx. This matter can be addressed as part of a Site Plan Control Application.

Forestry and Horticulture Section, Public Works Department has no concerns with the subject applications. Forestry advised there are potential conflicts with publicly owned trees. Therefore, a Tree Management Plan must be submitted to the Forestry and Horticulture Section to address potential conflicts with publicly owned trees. Further, a detailed Landscape Planting Plan will also be required showing the placement of trees on internal / external City property be provided. This matter can be appropriately addressed as part of the Site Plan Control Process.

Ministry of Environmental and Climate Change (MOECC) has advised that the applicant will have to submit a mandatory filing of a Record of Site Condition once technical assessment of the property has been done to confirm that it is suitable for the intended more sensitive land use. As such, if the application is approved a Holding Provision would be required with a condition for a notice of acknowledgment letter from the MOECC for the RSC.

Recreation Planning, Public Works Department have no concerns with the applications. They are supportive of the provided private indoor amenity space. Recreation notes that the Planning Justification Report indicates that the provided outdoor seating court will be publically accessible. Earlier applications for this proposal indicated that a public park will be included in the application, Recreation Planning would appreciate confirmation of ownership of the outdoor courtyard / amenity space. Confirmation of this request can be addressed as part of a Site Plan Control Application.

Strategic Planning has no concerns with the application; however, they would like confirmation if the courtyard would be accessible to the general public. Confirmation of this request can be addressed as part of a Site Plan Control Application.

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Transit Division, Public Work Department has no concerns with the proposed applications. Transit notes that the building overhang can result in issues related to littering and loitering. Further, the existing concrete sidewalk at the bus stop should be widened to 2.5 m for a length of 9 m. This matter can be addressed as part of a Site Plan Control Application.

Transportation Planning Services has requested that the applicant submit a revised Residential & Commercial Transportation Demand Management Report for review at the Site Plan Control stage. Further, they have requested the dedication of a daylighting triangle along Hunter Street West and Caroline Street South. This matter can be addressed as part of a Site Plan Control Application.

Transportation Management has indicated that they cannot, at this time, support the conclusions of the Traffic Impact Study (TIS) and require additional clarification and information. As a result, they have requested that the TIS be updated prior to approval of the Zoning By-law Amendment. As of the writing of this Report, staff have not received a revised TIS addressing the additional requested information. This matter can be addressed as part of a Site Plan Control Application.

Design Review Panel

The development proposal was presented to the City's Urban Design Review Panel (DRP) on November 9, 2017, after the submission of the Official Plan and Zoning By-law Amendment applications. The mandate of the DRP is to provide design advice to staff and the proponent. In terms of their review, the DRP noted that due to the concerns with height and density, a higher level review of the proposal was provided. Further, the applicant was encouraged to revise the proposal accordingly and return to the DRP.

The DRP noted a number of recommendations with respect to the design that were discussed with the applicant and staff which are summarized as follows:

- “1. Overall, the proposal does not relate well to its context. The building's base has been thoughtfully designed and contributes to the public realm, however; the height of the towers and minimal setbacks to the interior property lines and resulting impacts on the existing neighbourhood are major issues that require more thought and consideration.
2. The panel agrees that the proposal is aggressive and the site would more comfortably accommodate a single tower with the potential to include another smaller building on site.

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3. The proposal should have a better transition to the existing neighbourhood and better respond to the two storey homes adjacent to the site. The panel agreed that a 40 storey mass immediately next to a two storey mass, without transition, is not acceptable. The panel notes that the addition of a podium is not the only solution to achieve transitions and advises that alternative options should be explored.
4. The panel advised that the draft Tall Building Guidelines and associated criteria outlining building height in relation to the escarpment should be respected.
5. The separation distances of the towers, specifically from interior property lines need to be revised and should align with the Tall Building Guidelines. Tower separation distances should be split equally between adjacent property owners.
6. The panel commends the applicant for keeping the heritage building in its original location and providing a public plaza space.”

In summary, the DRP provided the following:

“The proposal includes high quality architecture and landscape architecture, and the applicant is commended for incorporating the existing heritage building into the proposal. The panel agrees that the property can handle intensification, but critically questions how much intensification is appropriate and how tall the tower(s) should be relative to the escarpment and the evolving neighbourhood. The panel notes that if the setbacks outlined in the draft Tall Building Guidelines were followed, only one tower would likely be accommodated on the site, which would help to mitigate several negative impacts of the current proposal.”

Applicant’s response to DRP advice:

With respect to the opinions and comments expressed by the DRP, to date, the applicant has not provided a response in the form of a revised submission. Their comments are generally aligned with staff’s concerns with respect to the compatibility of the proposal in the context of the surrounding neighbourhood and the need for appropriate transitioning of the building.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 2,573 property owners within 120 m of the subject property on September 28, 2017. A Public Notice sign was posted on the property on September 28, 2017. Finally, Notice of the Public Meeting was circulated in given with the requirements of the *Planning Act*, that being statutory notice was published in the Hamilton Spectator. In

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addition, notice was also given by mail to all property owners and tenants, based on MPAC data, within 120 m of the subject lands.

To date, 29 pieces of correspondence were received respecting the proposed development (see Appendix “D” to Report PED18040). These items are further summarized in the Analysis and Rationale for Recommendations section of this Report.

Public Consultation Strategy

Pursuant to the City’s Public Consultation Strategy Guidelines, the applicant prepared a Public Consultation Strategy, which included the following:

- On November 14, 2017, the applicant launched a microsite (<http://televisioncity.ca/project-information/>) as a means to ensure that the public had access to all the reports / studies submitted to the City in support of the proposed development. In addition, the microsite provided a description of the proposed development and contact information for the City in the event that one had questions or comments respecting the applications. The link was provided to the City’s Planning staff, the Ward Councillor, as well as on the public information notices that were sent in excess of 120 m surrounding the subject land by the applicant; and,
- On December 6, 2017, the applicant held a public information meeting at the Melrose United Church. The applicant set up easels with various elevation, perspective and site plan drawings. Furthermore, the applicant’s consulting team was in attendance to field any questions discuss concerns with respect to the proposed development. A notice advising of the public information was sent to all residents within 120 m of the subject land. A total of 20 people including City staff attended the public information meeting.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Urban Hamilton Official Plan Amendment and Zoning By-law Amendment applications cannot be supported for the following reason:
 - (i) The proposal is contrary to the policies and intent of the Urban Hamilton Official Plan and Downtown Hamilton Secondary Plan, with regards to matters including but not limited to, built form and compatible integration with the surrounding area, and sun shadow impacts.

The proposal is for a mixed use development consisting of two tower elements, being 40 storeys and 30 storeys, connected at the base between the buildings on the ground level, having a maximum height of 125 m and 94.3 m respectively. The proposal is for a total of 618 dwellings units, four commercial units at grade, 500

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bicycle parking spaces and 397 vehicular parking spaces located in a six level underground parking garage. Further, the proposed development includes the adaptive reuse and addition to the existing designated building on site, commonly known as the Pinehurst Residence.

In general terms, the development's approach to increasing residential densities within Downtown Hamilton through a mixed use building that incorporates sustainable TDM measures and retains an existing heritage building on the property are both encouraged and desirable. However as articulated in this Report, and further highlighted through previous discussions and correspondence with the applicant, staff do not support the proposed built form, scale and associated sun shadow impacts associated with the proposal.

In evaluating the planning merits of the proposed development, there are two principal issues with respect to the application, being that of:

- 1) built form and compatible integration with the surrounding context; and,
- 2) sun shadow impacts.

These issues have been discussed in greater detail throughout the Report and are summarized below.

Built Form and Compatibility

Staff are of the opinion that the proposed design of the building has not carefully considered the context of the surrounding area. This includes the overall massing, scale and height of the building, and cultural heritage aspects of adjacent buildings. While staff are supportive of the retention of the Pinehurst Residence on the land, the proposal is not sensitive to and does not provide for an appropriate integration and transition to its local context. Furthermore, staff are of the opinion that the building does not provide a comfortable pedestrian environment at the street level as a result of the building setbacks.

Sun / Shadow Impacts

Through the applicant's submission, it is evident that the proposed towers will have a significant net new increase in sun shadowing on public sidewalks, and that the impact of shadowing of the towers was not carefully considered in the design of the buildings. Policy B.6.1.5.9 of the Downtown Secondary Plan requires that additional height being granted does not result in increased sun shadow impacts on public sidewalks or public spaces. The proposed development fails to comply with this Policy.

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The application seeks to re-designate the subject property from 'Medium Density Residential' to 'Mixed Use Area'. The intent of the Mixed Use Area designation is to provide for a buffer between intensive commercial activities and residential areas within and around the Downtown. This policy is reinforced through Land Use Plan Map B.6.1-1 which further illustrates how the Mixed Use Area designation has been used to provide said buffer. Given the location of the subject property, staff do not support the proposed change to the land use designation as the intent of this designation is not being maintained as providing a buffer between intensive commercial activities and residential areas within and around the Downtown.

Given the above, staff do not support the Urban Hamilton Official Plan Amendment and Zoning By-law Amendment.

2. Growth Management Division has advised that a 9.14 m by 9.14 m daylight triangle will be required at the intersections of Hunter Street West and Caroline Street South. Further a 4.57 m by 4.57 m daylight triangle will be required at the intersections of Jackson Street West and Caroline Street South.

Updates are being requested to the Functional Servicing Report (FSR) pertaining to water servicing, sanitary servicing, minor storm sewer servicing and stormwater management. These updates are being requested prior to approval of the Zoning By-law Amendment application. As of the writing of this Report, staff have not received a revised FSR addressing the additional requested information. In order to address the outstanding concerns, should the application be approved a Holding Provision would be required with a condition for a revised FSR to the satisfaction of the Manager of Development Approvals.

3. As a result of circulation of the application, staff have received 29 pieces of correspondence from the public. Their concerns are summarized as follows:

Traffic – there are concerns that the proposal will cause traffic congestion given the influx of population and vehicles to the area, as well as potential pedestrian safety issues.

Height / Density – there are concerns that the proposal is too dense and too high relative to the surrounding low rise development in proximity to the subject property. Concerns have been raised that there are too many dwelling units proposed on the property.

Sun Shadow – there are concerns with the sun shadow impacts on adjacent properties and public spaces surrounding the proposed development.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Applications to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 163 Jackson Street West (Ward 2) (PED18040) - Page 44 of 45

Compatible Integration / Built Form – there are concerns that the proposal is not designed in a manner that adequately integrates within the built environment surrounding it, which includes cultural heritage elements and appropriate transitioning through setbacks, terracing and massing techniques. Further there are concerns with the at grade commercial uses, in that the first floor is recessed and does not open onto the street.

Views – there are concerns that the proposal will have impact to existing views of the Niagara Escarpment.

Commercial uses – there are concerns with commercial uses being proposed as they may have an impact to existing retail uses in close proximity to the proposal.

ALTERNATIVES FOR CONSIDERATION

- 1) Should the applications be approved, staff be directed to prepare the Official Plan Amendment and amending Zoning By-law consistent with the concept plans proposed with the inclusion of a Holding Provision to address matters, including but not limited to: RSC, Noise, Functional Servicing, and any other necessary agreements to implement Council's direction. Council could require a Section 37 agreement ("Bonusing") to provide for public benefits as a result of the increased height and density.
- 2) Council could direct staff to negotiate revisions to the proposal with the applicant in response to the issues and concerns identified in this Report and report back to Council on the results of the discussion.
- 3) Should the applications be denied, the lands could be developed in accordance with the D6 Zone, which permits such uses as street townhouses, multiple dwelling, and place of worship or alternatively with the revised designation and zoning permissions proposed in the updates to the Downtown Secondary Plan.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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SUBJECT: Applications to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 163 Jackson Street West (Ward 2) (PED18040) - Page 45 of 45

Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

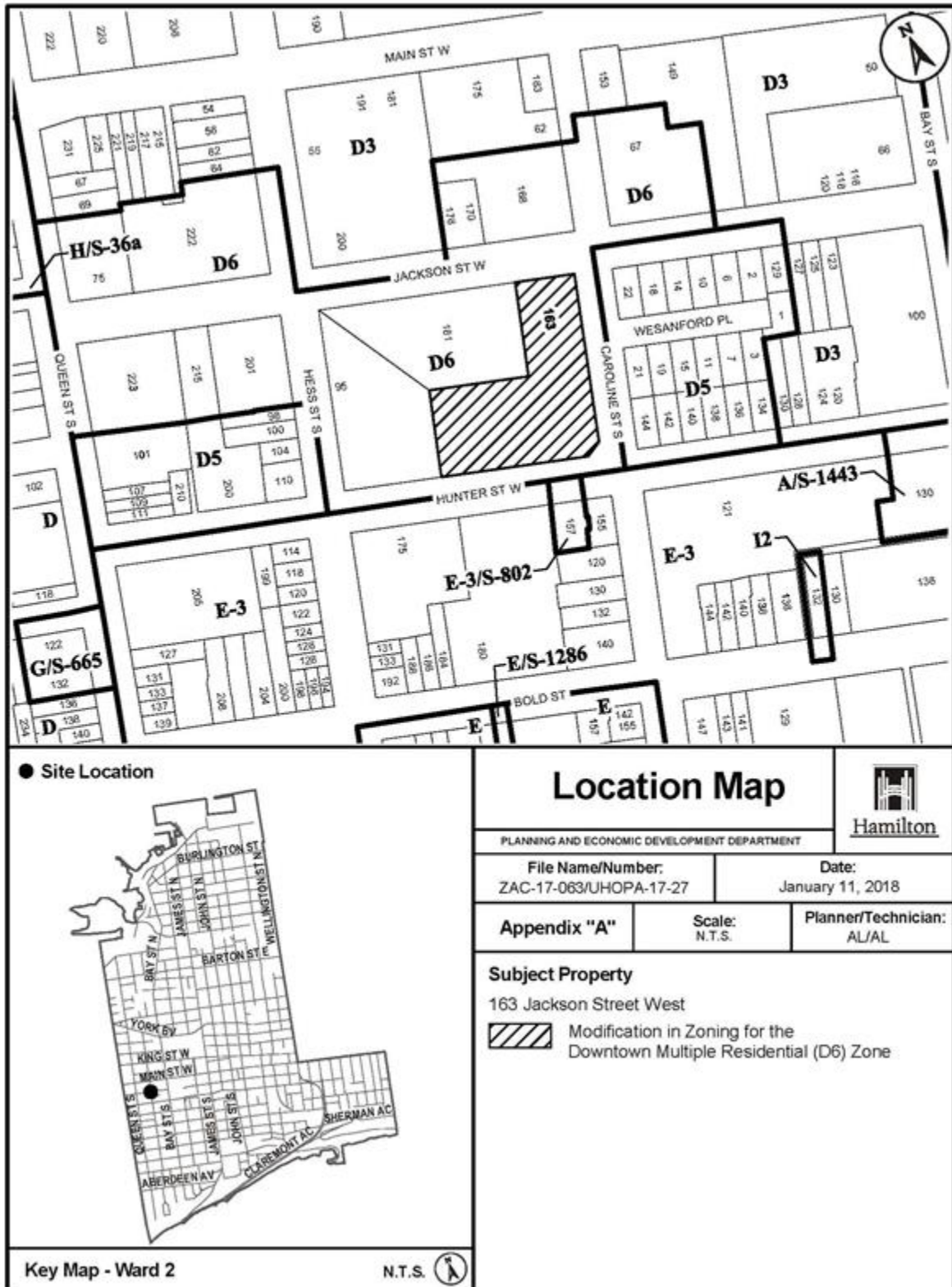
Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A”: Location Map
- Appendix “B”: Concept Plan
- Appendix “C”: Elevation Drawings
- Appendix “D”: Correspondence From Public

AL:mo



● Site Location



Key Map - Ward 2

N.T.S.

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

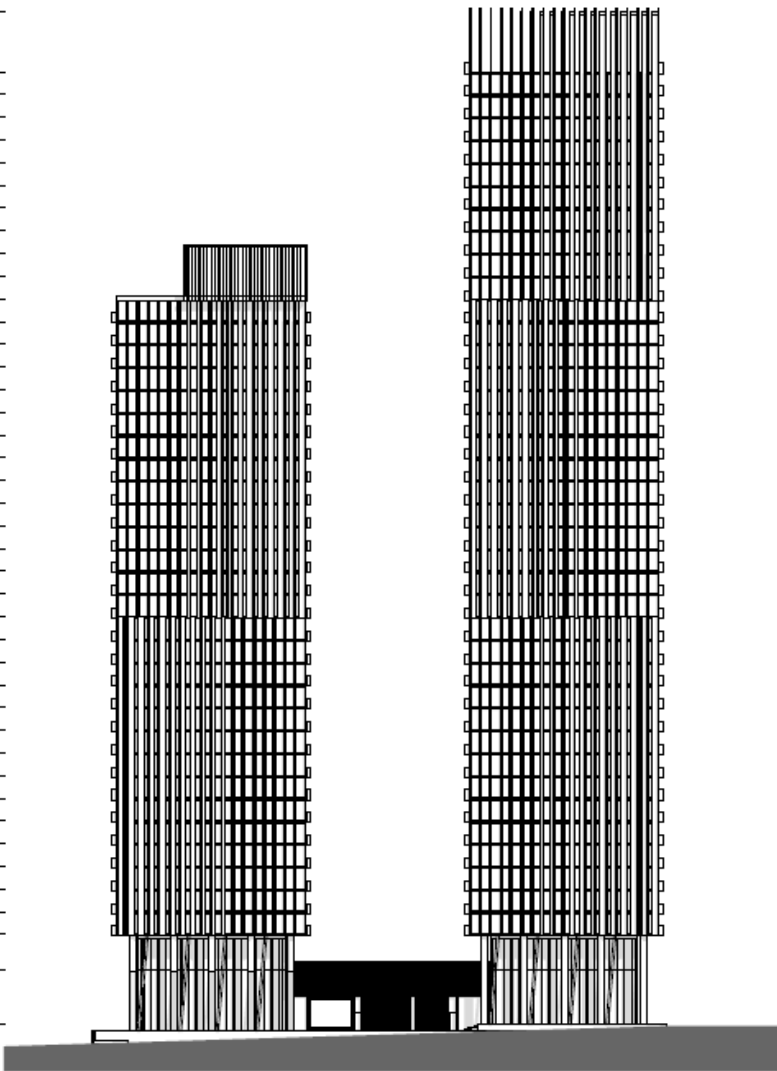
File Name/Number: ZAC-17-063/UHOPA-17-27		Date: January 11, 2018
Appendix "A"	Scale: N.T.S.	Planner/Technician: AL/AL

Subject Property

163 Jackson Street West

Modification in Zoning for the Downtown Multiple Residential (D6) Zone

+01.555
 0th Floor
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3. Drawings must be used for construction. The Contractor is to verify all existing conditions and dimensions required to perform the work and report any discrepancies to the Architect immediately in the Architect's office concerning any work.

4. It shall be the responsibility of the Contractor to verify all dimensions and conditions of the site prior to construction. The Contractor shall be responsible for all dimensions and conditions of the site prior to construction. These dimensions shall be verified by the Contractor.

5. These drawings are to be used for construction and shall not be used for any other purpose.

6. All work to be performed shall be in accordance with the Code and Rules of the applicable building jurisdiction.

7. The Architect of these plans and specifications gives no warranty or representation in any way, express or implied, that the drawings represent or show all conditions or items to be constructed. The Contractor shall be responsible for all items to be constructed that are not shown on the drawings.

NO	ISSUANCE	DATE
1	ISSUANCE APPLICATION	08.03.07
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aA

443-416-4166
 225-177 Adelaide St West
 Toronto, ON M5H 1P9
 T 416-593-0300
 F 416-593-0311
 WWW.AAARCHITECTS.COM



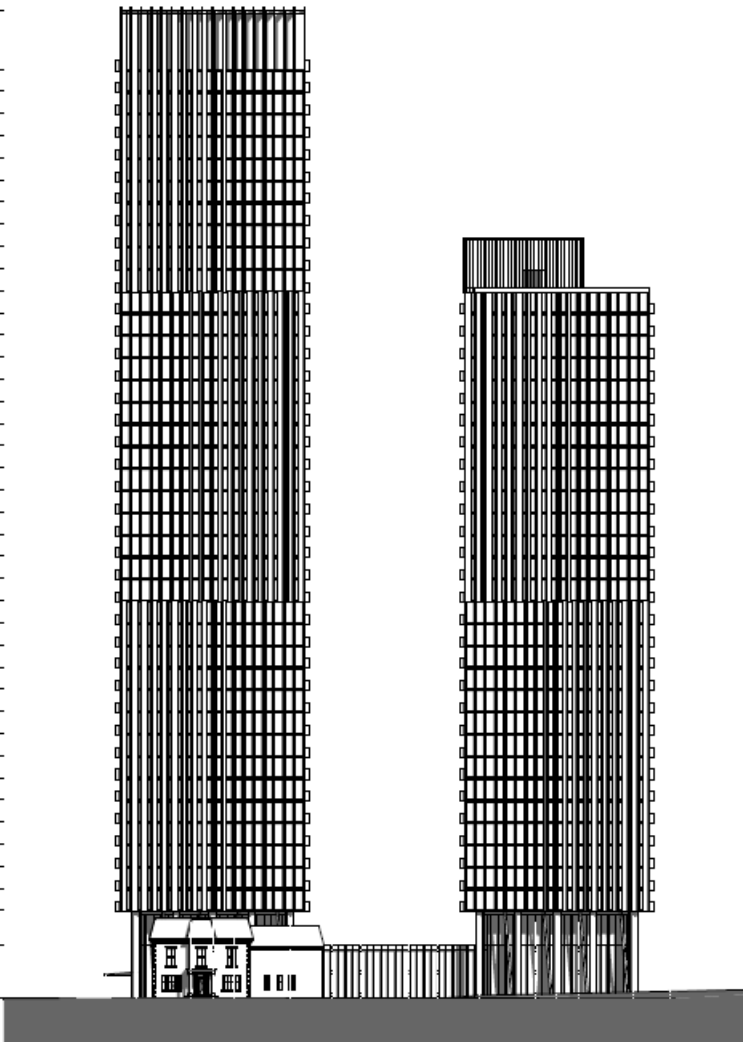
Television City Hamilton Inc.
 163 Jackson Ave
 Hamilton, ON

South Elevation

1:300
 20170804

A.12

413155
41 High Rise
+12360
41 Stairs
+12365
40 Stairs
+12360
39 Stairs
+11495
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3. The design is not to be used for construction. The Contractor is to verify all existing conditions and alterations required to perform the work and report any discrepancies with the Contract Documents to the Architect before commencing any work.
4. It shall be agreed that mechanical or electrical devices, fittings, and fixtures are indicated on architectural drawings. The location shown on the architectural drawings governs over the indicated field conditions. These locations and dimensions shall be located or checked by the Architect.
5. These drawings are not to be used for construction without having an "Issuance For Construction" stamp.
6. All work to be carried out in accordance with the Code and Rules of the institution being permitted.
7. No Architect of these plans shall be allowed to give any guarantee or responsibility in any form, either written or oral, for the building, equipment or their performance or any other services, except those specifically stated in writing and in all cases shall they be subject to the terms and conditions of these plans.

Architect Name: aA

NO	ISSUANCE	DATE
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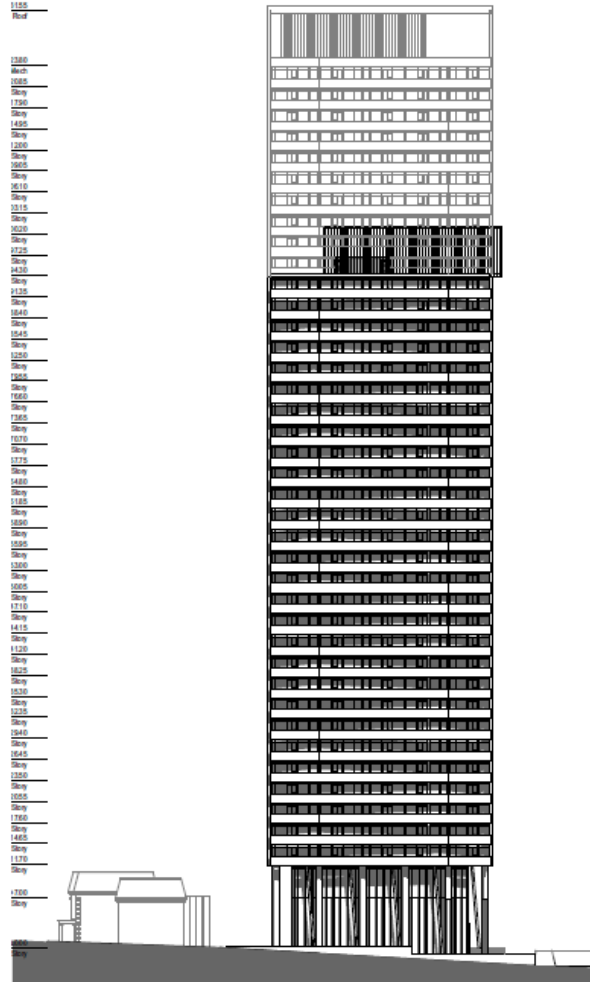
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Toronto, Ontario M5H 2P6
T: 416-593-8800
F: 416-593-4801
info@architecta.com



Television City Hamilton Inc.
163 Jackson Ave
Hamilton, ON

North Elevation

1:300
20170804



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4. It is the responsibility of the contractor to provide the work and report any discrepancies to the architect in writing before commencing any work.

5. The architect is not to be held liable for construction unless stated otherwise in the Contract Documents or the architect's professional seal.

6. All work is to be done in accordance with the Code and system of the applicable building code.

7. The architect of these plans and applications gives no warranty or representation in any part about the responsibility of the building represented by them. All contractors or subcontractors are hereby notified that they are to be held responsible for any and all work shown on these plans.

NO.	REVISION	DATE
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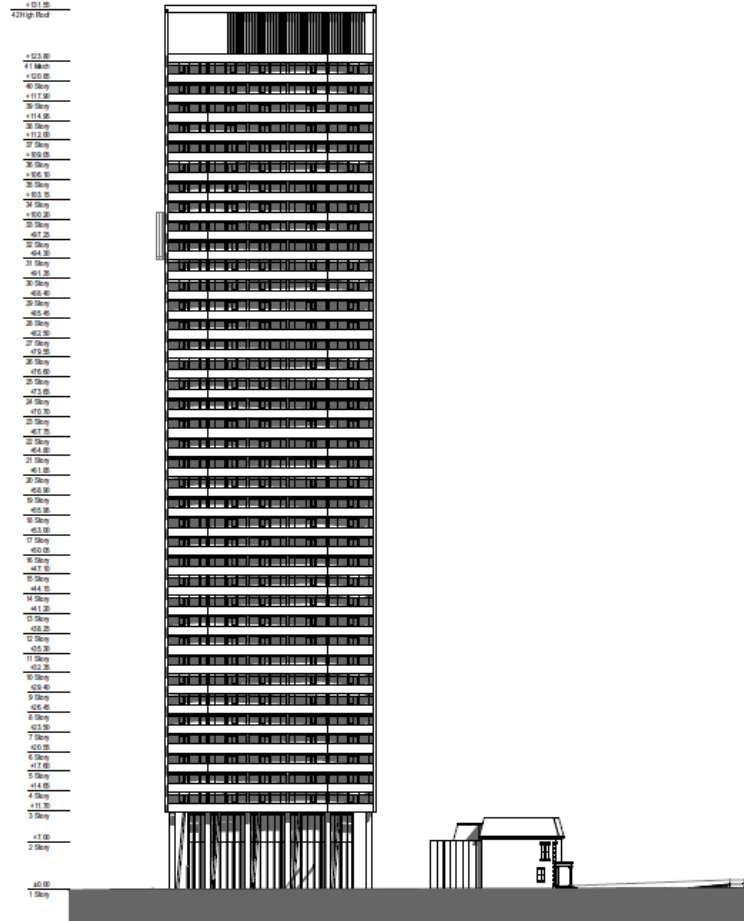
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Television City Hamilton Inc.
 163 Jackson Ave
 Hamilton, ON

West Elevation
 1:200
 20170804



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4. All work to be performed shall be in accordance with the Code and City of Hamilton Building Code.
5. The Architect of these plans and specifications is not responsible for any errors or omissions in the drawings or specifications, or for any consequences or liabilities that may arise from any use of the drawings or specifications for any purpose other than that for which they were prepared.

NO.	REVISION	DATE
1	ISSUE FOR APPLICATION	08/23/2017
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Television City Hamilton Inc.
 163 Jackson Ave
 Hamilton, ON

East Elevation
 1:500
 20170804

1900121 ONTARIO INC. c/o Ali Hamade
102 Westlawn Drive
Hamilton, Ontario L9B 2K9

October 26, 2017

SENT BY EMAIL tiffany.singh@hamilton.ca

City of Hamilton
Planning and Economic Development Department
Development Planning, Heritage and Design – Urban Team
71 Main Street West, 5th Floor
Hamilton, Ontario L8P 4Y5

Attention: Tiffany Singh

Dear Ms. Singh:

RE: Notice of Complete Application by Television City of Hamilton Inc. (c/o Ilana Sheinberg) for an Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 163 Jackson Street West, Hamilton (Ward 2) (the "Subject Property")

We are writing to provide comments on the above noted application.

1900121 ONTARIO INC. owns the property at 155 Hunter Street West, Hamilton, Ontario and operates a convenience store, Big Bee Food Mart ("Big Bee"), in the commercial unit which is located on the ground level of the building.

As the owner and operator of a small business located across the road from the Subject Property, we are concerned about the effect the four (4) proposed commercial retail units located at grade will have on my business.

Within a few block radius of the Subject Property there are already multiple small business owners who are operating convenience stores. While Big Bee is excited about the growth in the community that the added residential units will create, we are concerned about the impact the new commercial units will have on the current businesses.

A better understating of the proposed use for the four (4) commercial units, so that a proper analysis can be completed of how the small businesses in the community may be affected would be beneficial.

We would like to see restrictions on the use of the commercial space so that the current businesses are not affected in a negative manor by the operation of similar and/or competing businesses in the four (4) commercial spaces.

Thanks for your assistance in this matter and if you have any questions or concerns please do not hesitate to contact our office.

Yours truly,

1900121 ONTARIO INC.
Per:


Ali Hamade, President

As a born and bred Hamiltonian, as a local historian a heritage preservationist, and as a resident in the Durand Neighbourhood, I am totally opposed to the proposed amendments to the Urban Hamilton Official Plan UHOPA-17-027 and the Zoning Bylaw-law ZAC-17-063 for the following reasons:

Durand constitutes arguably the earliest Hamilton "suburb", and its mainly residential nature (much of it atop the prehistoric gravel bar extending from Burlington Heights to the Niagara Escarpment) until the 1970s had historically been a mix of stone and brick low-rise middle and upper class family residences - many erected atop the geological gravel bar. Particularly in North Durand, this demographic changed after 1970 with the demolition of many single-family homes and the erection of apartment and condominium towers, dramatically altering the heritage, demographic, and the vehicular and pedestrian traffic patterns of the area – not for the better in my opinion. Now we have a new development proposal that will greatly exacerbate the situation there.

The proposed hi-rise development would sit on a parcel of land that accommodated one of the City of Hamilton's earliest "suburban" homes, built literally atop the highest point in the neighbourhood where the owner would have had an unimpeded view right down to Burlington Bay. It is fortunate that the fabric of this heritage home with its rich history (which I won't go into here) is officially designated under the Ontario Heritage Act and will hopefully endure into the next millennium and beyond. However let's look at the aesthetics. To erect the proposed twin towers behind this mansion and atop this natural elevation would not only dwarf and diminish this heritage building, but would push these two towers far too high into, not only the Durand, but also into the whole downtown and cityscapes, and somewhat higher, I suspect, than the Niagara Escarpment forming the city's backdrop.

The zoning changes would permit a huge influx of new owners and tenants into North Durand, which already suffers the effects of high-density occupation. To accommodate this proposed number of new residents would require may upgrades in water, roads, sewers, and public transit. It is highly unlikely that this influx of new residents will be working downtown, or even in the city.

"If you build it [or allow it to be built in this case], they will come". The financial cost to the city will be great, despite the increased tax revenue, and the social and cultural costs to one of Hamilton's oldest heritage neighbourhoods will prove inestimable.

I therefore urge City Council to seriously consider these implications before allowing such an enormous development to proceed on such a grand scale. It might work in Toronto, but thankfully this is not Toronto, nor is it yet a "bedroom community". Let's keep all development of a type and on a scale that respects the culture, the heritage, the history, and the resources of this great city of Hamilton - and of all its neighbourhoods.

Respectfully submitted
Bill Manson
303-222 Jackson Street West
Hamilton ON.

October 27, 2017

Tiffany Singh,
Planner, Development Planning, Heritage & Design, Urban Team
Planning & Economic Development Department
City of Hamilton
71 Main Street West, 5th Floor
Hamilton ON L8P 4Y5

Television City Development, 163 Jackson Street, Hamilton

Re: UHOPA-17-27 and ZAC-17-063

Concerns

1. The Downtown Hamilton Secondary Plan draft Oct 2017 proposes 30 stories at this location. Since these proposed towers are located at the southern edge of the plan we feel some transition is required and the height on the south side of Hunter should be reduced on Downtown Hamilton Secondary Plan draft Oct 2017. We feel a 12 story maximum is more acceptable.
2. The development is too dense for the Durand neighbourhood that is already the densest neighbourhood in Hamilton.
3. A high density project would be more suitable and is needed on vacant land and/or surface parking lots in other downtown core areas.
4. The project does not provide enough public green space. The Durand neighbourhood has only one small public park and is in need of more green space.
5. It will skyrocket demand for the metered parking in the surrounding area and for any available monthly parking at City Hall.
6. The design doesn't provide any low cost housing and very little housing for families.
7. Will cause a large shadowing effect to the properties east or west of 163 Jackson St. West.
8. Since it is a glass structure it may cause sun reflections and heating issues east and west of 163 Jackson St. West.
9. Properties east and west of the project will lose privacy due to overlooking balconies.
10. We question whether it is safe and feasible to build a six (6) story deep underground parking garage on Iroquois Sand Bar.
11. 397 parking spaces for 618 units are insufficient.
12. Eliminates sky view to a large number of people living around the development.

Thank You

Barry Walsh & Mary Ellen Bailey
405-66 Bay St. South
Hamilton, ON, L8P4Z6

Cc: Jason Farr, City Councillor, Ward 2

Television City Community Meeting
181 Jackson St W and 95 Hess St S (Vanier Towers)
Thursday, November 23, 2017
1:00pm-2:30pm

Top Resident Concerns

1) Socio-Economic Impacts to the Community

- Socio-economic differences between residents of Television City and residents of Vanier Towers
- Need for community benefit, e.g. jobs, green space
- Psychological and social impacts on residents as the income disparity is significant
- Lifestyle differences between residents of Television City and residents of Vanier Towers
- Residents' safety and potential to be blamed for crime that may occur
- Increased calls to emergency services from new owners and residents

2) Construction Management Planning

- Noise
- Dust
- Pollution
- Machines
- Mental health and anxiety
- Integrity of consultant reports paid for by the developer
- Blocking roads
- Timeline, i.e. speed of development, when work starts and ends each day
- Timing with LRT construction

3) Securities for Impacts to Municipal Infrastructure, Servicing, and to Surrounding Buildings

- Impact of construction on existing neighbouring structures due to close proximity
- Preserving the integrity of the heritage building
- Maintaining the structure's integrity in poor weather conditions
- Impact on Vanier Towers' underground parking if something happened at the new build (e.g. flood)
- Structural integrity of the new buildings' underground parking because of their size and weight

4) Lack of Public Outreach/Engagement

- Developer is not sharing enough information about the approval process
- Developer has misleading advertising and marketing as no formal approvals have been given
- Need for open and ongoing communication about the development process, updates, etc.; rumours have started in the community

- Need for a policy calling for developers to have community meetings within a set number of kilometres of the proposed project
- Very little public consultation about the design of the building

5) Tower Separation Distance

- Shade and blocking of sunlight/natural light at Vanier Towers' buildings and yard areas
- Limited distance between structures in the area
- Blocked view from Vanier Towers
- Not enough space for increased number of pets in the neighbourhood
- Poor appearance due to height of the buildings
- Reflections off of the buildings

6) Density (Traffic Impacts)

- Roads do not have the space and capacity to accommodate increased density
- Impact of the increased population on traffic in the neighbourhood
- Impact of the increased population on noise in the neighbourhood
- Traffic and pedestrian safety



October 18, 2017

Tiffany Singh,
Planner, Development Planning, Heritage & Design, Urban Team
Planning & Economic Development Department
City of Hamilton
71 Main Street West, 5th Floor
Hamilton ON L8P 4Y5

RE: Television City Development, 163 Jackson Street, Hamilton

Thank you for requesting comments on the development plan for the subject site.

These comments are submitted on behalf of the Durand Neighbourhood Association (DNA). We refer to the Planning and Urban Design Rationale prepared by Bousfields Inc. (PUDR), the Downtown Secondary Plan (DTSP), Urban Hamilton Official Plan (UHOP), Provincial Places to Grow Policy, and the Draft Tall Building Guidelines Policy.

First, we would like to acknowledge the positive aspects of this plan. The retention and re-use of the Pinehurst Mansion, with a planned parkette or pedestrian plaza at the front of the property will bring much-needed green space to the neighbourhood and allow public interaction with, and appreciation of, a beautiful, heritage stone mansion. As the developer may be aware, the Durand Neighbourhood has only one small park within its boundaries and very little in the way of unpaved public areas. Although this planned amenity for the neighbourhood is relatively small, we anticipate it will be appreciated by residents of and visitors to the Durand neighbourhood.

The planned number of bicycle parking spaces – 500 – is certainly a positive and progressive feature for this new development, and will be much appreciated by residents of the new buildings.

There are a number of other features with which we take issue:

Proposed Height and Built Form

There are many justifications stated for the proposed height and design of these buildings (30 and 40 storeys) in the Planning and Urban Design Rationale report. The Durand Neighbourhood Association does not consider its objection to the height of the proposed development as evidence of "NIMBY". The

Page 2 of 10

Durand neighbourhood already includes many tall apartment buildings, up to 25 storeys, and we recognize that intensification of the downtown area is a long-term plan promoted by the province and the municipality. Currently the Durand neighbourhood is the densest in population in the City of Hamilton, and we acknowledge that density will increase as single-family homes continue to be converted to multi-unit residences and redevelopment of infill lots takes place as it will at 163 Jackson Street.

We address the statements in the PUDR report point-by-point:

Page	PUDR Report Contention	DNA Comment
8	List of buildings, up to 43 storeys, that are considered “surrounding area”	This list includes many buildings that are outside of the Durand Neighbourhood, but more importantly, none of the buildings listed are sited on top of the Iroquois sand and gravel bar, a topographical feature that, at 110 metres, adds 11-13 metres to properties of the same built height that are just “around the corner”. For example, the Royal Connaught, listed as having 36 stories, is at 95 metres (above sea level), a full 15 metres below the site at 163 Jackson. The buildings listed in the report that have some relevance, such as 67 Caroline Street South (the Bentley) is 22 storeys. None of the buildings listed in the Durand Neighbourhood are above 25 storeys.
pp. 10-13	This section illustrates a thoughtful analysis of the built form in the area surrounding 163 Jackson.	We are in agreement with this illustration and believe it shows the site as a possible “transition zone” from downtown into the residential character of Durand. The Draft Tall Building Guidelines (as cited in PUDR report, page 49), recommends “Intensification and infill projects will be consistent in design with the grid street pattern and architectural character of the adjacent area” (2.8) and “New buildings should demonstrate similar proportions and massing of adjacent heritage structures and continue the rhythm of the traditional street façade” (3.1. e.) and “Modern approaches are a suitable option as long as they respect and enhance the existing historic character of adjacent buildings” (3.1. g.)
p. 28	PUDR cites UHOP Urban Structures Policy in support of higher densities in Schedule E – Downtown Urban Growth Centre	We agree the proposed development is within the urban growth centre, however the site is at the south-western edge of the rectangle drawn on the map. It is understood that higher densities and taller buildings are planned for within the rectangle, however, the DNA advocates for an area of “transition” as stated in the Draft Tall Building Guidelines (3.2) “To ensure a sensitive and

Page	PUDR Report Contention	DNA Comment
		compatible approach to the existing and/or planned residential neighbourhoods , tall buildings should be designed to transition in scale towards existing or planned low-rise residential and existing or planned open space areas”.
p. 31	<p>Urban Design Policies Policy 3.3.2.3 as cited in the PUDR report: that urban design should “foster a sense of community pride and identity by:</p> <ol style="list-style-type: none"> 1. Respecting existing character, development patterns, built form and landscape; 2. Promoting high quality design consistent with the locale and surrounding environments; 3. Recognizing and protecting cultural heritage; 4. Conserving and respecting the existing built heritage features, and; 5. Demonstrating sensitivity toward community identity through understanding character of place, context and setting in both the public and private realms, among other things.” 	<p>We agree with the policy 3.3.2.3 as cited in the PUDR report.</p> <p>Our argument here is not with the policy but our belief that the development plan for 163 Jackson Street does not fulfill the intent or spirit of the guidelines.</p> <p>In other statements, the PUDR report states the goal is to create a “sleek built form” (p. 16) and “iconic new buildings” (p. 3). We believe the purpose of the design is to create a shock to the senses of the viewer of these modern glass buildings in the midst of a historic brick and stone landscape, in order to create a statement, regardless of the current surrounding built form.</p>
p. 32	<p>Urban Design Policies Policy No. 3.3.2.4 This policy speaks to quality spaces. Specifically we focus on the cited statements:</p> <ol style="list-style-type: none"> 2. Using consistent materials, compatible with the surrounding context; and 3. Creating a continuous animated street edge in urban environments. 	We do not believe the proposed design, use of materials, height and massing fulfills these goals.
P. 32	<p>Urban Design Policies Policy No. 3.3.2.6 “Compatibility with surrounding areas is desirable”, specifically:</p> <ol style="list-style-type: none"> a. Complementing and animating existing 	Again, this project goes against all of these principles and goals.

Page	PUDR Report Contention	DNA Comment
	<p>surroundings through building design and placement;</p> <p>b. Respecting existing cultural heritage features of the existing environment by re-using, adapting and incorporating existing characteristics;</p> <p>c. Complementing existing massing patterns, rhythms, character, colour and surrounding context, and;</p> <p>d. Encouraging a harmonious and compatible approach to infilling by minimizing the impacts of shadowing and maximizing light to adjacent properties and the public realm.</p>	
p. 32	<p>Built Form Policies 3.3.3.1, 3.3.3.2, and 3.3.3.3.</p> <p>According to PUDR report, these policies specify: “new development shall be located and organized to fit within the existing or planned context of an area” and “shall be designed to minimize impact on neighbouring buildings and public spaces by such things as creating transitions in scale to neighbouring buildings, ensuring adequate privacy and sunlight, and minimizing the impacts of shadows and wind conditions” and “shall be massed to respect existing and planned street proportions.”</p>	<p>The proposed development is designed to NOT fit with the existing or planned context of the area, and maximizes rather than minimizes impact on neighbouring buildings because there is no transition to the residential landscape, and does not ensure privacy and sunlight to neighbouring buildings. The buildings are designed with the balconies on the eastern and western sides of the buildings, ensuring a full view into neighbouring backyards on Wesanford Place and Hunter Street and the balconies/windows of neighbouring apartment buildings on Hunter and Jackson streets.</p>
p. 36	<p>Downtown Secondary Plan</p> <p>The PUDR report acknowledges Policy 6.1.5.6 that “it is the intention that density of development be achieved through complete site coverage rather than through building height” and the “minimum height permissions are 2-storeys”</p>	<p>We agree with this policy and point out that the development does not meet this policy.</p>

Page	PUDR Report Contention	DNA Comment
	and “the maximum permitted height for the subject site is 4-storeys”.	
p. 37	Downtown Secondary Plan Policy 6.1.7.9 “b. Ensuring that new development is compatible with existing structures and streetscapes in terms of design, scale, massing, setbacks, heights, integration and the built form and use ”.	The proposed development does not meet this standard.
p. 38	DTSP – Medium Density Residential Designation Policies The PUDR report cites Map B.6.1-1 and states “designation permits stacked townhouses, low-rise apartment and mid-rise apartment built forms”. This is expanded upon on page 41 (see next) and acknowledges the requirement for a Zoning By-Law Amendment and change to UHOP.	The proposed design does not fit with this policy. The DNA does not agree with a Zoning By-Law amendment or change to the Official Plan.
p. 41	DTSP – Policy 6.1.5.11 “provides that maximum building heights within the Downtown shall be no greater than the height of the Escarpment ”.	With the location of this site on the peak of the Iroquois sand bar, at 110 metres, and the publication of “9-foot ceilings” on all floors, a 40-storey building will be greater than the height of the Escarpment, one of our “prized elements” in Hamilton.
p.45	Durand Neighbourhood Plan The PUDR report acknowledges the Durand Neighbourhood Plan and the objectives: “the introduction of more family housing; preserving distinct low density residential uses, directing large scale commercial uses to the block south of Main and north of Jackson Street”.	The development plan for 163 Jackson ignores the vision of the Durand Neighbourhood Plan.
p. 46	City of Hamilton Zoning Bylaw 05-200 The minimum height for this site is 9 metres, maximum 15 metres.	The proposed building height is 125 metres.
p. 47	City of Hamilton Updated Zoning Bylaw Maximum building height proposed	The proposed building height is 125 metres a request to go beyond the zoning bylaw by 284%!

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Page	PUDR Report Contention	DNA Comment
	is 44 metres.	

Urban Hamilton Official Plan Notes – Not Included in PUDR Report

Policy 2.4.1.4 – This proposal does not meet the following criteria:

- b) the relationship of the proposal to **existing neighbourhood character** so that it maintains, and where possible, **enhances and builds upon desirable established patterns and built form**;
- c) the development’s contribution to maintaining and achieving a range of dwelling types and tenures; (only two per cent three-bedroom and no affordable units included);
- d) the compatible integration of the development with the **surrounding area in terms of use, scale, form and character**. In this regard, the City encourages the use of innovative and creative urban design techniques;

Policy B.2.4.1.4 – This proposal does not meet the following criteria:

- b) compatibility with adjacent land uses including matters such as **shadowing, overlook, noise, lighting, traffic, and other nuisance effects**;
- c) the relationship of the proposed building(s) with the **height, massing, and scale of nearby residential buildings**;
- d) the consideration of **transitions in height and density to adjacent residential buildings**;
- i) the conservation of cultural heritage resources.

Policy 3.4.3.3 (from Chapter B – Communities)

The proposed development does not meet the following policy statements:

New development or redevelopment in downtown areas containing heritage buildings or adjacent to a group of heritage buildings shall:

- a) encourage a consistent street orientation in any new building forms;
- b) maintain any established building line of existing building(s) or built form by using similar setbacks from the street;
- c) support the creation of a continuous street wall through built form on streets distinguished by commercial blocks or terraces;
- d) encourage building heights in new buildings that reflect existing built form wherever possible or encourage forms that are stepped back at upper levels to reflect established cornice lines of adjacent buildings or other horizontal architectural forms or features; and,
- e) reflect the character, massing, and materials of surrounding buildings.

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Policy 3.4.3.4 states: "The City shall encourage the use of contemporary architectural styles, built forms, and materials which **respect the heritage context.**" The proposed development does not meet these criteria.

Policy 3.3.6 – Urban Systems and Designations

In high density residential areas, the permitted net residential densities, identified on Appendix G – Boundaries Map shall be:

- a) greater than 100 units per hectare and not greater than 500 units per hectare in Central Hamilton; and,
- b) greater than 100 units per hectare and not greater than 200 units per hectare in all other Neighbourhoods designation areas.

This site is .44 h and the proposed number of units far surpass what is allowable.

Policy 3.6.7 – Urban Systems and Designations states:

- b) High profile multiple dwellings shall not generally be permitted immediately adjacent to low profile residential uses. A separation distance shall generally be required and may be in the form of a suitable intervening land use, such as a medium density residential use. Where such separations cannot be achieved, transitional features such as effective screening and/or design features shall be incorporated into the design of the high density development to mitigate adverse impact on adjacent low profile residential uses.

Tall Building Guidelines (Draft – May 2017)

The proposed development at 163 Jackson Street does not follow many of the guidelines set out in the draft Tall Building Guidelines. We refer to the PUDR report, pp. 49-52 as follows:

2.8 Neighbourhoods

"The vision for Neighbourhoods is within the Downtown area is to support intensification while being **consistent with the character of each area**" "a. intensification and infill projects will be consistent in design with the grid street pattern and **architectural character** of the adjacent area."

3.1 Heritage Conservation

"e. New buildings should demonstrate **similar proportions and massing of adjacent heritage structures** and continue the rhythm of the traditional street façade." And "g. Modern approaches are a suitable option as long as they respect and enhance the **existing historic character of adjacent buildings.**"

3.2 Neighbourhood Transition

"To ensure a sensitive and compatible approach to the existing and/or planned residential neighbourhoods, tall buildings should be **designed to transition in scale towards existing or planned low-rise residential and existing or planned open space areas.**" "c. Transition to the height of

Page 8 of 10

adjacent, existing residential development. **The proposed base building height should be consistent with the height of the adjacent low-rise building.”**

3.6 View and Landmarks

“a. Any development application should identify, maintain and enhance viewing opportunities to the Escarpment.”

5.2.1 Building Base Placement and Setbacks

“b. The facades of the building base should align with adjacent building facades and align with existing street wall.”

5.2.2 Building Entrances

“Primary building entrances should front onto public streets, should be clearly visible and accessible from adjacent sidewalks”.

5.2.3 Façade Articulation

“Building bases should be articulated with high-quality design elements and materials that fit the surrounding character area and neighbouring buildings.”

5.2.4 Public – Private Transitions

“b. Align public entrances flush with public sidewalks.”

Items 4.2.2 and 4.2.4 address the specific design element of having entrances to retail/commercial spaces “inset, while the tower components overhand and rest on columns that surround each of the tall buildings”. This element would, in our opinion, create a more “forbidding” space, leading to a less successful outcome for retail/commercial tenants with low visibility from the sidewalk and street.

Lack of Inclusionary (family-friendly) Units

On page 22 of the Planning and Urban Design Rationale report, the breakdown of units proposed is shown as follows:

Studio - 116
1 Bed - 234
2 Bed - 252
3 Bed – 16

Only two per cent of the total units in the proposed buildings will be “family-friendly”, meaning large enough to accommodate a family with children, and three-bedroom units will be priced beyond the budgets of most young families. Although in its infancy, Ward 2 neighbourhoods are advocating for an inclusionary zoning policy for Ward 2 and the City of Hamilton, to create and retain a diverse mix of housing for various family size requirements. The reason for this advocacy is that as developers build small apartment or condominium units, families that cannot find suitable housing, are forced to move away from the city centre, leading to the closing of schools, and a reduced need for park space within the community.

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Design

Recessed Retail/Commercial Spaces – Page 17 of the Planning and Urban Design Rationale report states that the retail/commercial spaces will be recessed underneath the 30 and 40-storey towers. This design feature is not positive, and the report acknowledges that UHOP states: “retail uses shall have storefronts opening onto the sidewalk” (p. 31 of PUDR report). We cannot emphasize enough the importance of having an open commercial area. In the film “Citizen Jane”, about Jane Jacobs’ battle to retain and create welcome city spaces, an example was shown of a building similar to this design with recessed retail and forbidding columns. There was very little use of the space after the building and plaza were complete, although the renderings had shown people enjoying the space.

Another aspect of the design is, of course, the material proposed for the buildings – mostly glass. A concern was brought to our attention by a resident of Hamilton outside the Durand neighbourhood. The resident referred to the glare from glass buildings and the introduction of a new study required by some municipalities for reflectivity studies to determine the best placement for buildings of this type. The article is online at: <https://glassmagazine.com/article/commercial/technology-solving-glaring-problem-1210336> We urge the City of Hamilton to require a similar study for this project and all future projects proposing glass as the primary material in tall buildings.

Visitor Parking

At only 30 spaces, the allowance for visitor parking is insufficient. With 618 units, it is unreasonable to expect the buildings will only receive 30 visitors at a time arriving by car. This part of the plan will lead to the requirement for street parking – already at a premium in our downtown neighbourhood. Also, we are concerned about lack of parking for retail/commercial customers as the plan does not specify if parking spaces will be included for the commercial area.

Shadow Study Conclusion

On page 68 of the PUDR report, the opinion of Bousfields Inc. is that “these shadow impacts are adequately limited given the subject site’s urban context”. We draw your attention to the illustrations in the Appendix, showing the projections for shadowing on March and September 21st at 4 p.m., and June 21st at 4 p.m. The result of these projections is that only in winter months will the shadow of the buildings not encroach onto Wesanford Place, both front and back yards. A revision of zoning from 15 metres to 125 metres is not acceptable as it will lower the quality of life and quiet enjoyment of property of neighbouring residents on Wesanford Place and Hunter Street.

Cultural Heritage Impact Assessment

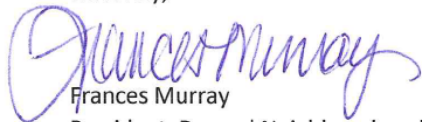
The report submitted by Goldsmith Bogal and Co. Ltd. Architects was inadequate in terms of addressing the design of the two tall buildings within a historic, heritage neighbourhood. The focus of the report, and its conclusion in support of the design, was based solely on potential shadowing of heritage resources, not the impact of the height, massing and materials proposed for the project.

In conclusion, the Durand Neighbourhood Association appreciates the opportunity to submit comments on the proposed development for 163 Jackson Street. We welcome a mixed use residential and commercial development for this site, however, the design, height and massing of the proposed

Page 10 of 10

development is out of context for the landscape in which it is situated. This conclusion is supported by current Hamilton zoning bylaw, Urban Hamilton Official Plan, Durand Neighbourhood Plan and the draft Tall Building Guidelines.

Sincerely,



Frances Murray

President, Durand Neighbourhood Association

On behalf of the Board of Directors, DNA: Dennis Baker, Roberta Harman, Barb Henderson, Wes Jamieson, David Levy, Paul Nichols, Christopher Redmond, Geoff Roche, Anne Tennier

With files and input by: Janice Brown, Past President

Cc: Jason Farr, City Councillor, Ward 2

To: Tiffany Singh, City of Hamilton
Planning and Economic Development Department
Development Planning, Heritage and Design—Urban Team
71 Main Street West, 5th Floor
Hamilton, ON, L8P 4Y5
Tiffany.Singh@hamilton.ca

Dear Ms. Singh:

My name is Kathleen Fraser and I am the owner and resident at 67 Caroline Street South, unit 1103. I am replying to your letter of September 28, 2017.

I am writing regarding Television City’s complete applications for both an *Official Plan Amendment* and a *Zoning By-law Amendment* for lands located at 163 Jackson Street West, Hamilton (Ward 2)—files UHOPA-17-027 and ZAC-17-063.

I understand that information respecting this application is being collected under the authority of the Planning Act RSO 1990, c.P.13, and that my submitted comments and opinions will become part of the public record.

I further understand that there will be a future public meeting, at which time I may choose to make an oral presentation.

1. Comments re: Urban Hamilton Official Plan Amendment (File No. UHOPA-17-027)

While I have no major objections in principle to amendment of the *Downtown Hamilton Secondary Plan* from *Medium Density* to *Mixed Use*, I have the following concerns:

A—(i) There are three active and heavily used small convenience stores in the immediate vicinity of the proposed tower that may be seriously affected by the new retail facilities on the lower floors of the tower. I believe it is important to keep such small stores viable in our growing cities for such retail outlets keep people close to home for minor shopping and reduce the need for car use in local neighbourhoods. Also, these three stores now provide a much-used kind of “community centre” facility for local residents.

There needs to be much more clarification about the proposed retail facilities and their possible impacts on the already existing local retail spaces before any approval is considered.

(I note that in the picture of the tower and surroundings on the ad for Television City thrust into my mailbox some weeks ago, and also appearing in Hamilton Magazine (fall 2017) the convenience store at the corner of Hunter and Caroline has disappeared, to be replaced by some larger buildings. Such a rendering does not give one confidence in Television City’s perception of and care for our local area.)

A—(ii) I object strongly to the idea in the proposed tower that their retail facilities need not enhance the adjoining streetscape, maintain a sense of neighbourhood, and promote life on the street. As pictured in the published sales material, the two-storey retail floors are inward looking, anonymous, and gargantuan, replacing an existing pleasant treed walkway. They have all the charm of the perimeter barrier wall of a gated community.

I suggest that the design aspect of the retail development needs considerable major modifications if seeking approval.

B— (i) On the proposed *Plan Amendment* to increase local density from 300 units per hectare to 1384 units per hectare, I comment that Hamilton can learn from serious problems now arising from densification in Toronto. There, while the city claims densification overall, recent research shows that this is occurring only in certain areas. Such an imbalance is causing problems with local traffic flows to the extent that appalling gridlock is occurring. We need not replicate such situations in Hamilton. The Durand neighbourhood is already the most densely populated in the city, (this Jackson-Caroline section of Ward 2 contains many towers already) and surely does not warrant more pressure on it, especially by such a massive development.

Such densification as proposed in the *Plan Amendment* is not in keeping with modern creative urban planning. Densification needs to be spread more throughout the city of Hamilton in an orderly manner.

2. Comments re: Zoning By-law Amendment (File No. ZAC-17-063)

I am absolutely astonished at the haphazard and random manner in which this requested *By-law Amendment* has come before Hamilton’s Planning and Economic Development Department. First, CHCH experiences financial difficulties, the site is sold locally, the new owner contacts a Toronto developer—and there you have it! By his own admission Mr. Brad Lamb does only large condos and is not interested in other kinds of housing developments. So, voilà, the only choice possible now—within this one-size-fits-all mentality—is a downtown Toronto clone, whether a downtown Toronto clone is appropriate for this particular Durand neighbourhood site or not.

Did the Planning Department ever identify such 618 new residential units of “middle class housing that is the best” (ref. Lamb quote in Hamilton Magazine, fall 2017, 56), stacked one upon the other to an outlandish height, as absolutely essential for Hamilton’s immediate wellbeing? Did the Planning Department always have this particular site as the unquestionably ideal location to make its first statement about the new direction for Hamilton’s future image and long term growth?

Mr. Lamb thinks Hamilton is at last, finally, ready for him but I’m not so sure. What’s the rush? Why be so hasty? Why hurry to embrace a vision some outsider is trying to persuade us is essential to define Hamilton’s future as a city?

We all know major changes are coming to urbanization in the Golden Horseshoe, we know densification and infill are required and even welcome, but surely the City of Hamilton itself should be able to determine the scope of its future, not have it thrust upon it. If Hamilton is seeking an outside Canadian model it might be more profitable to look to Victoria, British Columbia that manages to be economically thriving, beautiful in its heritage buildings, and confident in its lively people-friendly downtown—and ignore the unfortunate muddle across the lake to the north.

I do not believe this particular development speaks appropriately to what Hamilton will want to say about its long- term image and I deplore it.

Lucas, Adam

From: David Capizzano [REDACTED]
Sent: November-01-17 1:38 PM
To: Singh, Tiffany; Farr, Jason
Subject: Support for Television City!

Hello Tiffany & Councillor Farr;


I'm sending a quick email today to note my support for the 30 & 40 storey development at Caroline & Jackson known as Television City.

I believe the towers beautifully reference the number of modernist apartment buildings in Durand & appreciate the addition of public space. Many in my neighbourhood will have you believe these towers are inappropriate and too tall. I believe the height is appropriate due to the fact that the towers feature slender forms and light cladding.

If you have any questions regarding my support, feel free to reach out via email or phone. I am available at [REDACTED]

Thanks very much,

David Capizzano



October 26, 2017

Tiffany Singh, City of Hamilton
Planning and Economic Development Department
Development Planning, Heritage and Design - Urban team
71 Main Street West, 5th Floor,
Hamilton, ON L8P 4Y5

Re: UHOPA-17-27 and ZAC-17-063

As residents of Bentley Place, we have lived through the construction of the Federal Building and Regency on Main as well as 149 Main Street. Reading about the neighbourhood concerns and the path these projects took through the various City departments has underlined to us the importance of maintaining reasonable building height, traffic control and design style to both enhance and maintain a comfortable, livable Durand neighbourhood.

With respect to UHOPA-17-27, we *strongly disagree* with the increase in density from 300 units to 1,384 units per hectare. This is an incredible increase for a neighbourhood that is already densely populated. The increase in pedestrian traffic will require additional expense to the city as the current narrow sidewalks and few crosswalks will need updates to reach public transportation like the GO centre. Will public transportation be adjusted to accommodate this potential increase? As well, it is sure to negatively impact the vehicular traffic flow which is already undergoing changes with the new bike lanes and which the neighbourhood can just barely support.

With respect to File ZAC-17-063, we *strongly disagree* with the increased height of the two towers. At a proposed height of 125 meters they will overpower the escarpment itself. Keeping the escarpment as the benchmark is a principle we truly hope the City will incorporate into its zoning changes at year end. How will the towers affect the wind flow off Hamilton mountain? We have noticed how the Regency on Main has affected the wind and rain against the Bentley. How much shadow/darkness will the towers cast over our buildings? How will the reflection/glare off the exterior finish affect local traffic? The proposed exterior glass design may be the current fashion in high rises however we would rather see an exterior that will fit in with the neighbourhood while still having an impact.

We have concerns about the proposed inclusion of incorporating retail and commercial businesses on the ground level of the proposed structures. Moving businesses deeper into a mostly residential area will again impact the traffic flow especially parking. Street parking in the Durand neighbourhood barely meets the demand on evenings and week-ends or during local events.

We would certainly not want the City to allow more height in exchange for public green space as was alluded to in a newspaper article. We already are lucky to have within a short walking distance from the proposed development the beautiful park adjacent to City Hall and the Whitehern gardens.

...1/2

...2/2

We agree that the 4-soon-to-be-11 story zoning limit is too stringent for this type of development, so by-laws and zoning changes are required. A limit not exceeding the height of the escarpment and of the other tall buildings on the same elevation as the CHCH property would be more homogeneous than the proposed development plans. The towers can still be signature buildings without overwhelming their surrounding communities.

Change means opportunity and we welcome Mr. Lamb's creative investment in Hamilton with appropriate architectural amendments to his towers.

Sincerely,

A large black rectangular redaction covers the signature area, obscuring the name and any handwritten notes.

Please note that we do not wish for our personal information to appear on the public report or the City's website.

Lucas, Adam

From: Frances Murray [REDACTED]
Sent: October-07-17 4:37 PM
To: Singh, Tiffany
Subject: Television City REport - Heritage Impact Assessment

Hi Tiffany,

I would like to have a look at the subject report. Do you have availability on Wednesday, October 11?

Also, I'm looking for population data for the Durand neighbourhood. Is there a source for population per hectare as cited in the Provincial Places to Grow policy? Stats Can cites population by kilometre so it's difficult to compare the two data sources. If you could point me to the department that could assist with this, I would appreciate it.

Thanks,
Frances

Lucas, Adam

From: [REDACTED]
Sent: October-25-17 12:00 PM
To: Singh, Tiffany
Cc: Farr, Jason
Subject: Television City - ZAC-17-063/UHOPA-17-27 - 163 Jackson Street West

Tiffany Singh, City of Hamilton
Planning and Economic Development Department
Development Planning, Heritage and Design - Urban Team
71 Main Street West, 5th Floor
Hamilton, ON, L8P 4Y5

Wednesday, October 25, 2017

Dear Ms. Singh,

I am writing to you today regarding the proposed zoning by-law and official plan amendments put forth by Television City Hamilton Inc., for the lands located at 163 Jackson Street West in Hamilton. (UHOPA-17-27 and ZAC-17-063).

In particular, I wish to register my strong opposition to the proposed construction of two new "Mixed Use" towers, one at 30 storeys, the other at 40 storeys. I remind you that the area is already home to quite a dense collection of very large towers. Structures of the scale being proposed are unprecedented in Hamilton, and would dwarf any existing buildings in the neighbourhood.

As a resident of Wesanford Place, a street that terminates at the Eastern border of the site, I will attest to the fact that the residents in this neighbourhood already struggle with issues of excessive wind, blowing trash, and diminished daylight caused by the predominance of tall buildings that ring the immediate area. The proposed structures will certainly make these problems worse, and I would expect that the height of these buildings will place our street in near perpetual shadow.

As you are no-doubt aware, the site is in the Downtown Secondary Plan zone, and any construction there will fall under the rules of the Tall Buildings guidelines. These guidelines *must* be taken into consideration with particular regard to this proposal, as its location at the top of the Iroquois Bar will greatly increase the dominance of these buildings on the Hamilton skyline, and will - without question - cause them to obscure views of the Escarpment from anywhere in the lower city. Issues of height alone should be sufficient reason to reject the proposals.

However, it is also important to consider the greatly increased traffic loads on the small residential streets in the area, and the effects that will have on the families who live there. The plan calls for the creation of 397 new vehicular parking spaces, which represents a major increase in local traffic, with its attendant safety and environmental impacts for a residential area such as this. This increase is especially concerning given that 2016 was the deadliest year on record for pedestrian traffic fatalities

in the GTHA.

Hamilton is a vibrant, thriving city, and certainly deserves to develop and grow as any other, however this growth must be balanced by careful, thoughtful, and sensible planning. The idea of putting "Mixed Use" buildings on this site is not - on the face of it - a bad one. The proposed green space would be welcome, and preservation of the heritage building on the property appears to be well-considered. In theory, a well-planned, reasonably-sized development could have a positive impact on the neighbourhood and help to revitalize the area. These proposals, however, do not meet those criteria.

For the reasons I have stated above, I strongly believe that towers of this scale and sheer enormity simply cannot be allowed to be built in this location. I entreat your forbearance on this matter and urge you to reject the plan amendments [UHOPA-17-27 and ZAC-17-063] as proposed.

Respectfully,

A large black rectangular redaction box covering the signature of the sender.

cc: Councillor Jason Farr, Ward 2

My comments may appear on the City's website, and be made available to the public, however I request that you redact my personal information. Thank you.

Lucas, Adam

From: [REDACTED]
Sent: October-25-17 5:00 PM
To: Singh, Tiffany
Cc: Farr, Jason
Subject: Re: Television City - ZAC-17-063/UHOPA-17-27 - 163 Jackson Street West
Attachments: 2017-10-25.png

Hi Tiffany and Jason,

I very much appreciate the swift replies from both of you to my email about this, especially given the pending deadline for comment.

Would it be possible to include an attachment to my comments that I only became aware of after sending my email?

I'm attaching a screenshot here from Google Maps that I think provides a compellingly eye-opening illustration of the issues I discussed in my submission -- this is a screen-shot that shows the immediate geographical area that will be affected by the proposed development.

I am sure you are both perfectly familiar with the area, but as you can see, our tiny enclave encompassing Hunter, Caroline, and Jackson - with Wesanford running down the middle - is almost completely surrounded by nothing but very tall buildings.

When I say, "almost completely surrounded", however, the caveat is exclusively thanks to the small reprieve provided by currently low-height of the CHCH building, which would be replaced by a 40 story tower under [ZAC-17-063/UHOPA-17-27].

Currently, thanks to the small gap that exists between the tall buildings to the West of our street, we do receive some evening sunlight on our property. Later in the year, mind you, a substantial portion of that is actually just reflected-light from the Western face of the building at 100 Bay St. S.

If one were to imagine two additional towers in this photo, at the location proposed, the picture would change *dramatically*; any reflected light from 100 Bay St. S., for example, would vanish completely. Wind effects would be substantially increased.

Keep in mind that, even taking in to account the height of the land provided by the Iroquois Bar, the towers to the South (121 Hunter St.), and East (100 Bay St. S) of our street - while tall - are still only approximately 13 - 16 storeys each (based on a visual count of the balconies in this photo).

What is being proposed at 163 Jackson St. W (at a similar elevation to the two buildings I just mentioned) would be one tower at ~2x the nearest tallest building, and another at nearly ~2.5x.

Please do whatever you can to reject these proposals and bring the developers back down to Earth.

Kind regards,

[REDACTED]



Lucas, Adam

From: Jason Leach [REDACTED]
Sent: October-28-17 3:56 PM
To: Singh, Tiffany; Farr, Jason
Subject: feedback on Television City

Reference: UHOPA-17-27 and ZAC-17-063

Hello Tiffany and Jason,

I just wanted to send along my thoughts re: Television City condos at the CHCH site.

Firstly, I've lived in Hamilton for 40 years and really never thought I'd see the day where someone would want to invest hundreds of millions and a new 'tallest' build for the city in our downtown. It's great to see renewed interest in the core. Lord knows we have the ability to house 10's of thousands of new residents downtown, and I hope to see many infill projects in the years to come.

Now my thoughts regarding this project as someone who lives a few blocks away:

- 1- I'm excited to see the old Mansion re-purposed. Huge win for the city and Durand
- 2- I love the public park/greenspace proposed on Jackson St in place of a current parking lot. Again, huge win for that neighbourhood
- 3- Also excited to see the Hunter St parking lot replaced with a residential building. This needs to happen all over the lower city.
- 4- Really impressed with the on-site amenities. This is a 'big-city' project coming to Hamilton. Possibly the first one downtown that I can think of.
- 5- glad to see over 250 units with 2+ bedrooms. This is crucial to seeing families downtown as opposed to some projects which consist mainly of studios or 1 bedroom.
- 6- The height is well-designed to fit into this part of the city. North American cities need to add height downtown to make up for the low densities we have elsewhere in our cities. 2 blocks from this site are buildings of 23 and 33 stories just completed. This complaint about being 'taller than the escarpment' is a head-scratcher. We already have buildings taller than the escarpment and nobody noticed. Heck, we have buildings ON the escarpment. It's not a remote nature preserve.

I'm actually excited to see Hamilton FINALLY have a new tallest building. No offence to the fine folks who built Century 21, but it's time for a 21st Century look to our skyline to replace the 1970's look.

I see the new downtown secondary plan will allow for buildings to 30-stories on this site. I would suggest additional height should be considered as a 'bonus' for all the public amenity aspects of this project stated above in points 1-5.

I'm also glad to see a light glass proposal as opposed to heavy colours or stucco like we usually seem to get. And the slender nature of the towers is much preferred to a half-block long slab.

I was in Vancouver recently and narrow towers on podiums is literally their design everywhere. And it works. Excited to finally see a similar development in Hamilton.

Cheers, and thx for the chance to send in feedback

Jason Leach

From: [REDACTED]
Sent: October-03-17 9:35 AM
To: Singh, Tiffany
Subject: 163 Jackson Street, ZAC-17-063 and UHOPA-17-027

Hello Tiffany,

I have received the Notice of Complete Application regarding the above noted. There is little information within the Notice so I would like to request the following materials to better understand the proposal and how I will be affected:

- A copy of the Sun Shadow Study
- Planning Justification Report
- Traffic Impact Study

In addition, I would also like to note that the circulation was addressed to the former tenant. Is it possible to update your mailing list to the following?

[REDACTED]
[REDACTED]
[REDACTED]

I would like to be notified of all future decisions on this proposal, and I would like to receive a copy of the associated staff report. I also request that all personal information be removed from the public record.

Thank you,

[REDACTED]

Lucas, Adam

From: Kathie Tiers [REDACTED]
Sent: October-25-17 11:04 PM
To: Singh, Tiffany
Subject: TELEVISION CITY

Ms. Singh, thank you for the opportunity to comment on the proposed Television City Project. As a lifelong resident of Hamilton and also growing up in the downtown core, I must relay my concerns over this project.

1. The proposed height, size and scale of these buildings is totally incompatible with the architecture of the existing neighbourhood

The jarring modern design looks bizarre even in the online renderings when viewed south from the front of the Pinehurst

Mansion and the proposed heights are 1.5 to 2 times higher than other buildings in the area, i.e. The Bentley.

Allowing changes to zoning by-laws would set a precedence of encroachment further into the historic Durand Neighbourhood.

2. The height of the proposed buildings will block sun and light from surrounding homes and minimize the amount of sky visible

from other buildings in the vicinity including my own residence at Bay and Jackson Street as well as the single family homes on Wesanford Place and Hunter Street

3. The glass cladding of the exterior as proposed could create extreme reflection off the vertical surfaces especially in the early morning hours which could cause some visual impairment for drivers as well as residents of some of the surrounding high rise buildings, as has been experienced at the CIBC building at the corner of King and James

4. The lack of parking given the large number of units is a concern as there is very limited on street parking on the adjacent streets

The issue of parking for the proposed retail premises has not been adequately addressed

5. Increased traffic especially during the before and after school time period may adversely affect pedestrian safety

6. The cost of many of these units with many priced at \$1-1.4 million is prohibitive for many Hamilton residents, especially young families who need much more affordable housing

7. I have concerns over the impact of this development on the residents at the City Housing managed buildings adjacent to this site at 181 Jackson St and 95 Hess. With increased gentrification of this type there is a concern that these longtime residents may face a backlash from new residents

In closing I recognize that our city needs revitalization of the core that is well thought out and enhances the quality of life for the residents. Each new development should fit into the neighbourhood plan and conform to the zoning by-laws of that area. There have been a number of well done residential complexes in recent years that are good examples of how we can move forward and blend new buildings into existing areas; one being the low rise condo building on Bold St west of Queen, and another the 6 storey condo building currently under construction at 101 Locke.

Thank you for the opportunity to comment, Kathleen Tiers

Lucas, Adam

From: Joan Holmes [REDACTED]
Sent: October-10-17 1:37 PM
To: Singh, Tiffany
Subject: Applications by Television City Hamilton Inc.

This note is written to express my concerns related to applications UHOPA-17-027 and ZAC-17-063.

I believe that the request to increase the density on the site from 300 to 1,384 units and an increased height to 40 storeys excessive and problematic. I don't believe the existing infrastructure in this neighbourhood could support such excessive increases. My concerns are related to questions of adequate water, sewage, school, traffic and shopping issues.

The height of the two proposed towers is incongruent with existing structures in this residential neighbourhood. While an underground parking garage is included in the site plan, these parking spaces would be for owners of the proposed 618 residential units. One can only assume that guest parking would need to be found on the already congested streets. The increased traffic on Caroline, Jackson, and Hunter Streets would be a nightmare. Queen, Hess, and Bay Streets would also be even more congested than they already are.

The four commercial units located at grade level would add to the increased traffic on these narrow, busy streets.

I can only hope that these applications are not accepted which would encourage a more thoughtful development plan!

Lydia Joan Holmes
67 Caroline Street
Unit 15 C
Hamilton, ON
L8P 3K6.

From: Monique deWyk, 1711 - 181 Jackson Street West [REDACTED]

Page 1 of 1

From: Monique deWyk, 1711 - 181 Jackson Street West [REDACTED]

From: Monique deWyk, 1711 - 181 Jackson Street West [REDACTED]

re: Television City

I am opposed to the plan to build two new condominiums on the soon-to-be former CHCH site. There are several reasons -

1. There are already 2 apartment towers on this block.
2. Several more towers have been built or are under construction right now.
3. Since all of houses, businesses and high rises are 25 stories or less, a 30 and a 40 storey building would not fit in with the neighbourhood. The Durand Neighbourhood Association could give you more information about that I expect. The glass walls on other buildings built by this developer have been known to collapse and are not energy efficient.
4. The amount of traffic this development would bring would cause safety issues for residents in the area, both during and after construction. Many rely on walkers, scooters, and canes. Drivers are notorious for disregarding the rights of pedestrians and bicycle riders and the new ones would not be different.
5. All of the roadways in the area, particularly at the intersection of Caroline Street South and Jackson Street are in need of major repair so again there is the question of safety and of course, cost.
6. It is questionable whether the streets in the area are wide enough for the number of vehicles this project would require.
7. The length of time needed and the effects of the construction of this project would have a negative impact on the area. My research on the Internet while not always accurate say that the projected completion date is October 2022. Can such a large project be completed in only five years?
8. There will be significant changes such as sewers, water and power needed for such a development. This goes to my earlier comments about safety for residents in the area.

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Lucas, Adam

From: Meltem Koseleci [REDACTED]
Sent: October-08-17 12:49 PM
To: Singh, Tiffany
Cc: Farr, Jason
Subject: Fwd: Durand NA - Television City - Submit Comments Now

Tiffany,

Television City is an ambitious project. It is good to see investors continue to come to our wonderful city and invest and build. I'm familiar with Brad Lamb's developments in Toronto, having lived there for over 10 years. I just don't remember anything being this high in height, in a similar neighbourhood. Much more moderate developments.

It needs to more to scale of our neighbourhood. I'm all for change and improvement but it needs to be done responsibly. It's a delicate balance between what's right for our neighbourhood, while at the same time not stifling development.

This seems to be out-right-push for something that is NOT in line with the existing street scape, or even keeping it below escarpment height.

More information is needed so we can all make an informed decision about Television City.

Kind Regards,
meltem

Meltem Koseleci
Sales Representative
Realtor®

[REDACTED]

Coldwell Banker Community Professionals, Brokerage
318 Dundurn Street South
Hamilton, ON
L8P 4LP

Lucas, Adam

From: Marnie Paikin [REDACTED]
Sent: November-03-17 4:35 PM
To: Lucas, Adam
Cc: Farr, Jason; Singh, Tiffany
Subject: Television City Application

Mr. Lucas,

It has been suggested by Tiffany Singh that I write directly to you which, by this e-mail, I am doing.

As a 26 year resident of "downtown Hamilton", I received a notice inviting comment about the application being considered for Television City on the former CHCH property. Unfortunately, I misplaced the notice with the details, but Ms Singh advises that, despite missing the October 27th date, my comments could still be included in the staff report. I would be grateful if that could happen.

I believe I understand the current City of Hamilton policy which de-emphasizes automobiles. I have seen this policy enacted by reducing the number of lanes for cars on streets in our neighbourhood. I have seen this policy enacted by the addition of bicycle lanes on those same streets. I have seen this policy enacted by adding "speed bumps" to many streets in our neighbourhood. I have seen this policy enacted on our street (Caroline Street South) by the addition of many more stop signs. I have seen this policy enacted by the removal of one-way traffic in favour of two-way traffic on these same streets. I have seen this policy supported by the commitment to LRT and public transit. I believe I understand all of this.

In the face of these policies and these actions, I fail to understand how approval can be granted to Television City to build a total of 70 stories (overly high stories, as advertised) with 6 underground levels for parking cars.

I attended previous meetings some years ago when consideration was given to the redevelopment of 150 Main Street West. I resented the process which treated as a minor variance the change in the number of permitted stories and failed to fully advise the neighbours of the totality of the development. But, since I believe I understand the need for infill projects as opposed to sprawl, and since the development was on a main thoroughfare, I thought I understood the decision reached.

However, Television City is not located on a main thoroughfare, occupies a fairly small land area, and seems overly high for both the neighbourhood and the plan that the City of Hamilton is pursuing. I will not understand the approval of this project as it stands.

Yours sincerely,

Marnie Paikin

Lucas, Adam

From: Nancy Scott [REDACTED]
Sent: October-25-17 4:18 PM
To: Singh, Tiffany
Subject: UHOPA-17-27 and ZAC063

Good afternoon Tiffany

I am not in favour of allowing these glass buildings to be built so high in the downtown of Hamilton. It is my opinion they would mar the landscape and be a killing zone to our birds.

We live in an especially uniquely beautiful area in the whole of Southern Ontario. We are bordered by Lake Ontario, the Bay and the Escarpment on the south that can be seen from the east end to the west past Flamborough. In this unique area we have many, many varieties of wildlife and birds. I live downtown in an apartment building 17 floors high and think it is too high. We do however have beautiful views.

This building is made of bricks and I have never seen a bird fly into a window. I do see variety birds such as Hawks, Falcons, Ravens, Crows, Bluejays, Robins, Cardinals, sparrows, Pigeons, Seagulls etc. We are also on the winter route of the Canada Geese and the Monarch Butterfly.

Birds fly into glass buildings daily in Toronto and reports have been on the news of that city's decreasing numbers of birds.

As a lifetime resident of Hamilton I feel it is important to keep our unique landscape a priority when allowing urban development. Especially now with the many highrises being planned. I look out my windows and see the huge cranes in all directions. With careful planning we could become a more populated area in lower buildings that are not all glass.

Respectfully submitted

Nancy Scott

Lucas, Adam

From: Paul Bentley [REDACTED]
Sent: October-27-17 3:34 AM
To: Singh, Tiffany; Farr, Jason
Subject: Television City towers

Hi Tiffany and Jason,

I live 'kitty corner' to the proposed Television City towers at 163 Jackson St W (I live at 67 Caroline St S).

I am not at all happy that a 40 story building is proposed for the site. That would block our view of the escarpment, and add too great a density in the area. I could perhaps accepted a 20 story building, or something a little higher, but 30 and 40 floors is too much! What does the existing bylaw say regarding permitted heights?

Can you please express by displeasure, as is appropriate.

Thank you.

--

Paul Bentley

Lucas, Adam

From: patrick brown [REDACTED]
Sent: October-26-17 4:30 PM
To: Singh, Tiffany
Subject: uhopa-17-27 zac-17-063 163 Jackson Street West

I wish to be notified of the decision of the City of Hamilton on the above 2 Plan Amendments as well as receive prior notification of the staff report.

My comments on the proposed Amendments are:

1. towers are far too high and will dwarf the existing close by houses. Towers should be no more than 8 storeys. Light study should be done.
2. the number of units will lead to more traffic and parking congestion.

Patrick Brown
123 Jackson Street West
Hamilton

Sent from [Outlook](#)

Tiffany Singh
City of Hamilton Planning and Economic Development Department,
Development Planning,
Heritage and Design - Urban Team

Re: UHOPA-17-27 and ZAC-17-063

I am a resident/owner [REDACTED] and want to share my thoughts regarding the proposed Television City condo development at 163 Jackson Street West in Hamilton.

The twin buildings are to sit on the sand ridge traversing that area and at 30 and 40 stories they will rise up well above the surrounding buildings and homes as well as appearing higher than other similar height buildings in other areas of the city. It is my understanding that the Durand neighbourhood is a protected heritage area where new development is supposed to reflect, if possible, the existing structures. I feel that these proposed towers with their glass wall designs will not adhere to these parameters. Also, at a height of 125.0 metres, the taller tower will exceed the height of the escarpment. My understanding is that no buildings in the downtown area are to exceed the height of the escarpment since they will block the view of that escarpment.

618 residential units will increase the vehicular traffic in the immediate area. With bike lanes on Bay St. and Hunter St. the number of road lanes dedicated to vehicular traffic has decreased. The planned development in its present form will increase on-street traffic.

With 30 guest parking spots planned, and just over 64% of residential units with underground parking spots, the number of people looking for on-street parking spaces will increase dramatically. On-street parking spaces at present can be sometimes difficult to find. I'm not aware where the entrance/exit will be for underground parking but it might add to the congestion of on-street lanes of traffic.

With the two towers of the planned development rising so high, the shadow cast from them must affect amount of sun received by the homes and buildings in the surrounding area. With the change in seasons, the amount of sun will vary for different seasons but perhaps some buildings might not see any rays from the sun again. Also these towers will reflect the sun's rays to areas to the east, south and west and that impact might be negative.

If these buildings are built, according to the present plans presented, they might set a precedent in the Durand neighbourhood for other proposed future

developments. If buildings such as those proposed for 163 Jackson Street can be built in other areas of the Durand, then they will impact and significantly change the character of this historic neighbourhood.

I am in favour of urban development on the former CH studio property and am pleased to see that the proposed development preserves the integrity of the historic, heritage building presently at 163 Jackson Street West. I am in favour of high-rise condo buildings being built on the site behind the heritage mansion but not in favour of the height of both of those towers. Signature buildings often add appeal to their residents, to the neighbourhood and to the city. These buildings certainly will be signature buildings but I feel that modifications to the present proposed design should occur.

A large black rectangular redaction box covering the signature area.

Lucas, Adam

From: Sue Shaker [REDACTED]
Sent: October-21-17 3:28 PM
To: Singh, Tiffany
Cc: Farr, Jason
Subject: Brad Lamb

The condo tower development proposed by Lamb is clearly an insult to good planning. Toronto, and in particular Lamb do not see our city and neighbourhoods for what they are but rather as potential developments which act as monuments to their egos. There is no where in the selected area that invites this degree of over development, it simply defies imaginative to think it could move forward. Over playing his hand by suggesting this exaggerated height in hope of a compromise to get some additional height beyond what is currently permitted is almost laughable. He certainly underestimates the folks in Hamilton. Times have changed Mr. Lamb...new rules apply and new people are in City Hall, both elected and as employees. We will do what is best for us.
I am certain the Planning Dept. will do their job.
Sue Shaker

FROM William Paterson
 apartment 118
 226 Rebecca Street
 Hamilton Ontario L8R 1C3

October 10, 2017.

RECEIVED
 OCT 12 2017

TO: ^{Tiffany Singh} Planning and Economic Development Department ^{TS}
 Development Planning, Heritage and Design
 71 Main Street West, 5th Floor, Hamilton Ontario
 L8P 4Y5

Files UHOPA-17-27, ZAC-17-063

Dear Madam;

This letter is about the new building at 163 Jackson Street West.

Does its construction affect either 191 Jackson Street West or 95 Hess Street South? Will the 2 buildings now there continue to be operated by Cityhousing Hamilton?

I very much would like 181 Jackson Street West and 95 Hess Street South continue to be Cityhousing Hamilton Properties. I was formally a resident at both of these properties.

William Paterson.

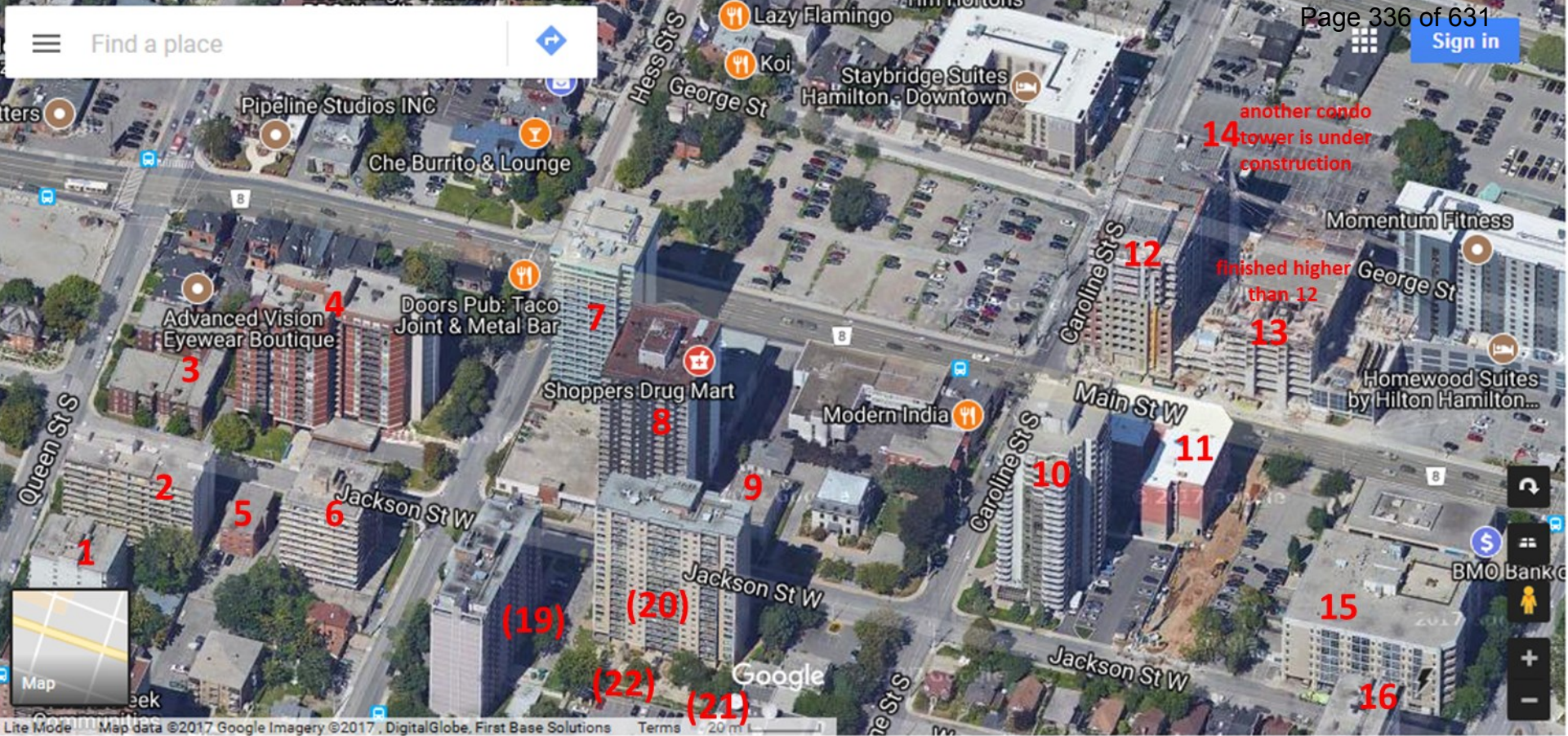
Regarding Television City's applications for amendment
UHOPA-17-27 and ZAC-17-063

Submitted by resident at 181 Jackson Street West

The numbers in the following pictures do not count buildings that are not visible in the pictures but *are* in the area.



The thick red arrows behind the word "condos" indicate the approximate height of a four story building. The thinner arrows extending past the top of the slide indicate what Television City wants. Note the arrows do not indicate how crowded the condos will make the one small space without a highrise in this already extremely populated area, the noise and echo from construction and outdoor pool, nor other negative effects.



These two pictures show a total of 36 apartment/condo buildings/towers in the area, plus another one under construction, and where Television City wants to put two skyscrapers. In addition to overcrowding and gentrification, my concerns are the pressures put on utility infrastructures and damage to buildings 19 and 20 that might be caused by construction so close to them and a six-level underground garage.

The adjacent City Housing Hamilton buildings 19 and 20 are currently undergoing energy efficiency retrofits for lighting and heating, with the intention of saving money to apply to other Housing necessities. 30-and 40-storey buildings will block natural light and heat from the sun, which can mean a rise in expenses for Housing -- expenses Television City won't help cover. While some councillors might not care about that, the changes in view such a tall building will inflict on surrounding tenants, or the negative effects diminished sunlight can have on health, we can't afford to move like you can, so in your decisions about money, please consider those of us who would contribute more to the tax base if we could.

6.4(a)(ii)

UHOPA-17-027; ZAC-17-063 comments after staff report:

RE: health and safety, and structural concerns

I'd like to point out that sunlight is not only important for the physical body due to heat and vitamin D; but sunlight is also important for mental health, as anyone with any degree of Seasonal Affective Disorder can attest to, and as can anyone whose mood and sleep cycles rely on adequate sunlight.

Glass has fallen out of the exterior walls of already-built highrises before, and, if I'm not mistaken, has also fallen out Jackson Square; so I am concerned the whole Television City project is a health and safety risk.

Two-level underground parking already runs under 95 Hess Street S. and 181 Jackson Street W. with no separation between the addresses. Television City wants to add six levels under their towers. Is there a requirement that there be a minimum amount of soil per unit of measurement surrounding building foundations? What could happen with too little soil?

RE: privacy

Even if there are no balconies on any of the towers but all the walls are made of windows, there is still a lack of privacy all the way around. For example, when I stand on my balcony, I can see people walking, and what they're wearing, from at least a block away. When I look towards and across Hunter Street because I want to see stars, moon, night skyline, and lights along the top of the escarpment, I can sometimes see colours of clothing in other people's apartments. Sometimes I can even see what they're doing in their apartments. A lot of apartment tenants in the area used to have drapes, and they used to put up Christmas lights. In recent years, possibly because the cost of using electricity has increased in price, the use of Christmas lights has decreased and so has the use of drapes. This is not a big deal here because of how far apart the apartment buildings are.

But, Television City, wanting to put windows on the sides of its towers just a small number of metres away from other apartments, should have to mandatorily install drapes and mandatorily keep all drapes closed at all times to avoid invading the privacy of those who already live just a small number of metres away. If the people inside the condo towers don't like what closed drapes do to their view, they will have a better understanding of what Television City's towers will be doing to the people who live just a small number of metres away.

RE: policy that affordable housing and housing with supports shall be encouraged

There are about 6,000 on the Hamilton waiting list for affordable housing, but with prices at Television City almost \$250,000 for just a studio, and up to almost 1.5 million for others, there is nothing affordable in this development. Instead, prices like Television City's say: rich, elite few, out of reach of Hamilton's needs. What it does not say is: social responsibility, care, and wanting to help Hamilton's needy people who need a place to live.

RE: the publicly accessible but privately owned outdoor seating court and patio area

How long will it be publicly accessible? At what point will Television City decide it no longer wants the public using it and makes it part of their gated community? The small stones they have

surrounding their sign on Jackson Street W. repeatedly end up on the sidewalk. When I complained to the sales staff about it, because a woman in front of me was having trouble on it with her walker, one of the first things the staff brought up was talking to the landscaper, and blamed the locals with dogs for allowing their dogs to use the stones as a toilet and do what dogs do to try to cover up their waste. I couldn't believe it when the staff brought up talking to the landscaper before he said he could sweep the sidewalk. I got the impression that taking care of the sidewalk in front of their own property was an afterthought. Seriously, a landscaper about stones on the sidewalk? No wonder the stones had stayed on the sidewalk for weeks with no attempt to be cleaned up before I complained on behalf of someone else (who couldn't get into the sales centre because it is not accessible to anyone who cannot walk up the stairs). I'm not saying it's okay to let dogs use other people's property as a toilet – it's not, and owners should be responsible for what their dogs do -, but the lack of accessibility to the Television City's sales centre and the lack of responsibility for the appearance of the *sidewalk* in front of their own building made me wonder how cooperative Television City and its staff and residents want to be, or if they're going to try to get rid of locals so they can have more people like themselves.

RE: noise

While a noise study is required to determine what noise owners/lease-holders of Television City condos would experience, is there a noise study also required to determine how much noise Television City will make against surrounding residents with construction, people – especially children and unconcerned guests – using the outdoor pool and/or level two outdoor amenity terrace at who-know-what hours, dogs that may bark long and loud at any hour outdoors, and the echo those noises will produce because they will so loudly hit, bounce off, and disperse loudly and even more to buildings so close? Or will Television City and its owners/lease-holders be allowed to be as irresponsible for their own behaviour as Metrolinx/GO transit wants to be for *its*?

RE: policy for strong pedestrian focus to create a comfortable and animated pedestrian environment

How comfortable do you think pedestrians will be with as many more drivers as Television City would bring, especially before and after work, so close to where so many seniors and disabled already live? When the city put up new stop signs on Caroline at Jackson, drivers still blew right through without stopping, and, if I remember correctly, the house at the North West corner of Hunter and Caroline was hit TWICE by vehicles that collided when traffic in the area was increased.

RE: transportation and parking

As far as all the bike parking Television City is proposes to encourage bikes instead of vehicles, bikes rarely get ridden in any kind of bad weather but vehicles get driven in any kind of weather and bikes are hardly comparable with vehicles for distance, speed, comfort, and convenience. As someone who can hardly get anywhere without a bus, I know bikes will never be the comparative transportation alternative law-makers want to make it, and, considering most City councilors refused to use public transit when challenged to support it, public transit will never be as popular or likeable as private vehicles, no matter what planning policies try to do or how close they put public transit. So Television City will only increase vehicle traffic, and, after work, there is not enough parking space on surrounding streets to accommodate new vehicles Television City won't provide parking spots for.

RE: policy regarding new development/redevelopment eliminating street level parking lots along major streets

If there's a lot of development that eliminates street level parking, where are all the employees who come to work downtown going to park?

RE: design

The building design looks like it belongs on Toronto's Front Street, or maybe Hamilton's new waterfront, but not in an area with pre-existing character this building design essentially trashes.

RE: height

Lamb said he wants to have the tallest building in downtown Hamilton. I wonder what Freud would say about that.

I noticed that on page 9 of the DRP Visual Book (October 20 2017), it says, "The proposed towers are designed to MINIMIZE sky views". They certainly would minimize any view of the sky and the ability to see anything in the sky.

Even if the city approves 30-storey buildings, it should be noted that the higher-than average ceiling height of each story that Television City is advertising (and has already sold some of) likely brings the height of each tower to about 33 to 44 average-height storeys and not just 30 and 40 as they claim. If the storeys they claim do not include the commercial base, the towers will likely be even higher than 33 to 44 storeys.

A public comment in the staff report appendix points out that a convenience store in one of the promotional pictures has been removed and replaced. As seen in other promotional pictures, liberties have been taken to where they no longer reflect reality. For example, the apartment building between the proposed 30-storey tower and Jackson Street W. has been reduced by almost half the number of floors, making the Television City towers look not as high and overbearing. However, when promotional materials don't reflect reality, I have to wonder what else from the company isn't being truthful.

RE: unacceptable views

Page 7 of the DRP Visual Book (October 20 2017) says, "In our opinion, the proposal does not create any unacceptable impacts to views of the escarpment or any other 'key views'".

Seriously? They can imagine a whole bunch of positive images to sell their condos and try to get their applications approved so they can get what they want, but they can't (or refuse to admit they do) foresee how they're monstrosity will negatively impact the rest of the area? Apparently, they have failed to see their monstrosity from the perspective of anyone but themselves, and what they have seen has been only what they want to see. I am compiling some images of Television City's unacceptable impacts to views and will submit them the night of March 19.

Thank you for continuing to invite public input.

181 Jackson Street West

6.4(b)

From: Greg Alex
Sent: March-18-18 6:40 PM
To: Lucas, Adam
Cc: Farr, Jason
Subject: Television City

Hello,

As owners of the house at 2 Wesanford Place, we are very concerned about the proposed project at the end of our street on 163 Jackson Street West, the site of the old CHCH building.

Although we are not opposed to progress, we are not happy with the following:

- We feel the size of the proposed buildings will be over twice the size of anything in the neighbourhood and are too big. In our opinion they would be an eyesore, block out the sun, and ruin the skyline of Hamilton.
- We understand that Durand is one of the densest communities in Hamilton, therefore increasing the amount of units allowed on this site would only add to this density and create a more undesirable environment.
- The increase in population and the 6 level underground parking garage is only going to add to traffic in an area which is already quite busy.
- We are concerned that if this project is allowed to go ahead as proposed it may negatively affect our property values.
- Also, we know there are certain issues like noise and dust that go hand in hand with construction, but the sheer scope of the project, makes us worry that these annoyances will last for years longer than we can stand.

Given these concerns, we do not support either amendment being proposed by Television City Hamilton Inc.

We would like to be notified of the decision of the City of Hamilton on the proposed zoning by-law amendment and the proposed official plan amendment.

Thank you for your time.

Sincerely,

Greg Duncan & Colin O'Brien



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 20, 2018
SUBJECT/REPORT NO:	Modifications to the Existing Residential “ER” Zone in the Town of Ancaster Zoning By-law No. 87-57 - Redevelopment in Mature Neighbourhoods (Ancaster) (Ward 12) (PED18036)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Alana Fulford (905) 546 - 2424 Ext. 4771
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That Report PED18036 (City Initiative CI-18-A) to amend the Existing Residential “ER” Zone regulations in the Town of Ancaster Zoning By-law No. 87-57, to address the redevelopment of single detached dwellings in mature neighbourhoods, be received;
- (b) That Report PED18036, together with any written submissions and input from delegations received at Planning Committee, be referred to staff for consideration and incorporated into a further report and amending by-law to be presented to the April 17, 2018 Planning Committee.

EXECUTIVE SUMMARY

Concerns have been raised about redevelopment of existing residential lots. In some cases, new dwellings and additions may not be compatible with existing dwellings in mature neighbourhoods. Changes in built form have led to the perception of “over-building”, with the term “monster home” also commonly used to describe newer infill development. As such, changes are proposed to the regulations of the Existing Residential “ER” Zone in the Town of Ancaster Zoning By-law No. 87-57, the culmination of a review that was initiated in response to the Ward Councillor’s concerns.

The Existing Residential “ER” Zone in the Town Ancaster Zoning By-law No. 87-57 is comprised of approximately 2,500 single family dwelling lots, characterized by a varied lot fabric although generally consisting of larger lots. The average lot area in the “ER”

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Zone is 1,139 sq m. The Location Map, shown as Appendix “A” to Report PED18036, identifies the location of all “ER” Zoned properties in Ancaster.

In a previous staff report (Report PED14132), staff addressed the compatibility of redevelopment in mature neighbourhoods and identified potential tools to address this issue and recommended further study of the suite of potential tools, in consultation with the Ancaster community.

As directed through Report PED14132, staff undertook consultation with the Ancaster community through two public information centres (PICs), held on September 26, 2016. A survey was distributed at the meetings, asking residents to identify and comment on their top two concerns with respect to existing “ER” Zone regulations. A more detailed discussion of the PICs can be found in the Relevant Consultation section to this Report. Further, the document “Summary of Written Comments from Public Information Centres”, is attached as Appendix “F” to Report PED18036.

In consideration of the public feedback received, staff’s review of other municipal regulatory approaches, and consideration of the lot patterns, existing conditions, and development pressures in the “ER” Zone, a series of changes to the regulations of the “ER” Zone are proposed. The document “Proposed Options for Changes to the “ER” Zone Regulations” is attached as Appendix “C” to Report PED18036 and provides a detailed description and evaluation of the proposed changes. New or revised regulations are proposed for:

- Maximum Height of Principal Dwelling;
- Lot Coverage;
- Front Yard Setback;
- Rear Yard Setback;
- Side Yard Setback;
- Garage Location (projection); and,
- Second Storey Projections.

While there are a number of tools that can be employed to respond to redevelopment in mature neighbourhoods, changes to zoning regulations directly impact the buildable footprint of a lot and thus the built form. Other approaches such as making the “ER” Zone subject to Site Plan Control, could influence some aspects of the built form and design, but it would not address the essential building permissions, which have the greatest impact on the built form permitted.

Staff are recommending a two-step process to bring forward the proposed modifications to the Existing Residential “ER” Zone. The first step is a Public Meeting to receive Report PED18036 and to receive any public submissions. Once the Public Meeting is

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closed, staff will prepare a further report and amending by-law to present to Planning Committee. This process is intended to inform Planning Committee of the recommended changes to the regulations of the “ER” Zone and allow any public submissions received at the Public Meeting to be considered by staff before an amending by-law is subsequently brought before Planning Committee for consideration. Staff intend to bring forward a second report and the Draft By-law to the April 17, 2018 Planning Committee. The proposed Draft By-law is attached as Appendix “B” to Report PED18036.

City Initiative CI-18-A is a pilot project, intended to introduce a series of regulations that are to be comprehensively monitored to evaluate the impact of regulatory changes on built form and to assess the ease of administering the regulations. Should revisions to the regulations or new regulations be warranted, staff will have the benefit of the results of the monitoring program in order to make an informed decision going forward in the development of the new residential zones. The results of this pilot project are also intended to inform the evaluation of residential infill in mature neighbourhoods in other urban areas of the City and will inform the upcoming city-wide residential zoning project.

It is also noted that changes to the Zoning By-law regulations is one tool within a suite of potential tools to address redevelopment in mature neighbourhoods. As part of the monitoring program, and alongside the upcoming residential zoning project, staff will evaluate other potential tools to determine if suitable as complementary to the regulation changes.

Alternatives for Consideration – See Page 26

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an application for an amendment to the Zoning By-law. The Public Meeting is being held to receive Report PED18036 and to receive any public submissions, which will be referred to staff for consideration and incorporated into a further report and amending by-law to be presented to Planning Committee for consideration.

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HISTORICAL BACKGROUND

Neighbourhood character is influenced by a number of factors, including social, economic, and physical factors such as design elements. The “look” and “feel” of a neighbourhood can also be shaped by zoning by-law regulations which establish as-of-right building envelopes which influence built form. While many neighbourhoods are characterized as being stable, they are not static and evolve over time. As this evolution takes place, it is not uncommon for residential infill and redevelopment to be perceived as incompatible with existing dwellings in mature neighbourhoods. Hamilton is not alone in facing neighbourhood change as small homes in mature neighbourhoods are replaced with larger homes. While new development may meet the requirements of the Zoning By-law, it may be of a scale that is larger than the existing built form. In addition to Ancaster, there have been concerns expressed about the compatibility of new development in other areas of the City, including Ward 1, 6 and in the Waterdown community.

In 2014, through Report PED14132, staff responded to concerns about redevelopment of existing residential lots in the “ER” Zone in Ancaster. Staff reported on the issues identified, characteristics of recent building activity, and the suite of tools recommended for further study to determine if suitable to address redevelopment and its impact on character in the “ER” Zone” in Ancaster. Report PED14132 also provided further historical background on the issue of “over-building” which has been raised for various areas of the City in the past.

At their meeting of July, 2014, City Council adopted the following recommendations,

- “(a) That Staff Report PED14132 and Appendix “B” - Redevelopment in Ancaster “ER Zone” Neighbourhoods be received;
- (b) That staff be directed to work with the Ward Councillor to undertake consultation with the neighbourhoods regarding options for addressing redevelopment issues as described in Appendix “B” and any potential changes to the zoning by-law.”

Staff consulted with the Ancaster community in September 26, 2016 and in consideration of public feedback received, developed a pilot project for the “ER” Zone of Ancaster consisting of a series of changes to the regulations of the “ER” Zone which will be monitored once implemented to inform future decisions and regulations relating to the new residential zones, and the evaluation of residential infill in mature neighbourhoods in other urban areas of the City.

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POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

1.0 Provincial Policy

The Growth Plan for the Greater Golden Horseshoe 2017 and the 2014 Provincial Policy Statement (PPS) do not expressly address redevelopment based on the same use; it contains policies that require the City to accommodate more residential uses in the existing urban area (through intensification). Policies addressing the location, compatibility and quantity of new housing are the responsibility of the municipality.

The proposed changes conform to the 2017 Growth Plan and are consistent with the 2014 PPS.

2.0 Urban Hamilton Official Plan (UHOP)

The areas zoned “ER” Zone are designated “Neighbourhoods” in the UHOP. Further, there are portions of the “ER” Zone which are located within Secondary Plans. A number of properties are located within the Shaver Neighbourhood Secondary Plan and are designated “Low Density Residential 1”. Portions of the “ER” Zone are also located within the Garner Neighbourhood Secondary Plan and designated “Low Density Residential (Existing)”. Finally, there are properties along Wilson Street or in close vicinity to Wilson Street that are located within the Ancaster Wilson Street Secondary Plan. They are designated “Low Density Residential 1” and “Low Density Residential 3”. There is one property on Wilson Street that is designated “Medium Density Residential 2” in the secondary plan.

Similar to the discussion on provincial policy, the UHOP does not contain redevelopment policies for single detached dwellings. However, when preparing new zones or amending existing zones, support for the changes can be derived from UHOP policies. In this project, the following policies apply:

Residential Intensification

“B.2.4.1.4 *Residential intensification* developments shall be evaluated based on the following criteria:

- a) a balanced evaluation of the criteria in b) through g) as follows;
- b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;

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- c) the development’s contribution to maintaining and achieving a range of dwelling types and tenures;
- d) the *compatible* integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
- e) the development’s contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- f) infrastructure and transportation capacity; and,
- g) the ability of the development to comply with all applicable policies.

B.2.4.2.2 When considering an application for a residential intensification *development* within the Neighbourhoods designation, the following matters shall be evaluated:

- b) *compatibility* with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) the consideration of transitions in height and density to adjacent residential buildings;
- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;”

The proposed changes to the Existing Residential “ER” Zone regulations are intended to direct new development that is more complementary to established neighbourhood patterns, built form, and character.

Built Form

With respect to built form, the following policies are referenced:

“B.3.3.3.2 New *development* shall be designed to minimize impact on neighbouring

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buildings and public spaces by:

- a) creating transitions in scale to neighbouring buildings;
- b) ensuring adequate privacy and sunlight to neighbouring properties; and,
- c) minimizing the impacts of shadows and wind conditions.

B.3.3.3.3 New *development* shall be massed to respect existing and planned street proportions.

B.3.3.3.4 New *development* shall define the street through consistent setbacks and building elevations.”

The proposed changes to the “ER” Zone regulations are intended to improve the compatibility of new development with existing built form by responding to matters such as privacy and overlook concerns, and building height, massing and scale in relation to adjacent dwellings. In addition, changes to the setback regulations are proposed that relate setbacks to established streetscapes and lot dimensions, and are intended to create a more consistent streetscape pattern.

Shaver Neighbourhood Secondary Plan

A small portion of the “ER” Zone is located within the Shaver Neighbourhood Secondary Plan and designated “Low Density Residential 1”. The Low Density Residential 1 designation permits single detached dwellings.

Garner Neighbourhood Secondary Plan

A portion of the “ER” Zone is located within the Garner Neighbourhood Secondary Plan and designated “Low Density Residential (Existing)”. The Low Density Residential (Existing) Designation applies to the existing Maple Lane Annex, Maple Land Gardens, Harmony Hall and Greenwood Estates subdivisions.

Ancaster Wilson Street Secondary Plan

The properties located within the Ancaster Wilson Street Secondary Plan are designated “Low Density Residential 1” and “Low Density Residential 3”, with one property designated “Medium Density Residential 2”. The Low Density Residential 1 designation permits single detached dwellings and semi-detached dwellings. In areas designated Low Density Residential 3, all forms of townhouses and low-rise multiple

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dwelling are permitted, in addition to the permitted uses of Volume 1 of the UHOP, which includes single detached and semi-detached dwellings.

The following policy applies to lands designated Low Density Residential 3:

“B.2.8.7.3 b) vi) *New development or redevelopment shall ensure the height, massing, scale, and arrangement of the buildings and structures are compatible with the abutting uses.*”

In the Medium Density Residential 2 designation, which applies to one property zoned “ER” Zone, permitted uses are limited to single detached dwellings, semi-detached dwellings, all forms of townhouse dwellings, low-rise multiple dwellings, and live-work units.

The proposed changes to the “ER” Zone conform to the secondary plan policies of the UHOP. Permitted uses are not being modified. The changes to the “ER” Zone regulations are intended to regulate height, massing and scale so that new development is more compatible with adjacent existing built form.

RELEVANT CONSULTATION

1.0 Understanding Community Concerns

On numerous occasions staff received emails, through the Ward Councillor and individual submissions, identifying concern that a new “monster home” was being built in the older areas of Ancaster that was out of character with the existing neighbourhoods. From a planning perspective, there were several potential reasons that lead to the community’s apprehension about new development.

In advance of the Public Information Centres (PICs), staff, along with the Ward Councillor, met with a small group of residents so they could articulate their specific concerns about new dwellings and in turn, staff could explain what municipal tools were available to address concerns. This initial meeting was critical to ensure the information presented at the PICs addressed the concerns identified, and potential options to address these concerns were explored. The PIC panels, the handouts and the presentation addressed the community issues.

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2.0 Public Input Received from the Public Information Centres (PICs)

On September 26, 2016, staff, in conjunction with the Ward Councillor, held two Public Information Centres to:

- educate the community on what tools are available to the City to address the impact of redevelopment on mature neighbourhoods ; and,
- gain an understanding, on a community wide basis, of the major concerns the community has about redevelopment. Feedback from these sessions will be used to inform Council’s decision on new residential zoning in Ancaster and across the City.

The two PICs were held at the Ancaster Town Hall. Both the afternoon and evening sessions included an open house component prior to presentation and the question and answer session. Staff from Planning, Building and Growth Management Divisions were present to discuss and answer questions on planning, building and grading matters. Approximately 75 people attended the afternoon session and 90 people attended the evening session. Attendees were asked to fill out a survey identifying their major issues. Staff received a total of 32 written comments relating to 28 properties in Ancaster, the vast majority of which were in the form of survey response. A more detailed description of the PICs and the results of the survey are contained in Appendix “F” to Report PED18036.

In summary, the key issues identified by respondents were maximum building height and maximum lot coverage regulations (see Figure 1). These regulations were identified as the “top two concerns” (nineteen and thirteen times respectively). Minimum yard setbacks and landscaping requirements were also identified as a top two concern seven times each. Minimum lot area was not identified as a top concern.

Residents also identified issues outside the purview of the existing “ER” Zone regulations. These issues related to grading, the Committee of Adjustment process, building inspections for new development activity, and general nuisances caused by construction.

The issues identified by respondents appear to have several impacts on residents. In general, the massing of new dwellings and additions to existing dwellings can be disruptive to the privacy of residents in neighbouring smaller homes and bungalows, especially when new buildings and additions overlook adjacent buildings and rear yards. Larger homes may block views to trees and sunlight, and can visually overwhelm smaller dwellings on neighbouring properties. Several respondents also identified concern with lack of integration of new homes with existing streetscapes and neighbourhood character.

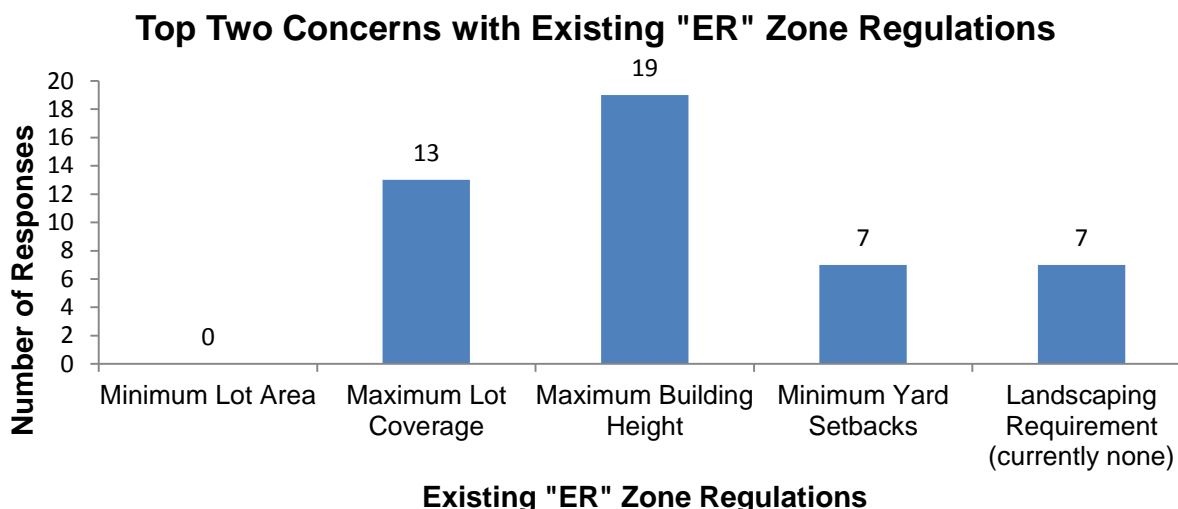
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Figure 1 – Survey Responses from the PICs



Other impacts that existing regulations are having on the neighbourhood include poor drainage and lack of tree retention. These impacts are tied to maximum lot coverage, minimum side yard setbacks, and landscaping requirements. Pervious surfaces and trees/shrubbery allow for greater stormwater drainage and side yards often act as a swale to control stormwater drainage. Trees and natural foliage also serve as a natural screening/buffer between homes.

3.0 Internal Consultation

The Growth Management Division was closely consulted in the development of the recommended grading pilot project for the “ER” Zone.

The Building Division was consulted in the development of the proposed regulations, specifically on matters of implementation.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The purpose of this Report is to:

- a) recommend changes to the regulations of the Existing Residential “ER” Zone in Ancaster to respond to concerns about perceived over-building in mature neighbourhood, that will provide for a more sensitive integration of new homes or additions to existing homes into established stable neighbourhoods; and,

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- b) initiate a monitoring program for the changes to the Existing Residential “ER” Zone which will allow staff to evaluate the impact of the regulatory changes on built form. The results will be used to:
- i) evaluate other planning measures such as design guidelines, to inform development and redevelopment in mature neighbourhoods; and,
 - ii) inform the development of new residential zones for other areas of the City with similar zoning, lot characteristics, and experiences with infill and redevelopment.

1.0 Context

The character of a neighbourhood is distinguished by lot sizes, style and size of dwelling, and the location of the dwelling on a lot. The style of homes in this part of Ancaster is varied, depending on the era in which the dwellings were built. Much of the existing housing stock is comprised of modestly sized bungalows or one-and-a-half to two-storey dwellings on large lots, reflective of an earlier time period. Many of these older homes were built in the decade of the 1950’s, when there was a great deal of post-war building activity. To a lesser extent but still of significance, was the period 1946 – 1949, and 1960 – 1969 when the “ER” Zone also experienced a fair amount of new construction. The lots are generally larger in size because at the time, homes were serviced by private septic tanks and wells. Roads were built with ditches and no sidewalks. As hard services became available, existing homes were connected to municipal services. However, stormwater is still collected by the ditches.

The goal of planning is to allow for redevelopment that is sensitive to the existing and planned character of an area. Through the evolution of mature neighbourhoods, zoning regulations should address appropriate redevelopment.

1.1 Building Activity – 2012 to 2017

From January 2012 to October 2017, there were 126 dwellings demolished and replaced, and an additional 31 additions to existing dwellings in the “ER” zone, which represent 5% and 1.2% of the housing stock respectively. Please refer to the document “Data Analysis of the “ER” Zone”, attached as Appendix “E” to Report PED18036, for a more detailed analysis of building activity.

1.2 Redevelopment in Mature Neighbourhoods – Other Municipal Approaches

Many municipalities have addressed the issue of redevelopment in mature neighbourhoods through the implementation of various tools, whether through official

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plan policies, zoning by-law regulations, design guidelines, or a combination of. Appendix “B” to Report PED14132 summarized a number of municipal approaches in an Ontario context as well as other Canadian approaches which informed the series of tools summarized as potential options in the “ER” Zone context. Prior to establishing the potential regulations that staff have evaluated for this Report, the review of municipal approaches was updated to capture new initiatives that were implemented since the 2014 report. The update includes:

Town of Oakville: Design Guidelines for Stable Residential Communities (2013) and Urban Design Direction for Oakville (2014).

City of Burlington: Character Area Studies were completed for three mature neighbourhoods within the City (Roseland, Indian Point, Shoreacres), culminating in new official plan policy and zoning by-law regulations (2016).

City of Ottawa: Mature Neighbourhoods By-law (2012), Infill II By-law (2015) which built on the 2012 By-law to address other elements that impact built form across a wider area of the City.

City of St. Catharines: Residential Infill / Intensification Development Review culminated in official plan policies, zoning by-law regulations, changes to development review procedures and practices, and new urban design guidelines for low rise infill housing (2017).

Concerns expressed by communities regarding residential infill in mature neighborhoods have common themes around incompatibility concerns and the preservation of neighbourhood character. Approaches taken must be sensitive to the context, including neighbourhood characteristics and scale i.e. whether neighbourhood specific or city-wide, as some measures are introduced to respond to concerns identified in specific neighbourhoods that are of a smaller scale and more uniform in lot patterns and other defining characteristics.

2.0 What Zoning By-law Regulations Can Address

2.1 Zoning By-law

Zoning regulations are one of the key tools that shape neighbourhood patterns and built form by establishing the as-of-right building envelope and parameters within which development may take place. The Existing Residential “ER” zone in Ancaster contains the following regulations to guide development:

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Regulations	
Minimum Lot Area	695 sq m
Minimum Lot Frontage	18 m
Maximum Lot Coverage	35%
Minimum Front Yard	7.5 m ¹
Minimum Side Yard	1.5 m, except on a corner lot the minimum side yard abutting a street shall be 6.0 m ¹
Minimum Rear Yard	7.5 m
Maximum Height	10.5 m
Accessory Buildings	Subject to the provisions of Section 7.18 (a) apply (General Provisions)

¹ Plus any applicable distance as specified in Schedule “C”.

Lot Coverage: Lot coverage establishes the amount of the lot that can be covered by buildings and directly relates to the amount of open space that remains on a lot. All building, exclusive of decks and swimming pools, are included within the 35% lot coverage requirement. While many of the lots within the “ER” Zone have lot coverages well below the maximum permitted of 35% given the frequency of larger lots in the “ER” Zone, there are also existing situations where the 35% coverage cannot be achieved due to lot configurations and setback requirements (meaning the buildable envelope of a lot is below the 35% permitted).

Front and Rear Yard Setbacks: These yard requirements dictate the minimum distance a building must be set back from the front and rear property line. The front yard setback helps to define the streetwall by establishing a minimum distance to the leading edge of the building. However, as there is no maximum setback regulation, there is variability in the distance actual buildings may be set back from the front and rear property lines.

Side Yard Setbacks: The side yard setback establishes a minimum distance between buildings for the purpose of drainage, building maintenance, rear yard access, and privacy between buildings. Side yard setbacks also contribute to streetscape character by establishing consistent spacing between buildings.

Height: The maximum building height is the vertical distance from grade to the uppermost point of the building. Grade means the average level of the proposed or finished ground adjoining a building calculated along the perimeter of all exterior walls.

Please refer to the “Illustrations of Proposed Regulations” document attached as Appendix “D” to Report PED18036, for illustrations of the various regulations.

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2.2 Municipal Processes

If a new single detached dwelling or alternations / additions to an existing dwelling meets the zoning by-law requirements, no *Planning Act* application is required. Single detached dwellings are exempt from Site Plan Control except for a number of specific situations, including when a proposed building is located adjacent to or within a Core Area of the City’s Natural Heritage System. A Tree Preservation Plan or an Environmental Impact Statement (through the Site Plan Control Process) may be required to identify and mitigate any impacts on the natural features.

For development requiring a building permit only, prior to issuance of a building permit, other municipal requirements may be required.

2.2.1 Site Alteration / Grading

A detailed review of the grading plans to identify the impacts to drainage on adjacent properties, tree preservation is not conducted as part of building permit application. Where Grading Plans are required to be submitted as supporting documentation for a building permit, these plans are reviewed against the requirements of the City’s Fill By-Law, being a By-law for Prohibiting and Regulating the Alteration of Property Grades, The Placing or Dumping of Fill and the Removal of Topsoil (By-Law No. 03-126, as amended). As per Section 3.3 of this By-law, a Site Alteration Permit is not required provided:

- a) the placement or removal of fill does not or will not alter the grade of any part of the lot at any location by more than 0.5 m;
- b) the placement or removal of fill does not alter that grade of the lot within 3 m of the property line by more than 0.2 m;
- c) the placement or removal of fill does not obstruct the flow of water in a watercourse; and,
- d) the placement or removal of fill does not cause water normally contained on the lot to drain off site.

2.2.2 Tree Removal

Ancaster has a specific tree removal by-law (By-law 2000-118) which regulates the injury or destruction of certain classes of trees on public and private property in Ancaster. A permit must be submitted for the removal of certain classes of trees, and at

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the time of development, temporary tree protection measures must be erected to protect trees during construction activity.

3.0 Proposed Changes to Zoning By-law Regulations

Zoning By-law regulations establish an as-of-right building envelope that guides development or redevelopment on individual properties. Based on public feedback, Committee of Adjustment activity, staff’s review of other municipal approaches, and consideration of the lot patterns and other existing conditions of the “ER” Zone, a series of changes are recommended to the regulations of the “ER” Zone. The document “Proposed Options for Changes to the “ER” Zone Regulations” is attached as Appendix “C” to Report PED18036 and details each proposed regulation and evaluates the regulation against other options that were considered in staff’s evaluation. The document “Illustrations of Proposed Regulations” is attached as Appendix “D” to Report PED18036 and illustrates the proposed regulations on a series of sample lots.

The recommended changes to the regulations are not intended to remove the flexibility of land owners when building new homes or additions, or control design or building materials. The proposed changes are intended to provide a more sensitive integration of new construction within mature neighbourhoods and to provide for better on-site storm water management.

3.1 Maximum Height of Principal Dwelling

Regulation	Existing	Proposed
Maximum Height ¹	10.5 m	i. 7.5 m for a one-storey dwelling ii. 9.5 m for a two-storey dwelling

¹ Building height is measured as the vertical distance from grade to the uppermost point of the building, not including any mechanical equipment or features (e.g. chimneys), that extend beyond the uppermost point of the roof.

A reduction in the permitted building height from 10.5 m, to 9.5 m is recommended. Further, it is recommended that maximum height be correlated to storeys so that a separate maximum height can be applied to one-storey dwellings. The maximum number of storeys permitted is proposed at two-storeys. By reducing the maximum height permitted and further, limiting the number of storeys to two, the variation in heights between existing and new dwellings will be moderated, as will the overall massing effect. The modifications to the regulations are intended to establish height parameters that are more sensitive to the existing built form.

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3.2 Lot Coverage

Regulation	Existing	Proposed
Maximum Lot Coverage ²	35%	<p>For lots with an area less than or equal to 1,650 sq m:</p> <ul style="list-style-type: none"> i. Maximum lot coverage of 35% (one-storey) ii. Maximum lot coverage of 25% (two-storeys) <p>For lots with an area greater than 1,650 sq m:</p> <ul style="list-style-type: none"> i. Maximum lot coverage of 30% (one-storey) ii. Maximum lot coverage of 20% (two-storeys)

² Includes all buildings and accessory structures, with the exception of swimming pools and decks.

Lot coverage is proposed to be correlated to building height such that two-storey dwellings are subject to a lower maximum lot coverage. For dwellings greater than one-storey in height, a maximum lot coverage of 25% is proposed, to account for the potential mass of the building. However, staff recommend the maximum lot coverage of 35% remain in place for one-storey dwellings, as they generally result in a mass that is more complementary to the existing built form. Bungalows represent an important housing form and help to promote aging in place. As a result of the recommended changes, a two-storey dwelling will have a smaller building footprint permission than a one-storey dwelling.

In addition, it is recommended that a further reduction to the maximum lot coverage regulation be introduced for lots greater than 1,650 sq m in area such that a one-storey dwelling is subject to a maximum lot coverage of 30% and a two-storey dwelling is subject to a maximum lot coverage of 20%. Lots greater than 1,650 sq m in area represent the top 10th percentile of the total number of lots within the “ER” Zone, which is approximately 260 lots. It is considered appropriate to apply a further reduction to the maximum lot coverage permitted given the size of dwelling that could be constructed and in consideration of compatibility in built form and neighbourhood character. It is noted that the definition of lot coverage in the Ancaster Zoning By-law includes all buildings and accessory structures, with the exception of swimming pools and decks. Thus, the various maximum lot coverage regulations must include any buildings or accessory structures in addition to the principal dwelling.

The proposed reductions in lot coverage must be considered in the context of the other suite of regulations proposed which work together to set parameters on buildable footprint, location of a dwelling on a lot, and building mass.

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Report PED14132 also spoke to floor area ratio (FAR), the ratio of the floor area of a building to the lot size, as a tool for consideration in the “ER” Zone context. As part of staff’s evaluation, staff initially considered a FAR as an additional means of controlling building mass. However, once staff recommended correlating lot coverage to building height (storeys), FAR became a somewhat redundant tool. Thus, FAR was not pursued further.

3.3 Front Yard Setback

Regulation	Existing	Proposed
Minimum Front Yard	7.5 m, plus any applicable distance as specified in Schedule “C”	<p>The front yard setback shall be the average of the existing front yards of the nearest adjacent dwellings on either side of the lot, within 20 percent of the established average. In no case shall a front yard setback be less than 5.0 m.</p> <p>Notwithstanding the above, where the average of the existing front yards of the nearest adjacent dwellings on either side of the lot provides a front yard setback less than 5.0 m, the minimum setback shall be 5.0 m and the maximum setback shall be 6.0 m.</p> <p>Where a lot is a corner lot, the existing front yard setback of the adjacent dwelling that faces the same street shall apply.</p> <p>Where a lot abuts a corner lot on which the dwelling faces a different street, only the existing front yard setback of the abutting dwelling that faces the same street shall apply.</p> <p>In all other cases not listed above, a minimum front yard setback of 7.5 m and a maximum front yard setback of 9.0 m shall be provided.</p>

An average front yard setback is recommended to establish a regulation that directly relates to the existing conditions of neighbouring properties. The front yard setbacks of

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the two nearest abutting lots will be averaged to establish the front yard setback of the affected lot. To allow some flexibility given the range of possible conditions and scenarios, the front yard setback may be increased or decreased by 20%, provided a minimum front yard of 5 m is maintained. For a corner lot or a lot abutting a corner lot, only those abutting properties which face the same street are used for the purposes of calculating the front yard setback. In some scenarios, only one property will be used to determine the front yard setback for a property that is being redeveloped. For all other possible scenarios not identified in the regulation, a minimum front yard of 7.5 m and maximum front yard of 9 m must be provided.

Staff note that the application of an average to establish a setback is not precedence setting, as Section 18(3) (iii) of City of Hamilton Zoning By-law 6593 permits a minimum front yard for an interior lot that is equal to the average depth of the two adjoining front yards, subject to provisions of the By-law.

To implement this regulation, the proponent will be required to survey the location of the front wall of the dwelling on each abutting lot (as applicable), and the dimension of the front yard setback on each abutting lot, so that staff can confirm the front yard setback for an affected property. The City of Hamilton requires a survey with the application for a building permit.

3.4 Rear Yard Setback

Regulation	Existing	Proposed
Minimum Rear Yard	7.5 m	<ul style="list-style-type: none"> For lots with less than or equal to 40 m lot depth, a minimum rear yard of 25% of the lot depth. In no cases can the rear yard be less than 7.5 m. For lots greater than 40 m lot depth and less than or equal to 45 m lot depth, a minimum rear yard of 30% of the lot depth. For lots greater than 45 m lot depth and less than or equal to 50 m lot depth, a minimum rear yard of 35% of the lot depth. For lots greater than 50 m lot depth, a minimum rear yard of 40% of the lot depth. <p>In addition, at minimum, 1 m immediately adjacent to the rear lot line shall be free and clear of all walkways, sidewalks or other hard-surfaced material, and landscaping other than sod.</p>

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The recommended rear yard setback regulation directly relates the minimum rear yard to lot depth and more appropriately reflects specific lot conditions by increasing the rear yard setback as the lot depth increases. Four separate categories representing percentage of lot depth have been established, as this enables a consistent and incremental increase to the minimum rear yard as lot depth increases. The lowest percentage is set at 25% for lots less than or equal to 40 m in depth. A lot with a depth of 39 m would require a minimum rear yard of 25% (9.75 m). With the requirement to maintain a minimum rear yard of 7.5 m, any lot under 30 m in depth must defer to this minimum. The highest percentage has been set at 40% for lots greater than 50 m. A lot with a depth greater than 50 m would require a minimum rear yard of 20 m. The minimum rear yard requirement, which increases as lot depth increases, is the predominant tool to limit the building envelope as lot depths increase.

Staff are also recommending a further regulation to require that at minimum, 1 m immediately adjacent to the rear lot line remain free and clear of all structure's, hard-surfaced material and landscaping other than sod (including trees, shrubs and other natural landscaping other than grass). Applying this standard to the rear yard provides assurance that a free and clear area is maintained to provide space for drainage.

3.5 Side Yard Setback

Regulation	Existing	Proposed
Minimum Side Yard	1.5 m, except on a corner lot the minimum side yard abutting a street shall be 6.0 m and any applicable distance as specified in Schedule “C.”	<ul style="list-style-type: none"> For lots with a lot frontage of less than or equal to 23 m, a minimum side yard of 2 m. For lots with a lot frontage greater than 23 m, a minimum side yard of 10% of the lot frontage, up to a maximum of 5 m. <p>Except on a corner lot where the minimum flankage yard shall be 6 m.</p> <p>In addition, at minimum, 1 m immediately adjacent to the side lot line shall be free and clear of all walkways, sidewalks or other hard-surfaced material, and landscaping other than sod.</p>

A side yard setback regulation which correlates the minimum side yard to lot frontage is recommended; the wider the lot, the greater the minimum side yard requirement up to a maximum of 5 m. A minimum side yard of 2 m is proposed. By establishing a higher

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minimum standard, greater spacing between dwellings is maintained which assists with overlook and privacy concerns and maintain a larger area between dwellings for property maintenance and drainage. Streetscapes with a similar lot frontage will be subject to consistent minimum side yards thus contributing to a consistent rhythm of building frontages. The existing minimum side yard abutting a street (for a corner lot), shall continue to apply.

Staff recommend a regulation that requires a minimum of 1 m immediately adjacent to the side lot line remain free and clear of all hard-surfaced material and landscaping other than sod. This restriction shall include trees, shrubs and all other natural landscaping other than grass. No encroachments are permitted within this 1 m adjacent to the side lot line such as eaves or gutters, so this area remains free and clear for drainage, access and maintenance purposes.

3.6 Garage Location

Regulation	Existing	Proposed
Garage Location (projection)	Not regulated	The garage (attached or detached) or carport may extend up to 2 m beyond the front wall of any principal building, or side wall of any principle building on corner lots, but shall not be permitted to encroach into the front yard or flankage yard.

A new regulation is recommended to limit the projection of the garage to de-emphasize the presence of the garage vis-à-vis the remaining front façade and primary entrance of the dwelling, and to be more consistent with the established streetscape character. The garage is permitted to project up to 2 m beyond the front wall of the dwelling provided it does not encroach into the front yard or flankage yard.

3.7 Second Storey Projections

Regulation	Existing	Proposed
Second Storey Projections	Not regulated	Balconies, decks and enclosed and unenclosed porches located above the first storey shall not be permitted in the side yard.

Staff recommend introducing a regulation that will prohibit balconies, decks and porches to project into the side yard, if it is located above the first storey of a dwelling. This

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regulation is intended to protect the privacy of the adjacent properties, given variability in building mass and dwelling depths.

3.8 Technical By-law Changes

Similar to other recent zoning initiatives (e.g. rural and commercial and mixed use zoning), a vacuum clause is proposed to recognize existing situations as it relates to the location of any building or structure existing on the effective date of the proposed By-law. The location of any existing building or structure is deemed to comply with the regulations for any required setbacks, front yard, side yard, flankage yard, rear yard, lot width, lot area, and building height and are permitted by the By-law. Thus, the vacuum clause is intended to address existing situations which are not in compliance with the Zoning By-law regulations, such that a variance(s) is not required to recognize existing matters of non-compliance with the By-law. However, any additions or alterations to a building or structure shall be subject to the new regulations in effect through adoption of the Draft By-law.

The following additional technical changes are proposed to the “ER” Zone:

Regulations	Existing	Proposed
Section 7.13 (c) – Special Setbacks	Where the regulations of a Zone include a requirement that the minimum yard of a lot shall be a specific number of metres plus any applicable distance as specified in Schedule “C”, such minimum yard shall be determined by measuring at right angles from the centre line of the street a distance equal to the sum of (i) the relevant minimum setback for the appropriate Zone; and (ii) the relevant distance specified in Schedule “C”.	The provision shall not apply to the “ER” Zone as Schedule “C” will not apply to any lot within the “ER” Zone.
Section 7.14 (a) (xii)	(a)(xii) Where required in a parking area or parking structure, each parking	As per Council direction, the standard for required parking space size is a minimum of 3 m

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Regulations	Existing	Proposed
	space shall have a minimum width of 2.6 m and a minimum length of 5.5 m, exclusive of any land required for access or driveways.	in width by 5.8 m in length. This standard will be included in the proposed changes to the “ER” Zone.
Parking standards – encroachments		Report PED17089 identified the need to establish regulations for parking spaces located within private residential garages, including the provisions of manoeuvring space and permitted encroachments. Therefore, as part of this By-law, parking spaces within private residential garages shall have a minimum width of 3.5 m and a minimum length of 6 m, exclusive of any land used for access, manoeuvring, driveways or a similar purpose. A single step, hose bibs, electrical devices and/or ductwork and closet enclosures may project not more than 0.3 m into the required width or length of a parking space
Section 7.18 (a) (iii) - Accessory Structures	(iii) Accessory buildings shall not be located less than 75 cm from any lot line, however; (A) on a corner lot, accessory buildings, excluding totally inground swimming pools, shall not be located less than 7.5 m from the flanking street line; and (B) on a corner lot which	Notwithstanding Section 7.18(a)(iii), a minimum of 1 m directly abutting the side lot line and rear lot line shall be unobstructed and shall not contain walkways, sidewalks, hard surfaced material, and landscaping other than sod.

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Regulations	Existing	Proposed
	has three street lines, or on a through lot, accessory buildings, excluding totally inground swimming pools, shall not be located less than 7.5 m from the rear lot line.	
Schedule “C” – Setback Standards	Setback standards for the required distance from the centreline of an identified street / highway, to the front wall or any principal building.	Schedule “C” will not apply to any lot within the “ER” Zone.

3.9 Site Specific Zoning Exceptions

There are several site specific zoning exceptions for either individual properties or areas. Most of these regulations were established to address houses that were to be built or additional uses to be added that either exceeded or were less than the minimum “ER” Zone requirements.

Based on the proposed zoning by-law changes, certain site specific zoning are proposed to be deleted or modified to ensure no conflicts with the new regulations, remove regulations that have been addressed by the vacuum clause, add addressees for greater clarity and remove redundant wording. Appendix “G” to Report PED18036 identifies the changes to each of these exceptions.

3.10 Variances

Variances may have been granted on properties that are zoned “ER” Zone but for which a building permit has not yet been obtained to build as per the approved variance application. To ensure that approved variances to the regulations of the “ER” Zone that are being changed through the proposed modifications to the “ER” Zone continue to be permissible once the modifications to the “ER” Zone are in effect, a site specific exception must be added to an affected property.

Staff have identified two such properties and have dealt with them through site specific exceptions to recognize the variances to lot coverage and setbacks that were approved. Site specific exceptions are required as building permits have not yet been issued to construct the proposed development.

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Staff will be monitoring Committee of Adjustment decisions to identify any properties that are zoned “ER” Zone and for which variances are subsequently approved to vary any applicable regulations of the “ER” Zone. If the variance(s) receive final and binding status prior to the Draft By-law with proposed modifications to the “ER” Zone going before Council for adoption, the variances will be captured through site specific exceptions on the affected properties.

3.11 Other Neighbourhood Concerns

Another major concern expressed by areas residents was landscaping (e.g. tree removal for both privacy and drainage). The extent to which landscaping can be modified is regulated by the Ancaster Tree By-law and Fill By-law, where applicable. In addition, some residents want a prescriptive regulation to require the planting of trees, maximum front yard paving and other landscape requirements. There are no zoning provisions, nor are any changes proposed, to regulate how much of a lot is to be landscaped or the composition of landscaping (hard, soft). Landscaping is a matter of individual choice.

3.12 Summary of Proposed Changes to Zoning By-law Regulations

In summary, the recommended changes to the regulations of the “ER” Zone have been developed to respond to the recurring issues raised by the community, namely the height, massing and bulk of new dwellings, as well as grading, and are intended to apply to the variable lot fabric of the “ER” Zone. However, there will continue to be circumstances where variances to the Zoning By-law are requested, as the regulatory changes are not intended to address each and every development scenario in the “ER” Zone which can be impacted by variable lot fabric, unique lot configurations, the placement of the existing dwelling on a lot, grade changes along a street, etc.

While a zoning by-law is a key planning tool to establish land use permissions and development regulations which generate as-of-right building envelopes, there are elements that are beyond the scope of a zoning by-law including the range of design elements (e.g. material, placement of windows, doors, etc.), that influence a neighbourhood’s character defining qualities. The proposed regulatory changes are intended to respond to community concerns and set parameters for built form that is more complementary to mature neighbourhoods.

4.0 Potential Tools not to be Addressed at this Time

Changes to zoning by-law regulations is one tool to address redevelopment in mature neighbourhoods. Report PED14132 described a series of measures, in addition to changes to zoning regulations, that could also be considered.

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The proposed changes to the Zoning By-law regulations is a pilot project, to be comprehensively monitored and evaluated going forward. As part of the monitoring program, and in consideration of the upcoming residential zoning project, staff will evaluate other potential tools, namely design guidelines, to determine if suitable as complementary to the regulation changes.

5.0 Grading / Drainage

As noted in Section 2.2.1 of the Analysis and Rationale for Recommendation section of this Report, a detailed review of Grading Plans to identify the impacts to drainage on adjacent properties, tree preservation, or the City’s road widening requirements, is not conducted as part of a building permit application. Where Grading Plans are required to be submitted as supporting documentation for a building permit, these plans are reviewed against the requirements of the City’s Fill By-Law.

A gap in the service level has been identified in the review of Residential Lot Grading for infill development. For the purpose of this Report, infill development is defined as the full demolition and re-construction of a dwelling. Under the current process, the building permit review does not include a full and thorough review of lot grading and drainage and does not consider impacts to stormwater management, downstream flooding, tree preservation and the municipal right-of-way. Most of the infill rebuild houses are generally much bigger in footprint than the existing buildings. This redevelopment can have major impacts on the neighbouring properties and City streets.

Since January of 2012, there have been 126 new single-detached dwellings within the area covered by the “ER” Zone, representing approximately 21 per year. These trends on infill developments are expected to continue.

Staff is reviewing the implications of requiring a full grading and drainage review for infill development. Given the proposed changes to the “ER” Zone in Ancaster, and the significant staff time allocated to this area of the City, staff are exploring the feasibility of establishing a pilot project for infill development within the “ER” Zone to address grading. This new process could be facilitated through appropriate amendments to the Site Alteration By-Law and would require landowners to submit grading plans for all infill development. It will allow staff to evaluate impacts to stormwater management, downstream flooding, tree preservation and the municipal right-of-way. This matter would be addressed through a separate Report to Planning Committee by Q2 2018.

The City’s current Lot Grading and Drainage Policy applies only to single and semi-detached lots created through severances. Until such time as standards for infill lot grading requirements are created and adopted by Council, it is proposed that the current practice of reviewing infill lot grading against the Fill By-Law continue.

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6.0 Next steps

This initiative is a pilot project. These new regulations will be monitored as part of the residential zoning project to determine if any changes are required and if these regulations should be extended to other areas of the City with large lots. This review will include the location of the homes on the lots, a review of variances to the new or modified regulations, and the ease of administration of the regulations.

ALTERNATIVES FOR CONSIDERATION

- Option 1: Planning Committee / City Council could choose alternative performance standards for the Existing Residential “ER” Zone.
- Option 2: Planning Committee / City Council could table this Report and direct any future changes to be included in the new residential zones for Zoning By-law No.05-200.
- Option 3: Planning Committee / City Council could recommend the changes proposed to the Existing Residential “ER” Zone not be approved. The existing “ER” Zone regulations would remain in effect.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

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Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

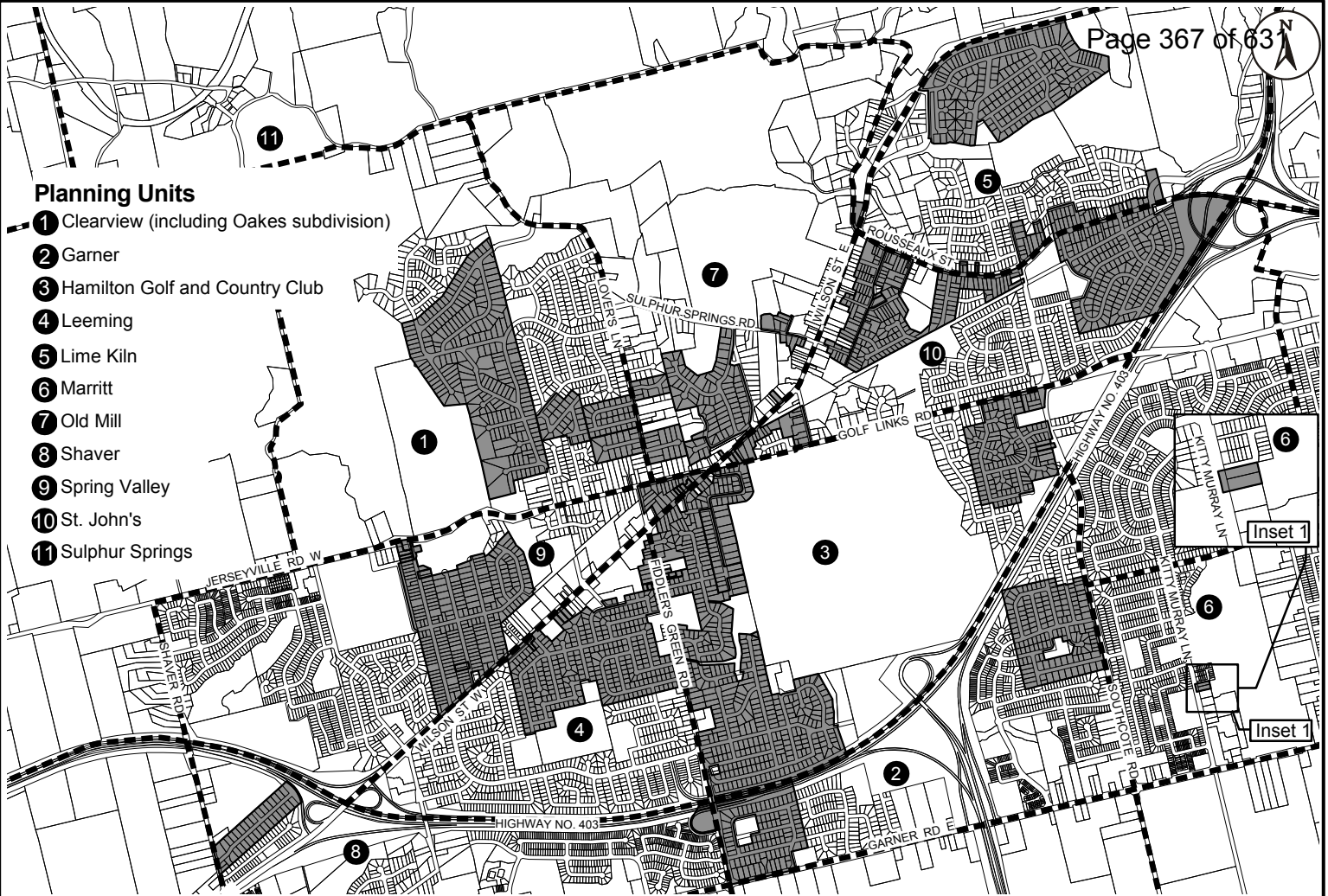
- Appendix “A”: Location Map
- Appendix “B”: Draft Zoning By-law No. 87-57 Amendment
- Appendix “C”: Proposed Options for Changes to the “ER” Zone Regulations
- Appendix “D”: Illustrations of Proposed Regulations
- Appendix “E”: Data Analysis of the “ER” Zone
- Appendix “F”: Summary of Written Comments from Public Information Centres
- Appendix “G”: Summary of Site Specific Zoning Exceptions to the “ER” Zone to be Modified / Deleted

ALF:mo

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Planning Units

- ① Clearview (including Oakes subdivision)
- ② Gamer
- ③ Hamilton Golf and Country Club
- ④ Leeming
- ⑤ Lime Kiln
- ⑥ Marritt
- ⑦ Old Mill
- ⑧ Shaver
- ⑨ Spring Valley
- ⑩ St. John's
- ⑪ Sulphur Springs

Location Map

Legend

-  Planning Units Boundary
-  Lands zoned Existing Residential "ER" Zone
Town of Ancaster Zoning By-law No.87-57

Scale:
N.T.S.

Date:
January 10, 2018

File Name/Number:
CI-18-A

Planner/Technician:
AF/AL

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT



Hamilton
Planning & Economic
Development Department

Authority: Item ,
Report (PED18036)
CM:
Ward: 12

Bill No.

CITY OF HAMILTON
BY-LAW NO.

To Amend Zoning By-law No. 87-57
To Delete Certain Regulations and Implement New Regulations for the Existing
Residential "ER" Zone (Ancaster)

WHEREAS the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the "The Corporation of the Town of Ancaster" and is the successor to the former regional municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

WHEREAS the *City of Hamilton Act, 1999* provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

WHEREAS the Council of the City of Hamilton, in adopting Section _____ of Report 18-_____ of the Planning Committee at its meeting held on the _____ day of _____, 2018, recommended that Zoning By-law No. 87-57 (Ancaster), be amended as hereinafter provided; and,

WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That SECTION 10: EXISTING RESIDENTIAL "ER" ZONE of Zoning By-law No. 87-57 is amended as follows:

1.1 That Section 10.2 be deleted and replaced as follows:

"10.2 Definitions

Notwithstanding Subsections 3.154, 3.155, 3.156, 3.157, 3.158, 3.159, the following definitions shall apply for the purposes of Existing Residential "ER" Zone:

"Lot Line, Flankage" means a lot line other than a front lot line that abuts a street.

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“**Setback**” means the distance between a lot line and the nearest part of any building or specified structure exclusive of any permitted yard projections on the lot.

“**Yard, Flankage**” means a yard extending from the front yard to the rear yard of a lot along a lot line which abuts a street measured to the nearest part of a building on a lot.

“**Yard, Front**” means a yard extending across the full width of a lot measured between the front lot line and the nearest part of a building on a lot.

“**Yard, Rear**” means a yard extending across the full width of a lot measured between the rear lot line and the nearest part of a building on the lot.

“**Yard, Side**” means a yard extending from the front yard to the rear yard measured between the side lot line and the nearest part of a building on a lot.

10.3 Regulations

The regulations for the lots in the ER Zone are set out in the clauses below and Tables 10.3.1 to 10.3.7:

Table 10.3.1 – Minimum Lot Area

Regulation	
Lot Area	Minimum 695 square metres

Table 10.3.2 – Lot Frontage

Regulation	
Lot Frontage	Minimum 18 metres

Table 10.3.3 – Maximum Lot Coverage

Regulation		
	One-storey	Two-Storey
Lots with an area less than or equal to 1,650	Maximum 35 percent	Maximum 25 percent

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Regulation		
square metres		
Lots with an area greater than 1,650 square metres	Maximum 30 percent	Maximum 20 percent

Table 10.3.4 – Front Yard Setback

Regulation	
Lot between two interior lots or a lot between an interior lot and a corner lot that has two adjacent dwellings facing the same street	Within 20 percent of the average front yard setback of the two nearest principal dwellings on either side of the lot (1) (2)
Lot between an interior lot and a corner lot that has one adjacent dwelling facing another street	Within 20 percent of the average front yard setback of the one nearest principal dwelling of the interior lot (1) (2)
Corner Lot that has one adjacent dwelling facing the same street	Within 20 percent of the average front yard setback of the one nearest principal dwelling facing the same street (1) (2)
Other cases not described in this Table	Minimum 7.5 metres Maximum 9.0 metres
(1) In no cases shall the front yard setback be less than 5.0 metres.	
(2) In cases where the average front yard setback of the nearest principal dwelling(s) is less than 5.0 metres, the minimum front yard setback shall not be less than 5.0 metres and greater than 6.0 metres.	

Table 10.3.5 – Side Yard Setback

Regulation	
Lots with a frontage less than or equal to 23	2.0 metres for an interior side yard (1)

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Regulation	
metres	6.0 metres for a flankage yard (1)
Lots with a frontage greater than 23 metres	10 percent of the lot frontage to a maximum setback of 5.0 metres for an interior side yard (1)
	6.0 metres for a flankage yard (1)
(1) Notwithstanding Section 7.18(a)(iii), a minimum of one metre directly abutting the side lot line shall be unobstructed and shall not contain walkways, sidewalks, hard surfaced material, and landscaping other than sod.	

Table 10.3.6 – Rear Yard Setback

Regulation	
Lots with a depth less than or equal to 40 metres	25 percent of the lot depth and no less than 7.5 metres (1)
Lots with a depth greater than 40 metres and less than or equal to 45 metres	30 percent (1)
Lots with a depth greater than 45 metres and less than or equal to 50 metres	35 percent (1)
Lots with a depth greater than 50 metres	40 percent (1)
(1) Notwithstanding Section 7.18(a)(iii), a minimum of one metre directly abutting the rear lot line shall be unobstructed and shall not contain walkways, sidewalks, hard surfaced material, and landscaping other than sod.	

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Table 10.3.7 – Maximum Height

Regulation	
One-storey	Maximum 7.5 metres(1)
Two-storeys	Maximum 9.5 metres(1)
(1) Section 7.11(a) shall not apply.	

- 10.3.1 An attached or detached garage or carport shall be permitted to project a maximum of 2.0 metres beyond the front façade of a dwelling, and a maximum of 2.0 metres beyond the side façade of a dwelling situated on a corner lot. In no case shall an attached or detached garage or carport be located within a front yard or flankage yard.
- 10.3.2 Notwithstanding Subsection 7.12 (c) and (d), balconies, decks, and enclosed and unenclosed porches shall not be permitted above the first storey within any side yard.
- 10.3.3 Subsection 7.13 (c) shall not apply to any lot within an Existing Residential “ER” Zone.
- 10.3.4 Schedule “C” shall not apply to any lot within an Existing Residential “ER” Zone.
- 10.3.5 Notwithstanding Subsection 7.15 and any other provisions of this By-law, any lot within the Existing Residential “ER” Zone of this By-law and the location thereon of any building or structure, existing on the effective date of this By-law, shall be deemed to comply with the regulations for any required setbacks, front yard, side yard, flankage yard, rear yard, lot frontage, lot area and building height and are permitted by this By-law.
- 10.3.6 **Parking Regulations**
- (i) Notwithstanding Subsection 7.14 (a) (xii), each parking space shall have a minimum width of 3.0 metres and a minimum length of 5.8 metres, exclusive of any land required for access or driveways.
- (ii) In addition to clause 10.3.5 (i), for parking spaces located within private residential garages, the parking

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space shall have a minimum width of 3.5 metres and a minimum length of 6.0 metres, exclusive of any land used for access, manoeuvring, driveways or a similar purpose. A single step, hose bibs, electrical devices and/or ductwork and closet enclosures may project not more than 0.3 metres into the required width or length of a parking space.

10.3.7 Accessory Buildings The provisions of Subsection 7.18 (a) shall apply."

2. That SECTION 34.2 – LAND AFFECTED ON SCHEDULE "B" be amended by deleting the following site specific exceptions in their entirety:
 - a. ER-204 (Mansfield/Judith Court Area) – as shown on Schedule "A1";
 - b. ER-210 (36 Cait Street, 73,79,80,90, 96 Irma Court) – as shown on Schedule "A1";
 - c. ER-322 (22 Valleyview Drive) – as shown on Schedule "A2";
 - d. ER-323 (26 Valleyview Drive) – as shown on Schedule "A2";
 - f. ER-454 (178 and 182 Central Drive) – as shown on Schedule "A2";
 - g. ER-564 (part of 130 Fiddlers Green Road) – as shown on Schedule "A2"; and,
 - h. ER-588 (427 and 431 Kitty Murray Lane) – as shown on Schedule "A3".

3. That SECTION 34.2 – LAND AFFECTED ON SCHEDULE "B" be amended by deleting and replacing the following site specific exceptions:
 - a. ER-201

Notwithstanding Table 10.3.5 – Side Yard Setback of SECTION 10: EXISTING RESIDENTIAL "ER" ZONE, a minimum interior side yard of 3.0 metres shall be required for any interior lot with a lot frontage of less than 30 metres.
 - i. Notwithstanding site specific exception ER-201, for the property located at 38 Park Lane, a minimum westerly side yard of 1.5 metres shall be permitted.

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b. ER-358

- i. Notwithstanding Subsection 10.1: Permitted Uses of SECTION 10: EXISTING RESIDENTIAL "ER" ZONE, for the property located at 194 Sioux Drive, only one detached dwelling with no garage shall be permitted; and,
- ii. In addition to Subsection 10.3: Regulations of SECTION 10: EXISTING RESIDENTIAL "ER" ZONE, for the property located at 194 Sioux Drive, the maximum gross floor area of the detached dwelling shall not be greater than 134 square metres.

c. ER-380

Notwithstanding Table 10.3.7 – Maximum Height of SECTION 10: EXISTING RESIDENTIAL "ER" ZONE, for the properties located at 49 and 53 Valleyview Drive, the maximum building height shall not be greater than one-storey (7.5 metres).

d. ER-392

Notwithstanding Subsection 7.14.(a)(xii) – Parking and Loading of SECTION 7: GENERAL PROVISIONS, for the property located at 14 Valleyview Drive, one of the two required parking spaces may have a minimum length of 5.1 metres.

e. ER-393

Notwithstanding Table 10.3.7 – Maximum Height of SECTION 10: EXISTING RESIDENTIAL "ER" ZONE, for the properties located at 16 and 20 Valleyview Drive, the maximum building height shall not be greater than one and half storeys (8.25 metres).

4. That SECTION 34.2 – LAND AFFECTED ON SCHEDULE "B" be amended by adding the following site specific exception:

a. ER-691

Notwithstanding Table 10.3.3, Table 10.3.4, Table 10.3.5, and Table 10.3.6 of SECTION 10: EXISTING RESIDENTIAL "ER" ZONE, for the property located at 357 Shaver Road, the following regulations shall apply:

- i. A maximum lot coverage of 42%;

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- ii. A minimum front yard setback of 7.0 metres;
 - iii. A minimum side yard setback of 3.0 metres to the daylight triangle;
 - iv. A minimum side yard setback of 3.8 metres on the side lot line abutting Westview Avenue; and,
 - v. A minimum rear yard setback of 5.8 metres on the northerly rear lot line.
5. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Existing Residential "ER" Zone provisions.

PASSED this ____ day of _____, 2018.

Fred Eisenberger
Mayor

Rose Caterini
City Clerk

To Amend Zoning By-law No. 87-57
To Delete Certain Regulations and Implement New Regulations for the Existing
Residential "ER" Zone (Ancaster)

For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law

Is this by-law derived from the approval of a Committee Report? No		
Committee: Chair and Members	Report No.: PED18036	Date: 03/20/2018
Ward(s) or City Wide: Ward: 12		(MM/DD/YYYY)

Prepared by: Alana Fulford	Phone No: 905-546-2424, ext. 4771
<i>For Office Use Only, this doesn't appear in the by-law</i>	



Schedule "A1"

Map Forming Part of
 By-law No. 18-

This is Schedule "A" to By-law No. 18-
 Passed the day of, 2018


Lands Affected

 Lands zoned Existing Residential "ER" Zone
 Town of Ancaster Zoning By-law No. 87-57

Delete Site Specific Exceptions 204, 210

 Mayor

 Clerk



Scale: N.T.S.	File Name/Number: CI-18-A	 Hamilton
Date: January 10, 2018	Planner/Technician: AF/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		



Schedule "A2"


Map Forming Part of
 By-law No. 18-_____

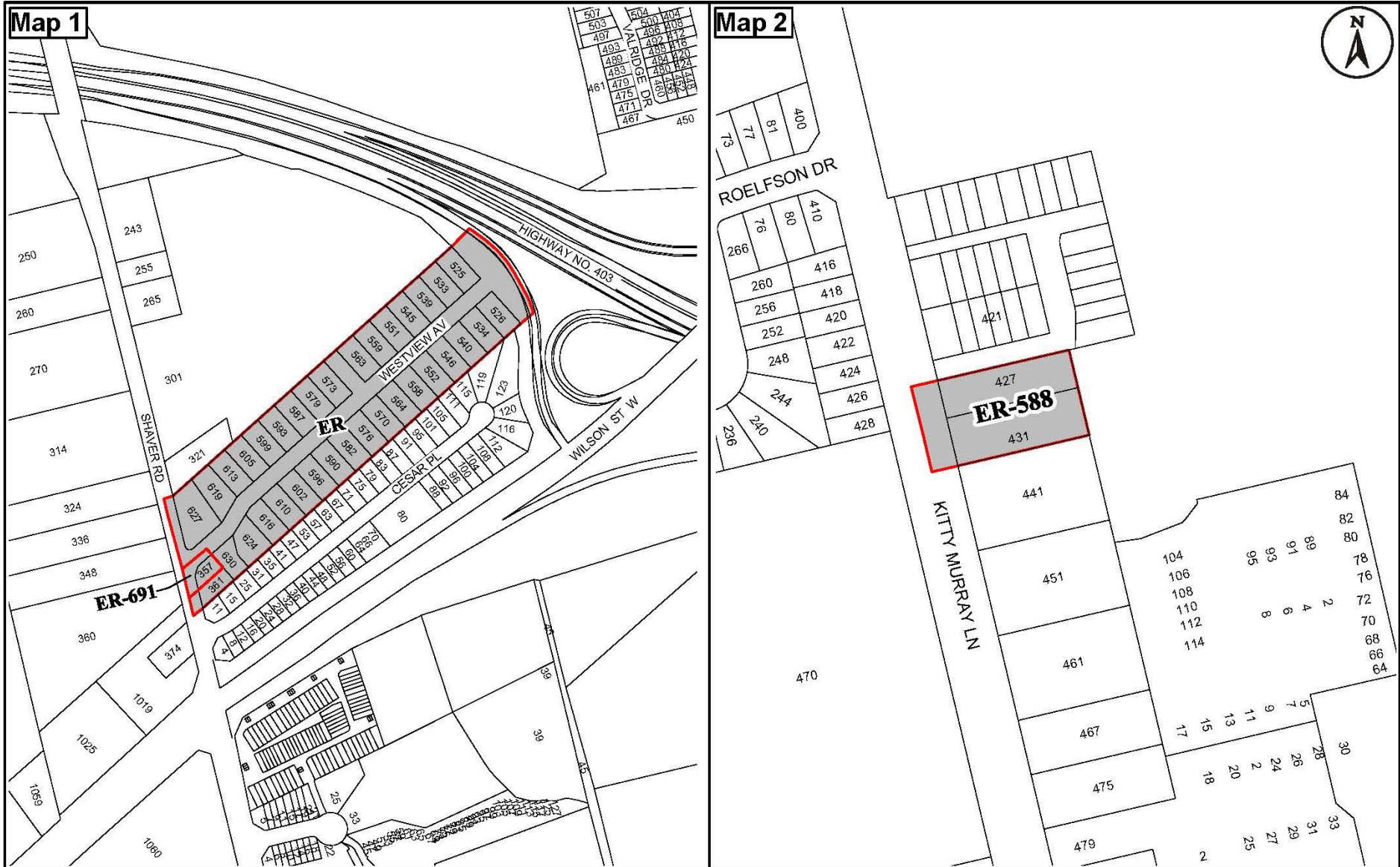
This is Schedule "A" to By-law No. 18-
 Passed the day of, 2018

Lands Affected
 Lands zoned Existing Residential "ER" Zone
 Town of Ancaster Zoning By-law No. 87-57
 Delete Site Specific Exception 322, 323, 454, 564

 Mayor

 Clerk

Scale: N.T.S.	File Name/Number: CI-18-A	 Hamilton
Date: January 10, 2018	Planner/Technician: AF/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		



Schedule "A3"

Map Forming Part of
 By-law No. 18-_____

This is Schedule "A" to By-law No. 18-

Passed the day of, 2018

Lands Affected



Lands zoned Existing Residential "ER" Zone
 Town of Ancaster Zoning By-law No. 87-57
 Delete Site Specific Exception 588,
 add Site Specific Exception 691

 Mayor

 Clerk

Scale:
 N.T.S.

File Name/Number:
 CI-18-A

Date:
 January 10, 2018

Planner/Technician:
 AF/AL





MODIFICATIONS TO THE EXISTING RESIDENTIAL “ER” ZONE IN THE TOWN OF ANCASTER ZONING BY-LAW 87-57

PROPOSED OPTIONS FOR CHANGES
TO THE “ER” ZONE REGULATIONS

March 2018

PROPOSED OPTIONS FOR CHANGES TO THE “ER” ZONE REGULATIONS

Concerns have been expressed from area residents about the size, height and location of new dwellings which may be of a mass and scale in excess of the existing homes, despite meeting the Existing Residential “ER” Zone regulations in the Ancaster Zoning By-law. Compatibility issues can be magnified when new dwellings are constructed adjacent to existing dwellings which are often of a scale and built form that reflects the design preferences and economic conditions of a much earlier time period.

Zoning regulations work together to establish parameters around buildable footprint, location of a dwelling on a lot, and building mass.

The purpose of this document is to identify potential options to modify the “ER” Zone regulations. The proposed modifications to building height, combined with modifications to lot coverage and setbacks, will collectively establish an as-of-right building envelope that is more sympathetic to existing conditions and streetscape character. Recommended changes to the front, rear, and side yard setback requirements are detailed in the sections that follow, which together with modifications to the height and lot coverage regulations, will work together to regulate the built form.

The document “Illustrations of Proposed Regulations” illustrates the proposed changes to the “ER” Zone regulations described in detail in this document and is attached as Appendix “D” to Report PED18036.

The document “Data Analysis of the “ER” Zone” provides a summary of data on “ER” Zone lot characteristics, development activity in the “ER” Zone from 2012 to present, and an analysis of approved minor variances in the “ER” Zone from 2012 to present. This document is attached as Appendix “E” to Report PED18036.

1. MAXIMUM HEIGHT OF PRINCIPAL DWELLING¹

The height of new dwellings and / or additions are often higher than existing bungalows and two-storey dwellings. Topography and variations in roof design also affect the visual perception of how a high a building is. Between 2012 and 2017, there was one Committee of Adjustment application requesting a variance to permit an increase in the height of a dwelling over the 10.5 metre height maximum.

Existing Regulation	Proposed Regulations	
	Option 1	Option 2
Maximum height	Reduce the maximum height to:	Differentiate between roof style

¹ Building height is measured as the vertical distance from grade to the uppermost point of the building, not including any mechanical equipment or features (e.g. chimneys), that extend beyond the uppermost point of the roof.

Existing Regulation	Proposed Regulations	
of 10.5 metres	Option 1	Option 2
	<ul style="list-style-type: none"> i) 7.5 metres for a one-storey dwelling ii) 9.5 metres for a two-storey dwelling. 	<p>when regulating height (i.e. pitched roof, flat roof).</p> <ul style="list-style-type: none"> i) Establish a new maximum height specific to roof style or, ii) Establish a new maximum height and modify how height is measured based on roof style.

Recommendation:

The Ancaster Zoning By-law regulates height to the uppermost point of the building. Depending on how a house is built, it is possible to have a three-storey house and be under the 10.5 m height maximum.

Staff recommend Option 1 which would reduce the building height to 9.5 metres from the current permission of 10.5 metres. Further, it is recommended that maximum height be correlated to storeys so that a separate maximum height can be applied to one-storey dwellings. The maximum number of storeys permitted is recommended at two-storeys. By reducing the maximum height permitted and further, limiting the number of storeys to two, the variation in heights between existing and new dwellings will be moderated, as will the overall massing effect. The modifications to the regulations are intended to establish height parameters that are more sensitive to the existing built form.

The second option considered by staff would regulate height based on roof style (e.g. flat roof, hip roof, etc.) by either introducing different maximum heights based on the roof style, or by maintaining one maximum height, but changing the way height is measured based on the type of roof. Staff are of the opinion the intent of the changes to maximum building height can be achieved through Option 1 as proposed, instead of requiring further modifications to the way height is defined and measured.

The proposed modification to the height regulations are intended to reduce the current permissions while still working within the existing regulatory framework for measuring height. As with all the proposed regulations, the maximum height regulation will be closely monitored once in effect, to evaluate how the regulation, combined with the other modifications to the “ER” Zone provisions, are impacting built form.

2. LOT COVERAGE²

Concern has been expressed by area residents about the scale of new dwellings; specifically, the mass of the new dwellings is greater than the existing built form which may lead to overlook and privacy concerns from adjacent properties. As mentioned previously, issues of compatibility are magnified when new dwellings are constructed adjacent to existing one-storey dwellings which are of a scale and built form that reflects the design preferences and economic conditions of an earlier time period.

Staff note that many of the existing dwellings in the “ER” Zone (both older housing stock and newer infill developments), have lot coverages that are below the maximum 35% lot coverage permitted in the Zoning By-law. This situation is predominantly a function of the varied and often larger lot sizes in the “ER” Zone. Of the approximately 2,500 lots comprising the “ER” Zone, the average lot area is 1,139 square metres, while the median (mid-point) of all “ER” Zone lots is 1,029 square metres. The result is that new dwellings can be constructed that meet the lot coverage requirement of the Zoning By-law but that are of a scale that is larger than the surrounding built form. Presently, the average lot coverage of all “ER” Zone lots is approximately 15%, with the average lot coverage of dwellings constructed between 2012 and approximately mid-year 2017 at 25%. Between 2012 and 2017, there have been five Committee of Adjustment applications requesting a variance to increase the lot coverage beyond the 35% maximum permitted, for new dwellings, and two variances requested for lot coverage beyond the maximum permitted for additions. It should be noted that lot coverage includes all buildings and accessory structures (with the exception of swimming pools and decks), which have not be factored in to the above discussion.

Existing Regulation	Proposed Regulations	
	Option 1	Option 2
Maximum Lot Coverage of 35%	Correlate maximum lot coverage to building height (storeys) and reduce the lot coverage for two-storey dwellings. i) Maximum lot coverage of 35% (one-storey) ii) Maximum lot coverage of 25% (two-storeys)	Apply the regulations of Option 1 and introduce further regulations for large lots. For lots greater than 1,650 square metres in area: i) Maximum lot coverage of 30% (one-storey) ii) Maximum lot coverage of 20% (two-storeys)

² Includes all buildings and accessory structures, with the exception of swimming pools and decks.

Recommendation:

Staff recommend implementing both Option 1 and Option 2 which has the effect of correlating lot coverage to building height so that two-storey dwellings are subject to a lower permitted maximum lot coverage, and further reducing the maximum lot coverage for the largest lots in the "ER" Zone. As noted previously, the current lot coverage maximum of 35% is generous in the context of the varied and often larger lot fabric of the "ER" Zone.

Given the evolution in built form and design preferences, it is considered appropriate to reduce the overall massing permitted for new dwellings and additions to existing dwellings so they are of a scale that is more complementary to the existing built form and character. For dwellings greater than one-storey in height, a maximum lot coverage of 25% is proposed, to account for the potential mass of the building. However, staff recommend the maximum lot coverage of 35% remain in place for one-storey dwellings, as they generally result in a mass that is more complementary to the existing built form. Thus, while the maximum lot coverage permission for bungalows is greater than a two-storey dwelling, the potential impact is offset by the lower height of a bungalow which reduces the massing impacts and potential for overlook and privacy concerns. As well, bungalows represent an important housing form in a neighbourhood and greater community as they help to promote aging in place and contribute to overall complete communities. As a result of the recommended changes, a two-storey dwelling will have a smaller building footprint permission than a one-storey dwelling.

In addition, it is recommended there be a further reduction to the maximum lot coverage regulation for lots greater than 1,650 square metres in area such that a one-storey dwelling is subject to a maximum lot coverage of 30% and a two-storey dwelling is subject to a maximum lot coverage of 20%. Lots greater than 1,650 square metres in area represents the top 10th percentile of lots within the "ER" Zone, with approximately 260 lots within this category. It is considered appropriate to apply a further reduction to the maximum lot coverage permitted given the size of dwelling that could be constructed and in consideration of compatibility in built form and neighbourhood character.

Staff are of the opinion the combination of Options 1 and 2 for lot coverage will place more appropriate parameters on built form.

While the average lot coverage of dwellings constructed between 2012 and mid-year 2017 is marginally below 25%, close to the proposed maximum lot coverage for two-storey dwellings of 25%, the existing lot coverage data represents conditions within the current "ER" Zone regulatory framework, whereas the changes to maximum lot coverage have to be considered alongside the other recommended regulatory changes.

3. FRONT YARD SETBACK

The front yard setback provision regulates the distance of a dwelling from the front lot line and can assist in establishing a consistent streetwall. Although the location of new dwellings in the "ER" Zone generally maintains the front yard setback of adjacent dwellings, there are instances where this setback has not been maintained creating visual impacts from the street and can impact neighbours from an overlook and privacy perspective. Introducing a more specific regulation for front yard setback ensures the existing front yard setbacks of adjacent dwellings is respected and maintained.

Existing Regulation	Proposed Regulations	
	Option 1	Option 2
<p>Minimum Front Yard of 7.5 metres, plus any applicable distance as specified in Schedule "C"³.</p>	<p>The front yard setback shall be the average of the existing front yards of the nearest adjacent dwellings on either side of the lot, within 20 percent of the established average. In no case shall a front yard setback be less than 5.0 metres.</p> <p>Notwithstanding the above, where the average of the existing front yards of the nearest adjacent dwellings on either side of the lot provides a front yard setback less than 5.0 metres, the minimum setback shall be 5.0 metres and the maximum setback shall be 6.0 metres.</p> <p>Where a lot is a corner lot, the existing front yard setback of the adjacent dwelling that faces the same street shall apply.</p> <p>Where a lot abuts a corner lot on which the dwelling faces a different street, only the existing front yard setback of the abutting dwelling that faces the same street shall apply.</p>	<p>A Minimum Front Yard of 7.5 metres, up to a maximum of 15 metres or 20% of the lot depth, whichever is lesser.</p>

³ Schedule "C" will not apply to the ER Zone.

Existing Regulation	Proposed Regulations	
	Option 1	Option 2
	In all other cases not listed above, a minimum front yard setback of 7.5 metres and a maximum front yard setback of 9.0 metres shall be provided.	

Recommendation:

The intent of changes to front yard setback is to establish a regulation that directly relates to the existing conditions of neighbouring properties, to create consistency along the streetscape. Changes to this regulation must consider the varied lot fabric of the “ER” Zone which creates varied front yard depths.

Staff recommend Option 1, which introduces an average front yard regulation within the parameters as outlined in the table above.

In the majority of the cases, the existing front yards of the two abutting lots will be averaged to establish the front yard setback of the affected lot. To allow for some flexibility given the range of possible conditions and scenarios, the front yard setback may be increased or decreased by 20%, provided a minimum front yard of 5 metres is maintained.

In some cases, the average front yard setback may result in a setback that is less than the 5 metre minimum. In these cases, the front yard setback must be between 5 metres (the established minimum) and 6 metres.

For a corner lot or a lot abutting a corner lot, only those abutting properties with houses that face the same street are used for the purposes of calculating the front yard setback. In some scenarios, only one property will be used to determine the front yard setback for a property that is being redeveloped. While the flankage yard of a house of an abutting property could be considered so that two abutting properties are counted in the calculation of the average, often this flankage yard is not reflective of the streetwall and would not contribute to the intent of the regulation.

For all other scenarios not identified in the regulation, a minimum front yard of 7.5 metres and maximum front yard of 9 metres must be provided. This regulation could apply to lots that do not have an abutting residential use or lots with no abutting lots that have dwellings facing the same street.

For clarity, Appendix “D” to Report PED18036 contains illustrations of the average front yard regulation.

To implement this regulation, the proponent will be required to survey the location of the front wall of the dwelling on each abutting lot (as applicable), and the dimension of the front yard setback on each abutting lot, so that staff can confirm the front yard setback for an affected property. The City of Hamilton requires a survey with the application for building permit.

Staff do not recommend Option 2 which is a modification of the current minimum front yard of 7.5 metre regulation, as it does not adequately capture and consider the existing context since there is no link to the established streetwall (existing front yard setback). Although a maximum front yard was contemplated in this option to introduce more defined parameters for front yard setbacks, the varied lot fabric of the “ER” Zone and corresponding placement of dwellings makes it difficult to establish a maximum front yard that is applicable to all scenarios. To recognize established streetwalls that have a greater setback from the front lot line yet which are appropriate in the context of larger lot patterns, this maximum front yard would have to be a large number, which would not be appropriate for shallow lots.

4. REAR YARD SETBACK

Concerns have been expressed about the scale and massing of dwellings and the resulting overlook issues that may impact the privacy of rear yard amenity space. Variations in the size of dwellings, combined with variable lot fabric in the “ER” Zone may result in inconsistent rear yard setbacks. The current minimum rear yard of 7.5 metres is a regulatory tool that has less impact on the size and location of a dwelling as the depth of the lot increases.

Existing Regulation	Proposed Regulations	
	Option 1	Option 2
Minimum Rear Yard of 7.5 metres.	Maximum depth of dwelling measured from the building wall closest to front lot line, to building wall closest to rear lot line.	Correlate Minimum Rear Yard with lot depth. <ul style="list-style-type: none"> • For lots with less than or equal to 40 m lot depth, a minimum rear yard of 25% of the lot depth; • For lots greater than 40 m lot depth and less than or equal to 45 m lot depth, a minimum rear yard of 30% of the lot depth; • For lots greater than 45 m lot depth and less than or equal to 50 m lot depth, a minimum rear yard of 35% of the lot depth; and,

Existing Regulation	Proposed Regulations	
	Option 1	Option 2
		<ul style="list-style-type: none"> • For lots greater than 50 m lot depth, a minimum rear yard of 40% of the lot depth. <p>In no cases shall the minimum rear yard be less than 7.5 m.</p> <p>In addition, at minimum, one metre immediately adjacent to the rear lot line shall be free and clear of all walkways, sidewalks or other hard-surfaced material, and landscaping other than sod.</p>

Recommendation:

Staff recommend Option 2 (minimum rear yard depth), which correlates the minimum rear yard setback to lot depth and more appropriately reflects specific lot conditions by increasing the rear yard setback as the lot depth increases. This regulation is better able to address the varied lot fabric of the “ER” Zone. Presently, a minimum rear yard of 7.5 metres has little influence on building location and built form for deeper lots. The proposed regulation, which assigns a specific percentage of lot depth to the determination of minimum rear yard, will limit how far back a dwelling may extend into a lot.

Four separate categories representing percentage of lot depth have been established, as this enables a consistent and incremental increase to the minimum rear yard as lot depth increases. The lowest percentage is set at 25% for lots less than or equal to 40 metres in depth. A lot with a depth of 39 metres would require a minimum rear yard of 25% (9.75 metres). With the requirement to maintain a minimum rear yard of 7.5 metres, any lot under 30 metres in depth must defer to this minimum. The highest percentage has been set at 40% for lots greater than 50 metres. A lot with a depth of greater than 50 metres would require a minimum rear yard of 20 metres. At 40% of the lot depth, a minimum rear yard is required that when contemplated with the front yard setback, establishes a front to back building envelope (depth of dwelling) that will be consistent with the as-of-right building envelopes of surrounding properties of similar depth. Appendix “D” illustrates the setback requirements applied to sample “ER” Zone lots.

As lot area and depth increase, the lot coverage maximum is less restrictive in and of itself. The minimum rear yard requirement, which increases as lot depth increases, is the predominant tool to limit the building envelope as lot depths increase. By placing limits on the permitted building envelope based on dwelling depth, impacts resulting from building mass may be reduced, and privacy concerns created by the inconsistent

location of rear yard amenity space may be tempered. Staff note that a certain degree of variability in building location and dwelling depth is expected in a given neighbourhood, with greater variability anticipated between existing and new dwellings and where lot patterns are less consistent.

Staff do not recommend Option 1 (maximum depth of dwelling) for the “ER” Zone. While it can be an effective tool to control building mass, mitigate privacy concerns, and address overlook into adjacent properties, the regulation is considered most effective with narrower, deeper lots, and a more consistent lot fabric. It may not be the most appropriate tool in the “ER” Zone context where the lot fabric is varied. Given this variability, a depth of dwelling regulation may not provide enough flexibility to respond to the lot conditions in the “ER” Zone, whereas relating the minimum rear yard to lot depth can better respond to specific lot conditions. As noted previously, all the changes to the regulations will be closely monitored once in effect, to evaluate how the regulations are impacting development.

The final modification to the minimum rear yard regulation is a requirement that at minimum, one metre immediately adjacent to the rear lot line remain free and clear of all structure’s, hard-surfaced material and landscaping other than sod. This restriction includes trees, shrubs and all other natural landscaping other than grass. This regulation is also proposed for the minimum side yard and is described in more detail in the section that follows. Applying this standard to the rear yard provides assurance that a free and clear area is maintained to provide space for drainage. No encroachments are permitted within this one metre adjacent to the rear lot line such as eaves or gutters, thus ensuring that this area remains completely free and clear from the ground upward.

5. SIDE YARD SETBACK:

A number of concerns were raised by residents about the space between dwellings on adjacent lots. The concerns generally relate to building mass and resulting issues of overlook and loss of privacy, as well as drainage concerns along shared lots lines.

Existing Regulation	Proposed Regulations	
	Option 1	Option 2
Minimum Side Yard of 1.5 metres, except on a corner lot the minimum side yard abutting a street shall be 6.0 metres and any applicable distance as	<p>The Minimum Side Yard shall be 2 metres.</p> <p>At minimum, one metre immediately adjacent to the side lot line shall be free and clear of all walkways, sidewalks or other hard-surfaced material, and landscaping other than sod.</p>	<p>Correlate Minimum Side Yard with lot frontage.</p> <ul style="list-style-type: none"> For lots with a lot frontage of less than or equal to 23 m, a minimum side yard of 2 m. For lots with a lot frontage greater than 23 m, a minimum side yard of 10% of the lot frontage, up to a maximum of 5 m.

Existing Regulation	Proposed Regulations	
specified in Schedule "C" ³ .	Option 1	Option 2
		<p>Except on a corner lot where the minimum flankage yard shall be 6 metres.</p> <p>In addition, at minimum, one metre immediately adjacent to the side lot line shall be free and clear of all walkways, sidewalks or other hard-surfaced material, and landscaping other than sod.</p>

Recommendation:

Staff recommend Option 2 which correlates the minimum side yard to lot frontage, the wider the lot, the greater the minimum side yard requirement up to a maximum of 5 metres. A minimum side yard of 2 metres is proposed. By establishing a higher minimum standard, greater spacing between dwellings is maintained which will assist with overlook and privacy concerns and maintain a larger area between dwellings for property maintenance and drainage. Increasing the minimum side yard as lot frontage increases achieves these objectives, also limits the as-of-right building envelope and the corresponding impacts of building mass and perceptions of scale as visible from the street. Streetscapes with a similar lot frontage will be subject to consistent minimum side yards thus contributing to a consistent rhythm of building frontages. The existing minimum side yard abutting a street (for a corner lot), will continue to apply.

From a drainage perspective, staff recommend a regulation requiring that at minimum, one metre immediately adjacent to the side lot line remain free and clear of all hard-surfaced material and landscaping other than sod. This restriction shall include trees, shrubs and all other natural landscaping other than grass. No encroachments (e.g. eaves or gutters) are permitted within this one metre adjacent to the side lot line, so this area remains free and clear for drainage, access and maintenance purposes.

6. GARAGE LOCATION

Garages projecting beyond the front wall of the dwelling have the effect of dominating the entire front façade of the dwelling, with the front entrance of the dwelling diminished in presence. This dwelling design is generally not consistent with the established housing form in the neighbourhood and may have the potential to create differences in dwelling depths vis-à-vis the abutting properties which may result in privacy concerns for rear yard amenity space.

Existing

Proposed Regulations

Regulation	Option 1	Option 2
Not regulated	No part of a garage (attached or detached) or carport may be located closer to the front lot line than the front wall of any principal building or closer to the corner lot line than the side wall of any principal building.	The garage (attached or detached) or carport may extend up to 2 metres beyond the front wall of any principal building, or side wall of any principal building on corner lots, but shall not be permitted to encroach into the front yard or flankage yard.

Recommendation:

Staff are recommending Option 2 which limits the projection of the garage to de-emphasize the presence of the garage vis-à-vis the front façade and primary entrance of the dwelling. The garage would be permitted to project up to 2 metres beyond the front wall of the dwelling provided it does not encroach into the front yard or flankage yard. A 2 metre projection enables more flexibility for front façade articulation in the dwelling design, which can enhance the visual aesthetic of the built form and reduce the overall sense of dwelling mass.

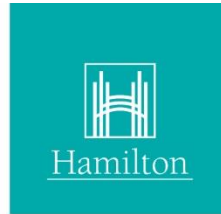
7. SECOND STOREY PROJECTIONS

Some concerns have been expressed that second storey features such as balconies may have adverse impacts on rear yard privacy, particularly when a new dwelling is of a height and scale that is greater than the adjacent built form. Building mass, combined with variations in the depth of dwelling can result in overlook issues between neighbouring properties. In addition, the larger the side yard setback, the greater potential for side yard balconies.

Existing Regulation	Proposed Regulation
Not regulated	Balconies, decks and enclosed and unenclosed porches located above the first storey shall not be permitted in the side yard.

Recommendation:

Staff recommend introducing a regulation that will prohibit balconies, decks and porches to project into the side yard, if it is located above the first storey of a dwelling. This regulation is intended to protect the privacy of the adjacent properties, given variability in building mass and dwelling depths. It can also reduce the perceived massing impact of a dwelling as these features add to the overall building mass.



MODIFICATIONS TO THE EXISTING RESIDENTIAL "ER" ZONE IN THE TOWN OF ANCASTER ZONING BY-LAW 87-57

ILLUSTRATIONS OF PROPOSED REGULATIONS

March 2018

PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT
PLANNING DIVISION

Illustrations of Proposed Regulations

The following illustrations visualize the intent of the proposed regulations described in detail in the document "Proposed Options for Changes to the "ER" Zone Regulations", which is attached as Appendix "C" to Report PED18036. Four sample lots with distinct lot dimensions that are representative of lots found within the "ER" Zone have been used to illustrate the existing "ER" Zone permissions, which are then compared to the recommended regulations for: rear yard setback, side yard setback, building height and lot coverage. The average front yard setback regulation is illustrated separately.

The four sample lots are characterized as a median lot (representing the mid-point of all lot frontages and lot depths in the "ER" Zone), a narrow / deep lot, a wide / deep lot, and a corner lot.

Lot coverage in the Ancaster Zoning By-law includes all buildings and accessory structures, with the exception of swimming pools and decks. For illustration purposes though, the coverage of the principal dwelling has been maximized to the maximum lot coverage permitted. Please note, the maximum lot coverage permitted may not be achievable on all lots due to lot configurations and setback requirements.

1. Median Lot

(22 m frontage x 40 m depth)

Figure 1: Existing Regulations

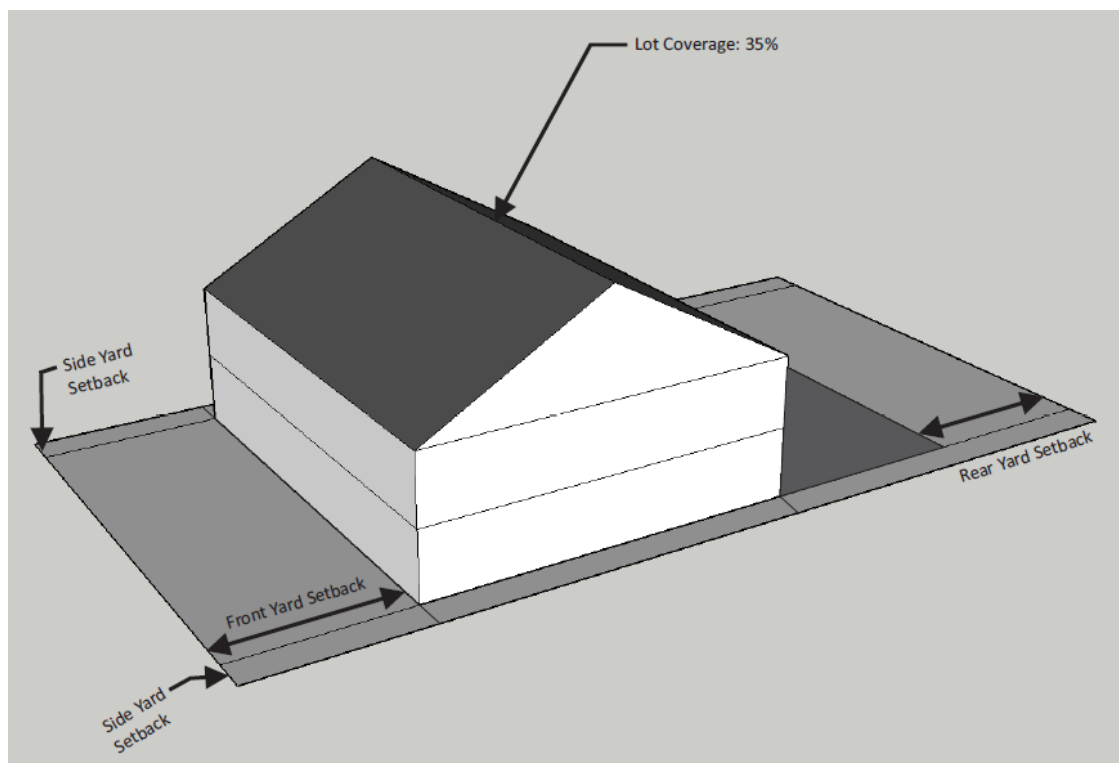
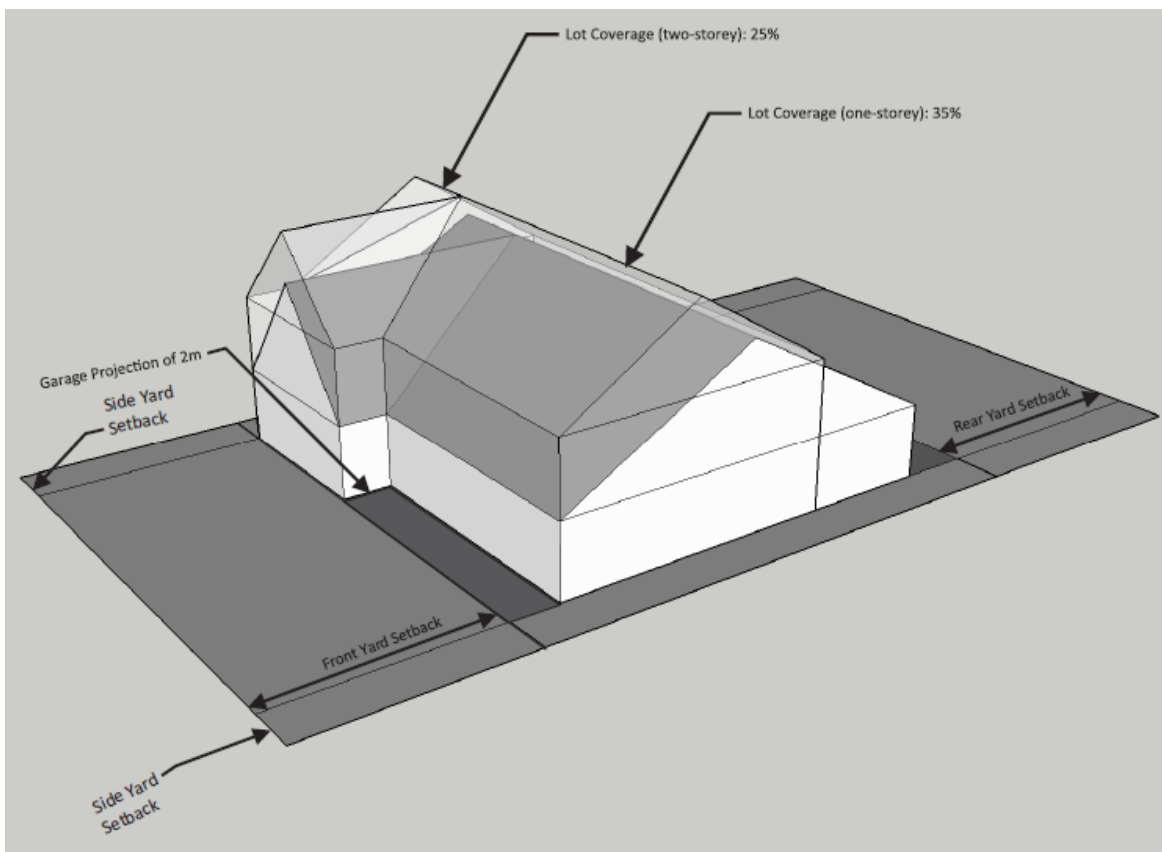


Figure 2: Proposed Regulations



	Existing Regulation	Proposed Regulation	
Maximum Lot Coverage	35%	35% (one-storey)	25% (two-storeys)
Maximum Height	10.5 metres	7.5 metres (one-storey)	9.5 metres (two-storeys)
Minimum Front Yard	7.5 metres	Average front yard setback ¹	
Minimum Side Yard	1.5 metres, except on a corner lot the minimum side yard abutting a street shall be 6.0 metres	2 metres	
Minimum Rear Yard	7.5 metres	10 metres	

¹ For the purpose of Figure 2, the average front yard setback has been estimated. Separate illustrations have been prepared for the average front yard setback regulation.

2. Narrow / Deep Lot
(18 m frontage by 55 m depth)

Figure 3: Existing Regulations

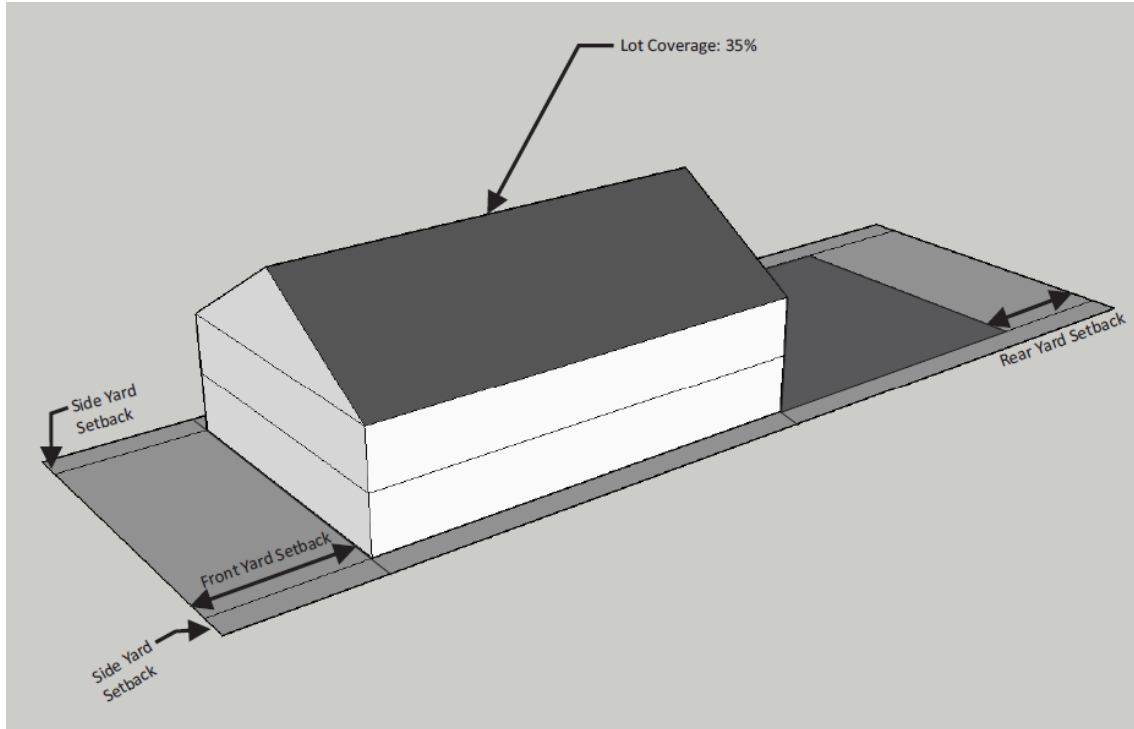
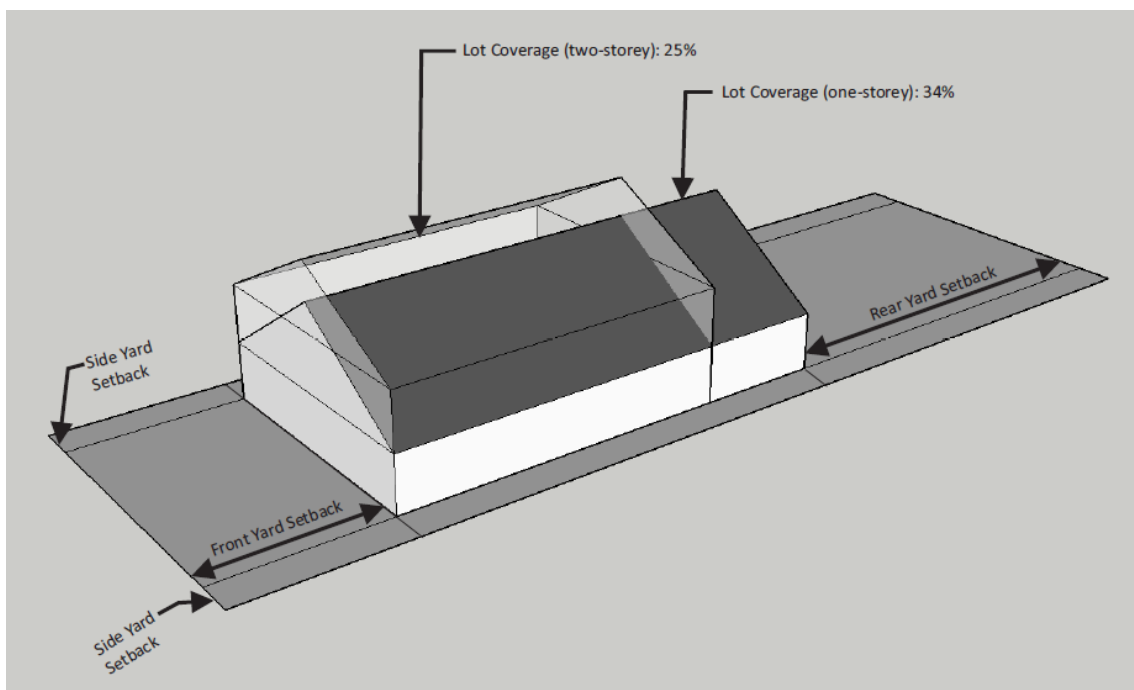


Figure 4: Proposed Regulations



	Existing Regulation	Proposed Regulation	
Maximum Lot Coverage	35%	35% ¹ (one-storey)	25% (two-storeys)
Maximum Height	10.5 metres	7.5 metres (one-storey)	9.5 metres (two-storeys)
Minimum Front Yard	7.5 metres	Average front yard setback ²	
Minimum Side Yard	1.5 metres, except on a corner lot the minimum side yard abutting a street shall be 6.0 metres	2 metres	
Minimum Rear Yard	7.5 metres	22 metres	

1 Based on the proposed setback requirements, the maximum lot coverage for a one-storey dwelling on this lot is 34%, below the maximum permitted of 35%. The maximum lot coverage permission cannot be achieved on all lots, given lot dimensions and setback requirements.

2 For the purpose of Figure 4, the average front yard setback has been estimated. Separate illustrations have been prepared for the average front yard setback regulation.

3. Wide / Deep Lot
(38 m frontage by 77 m depth)

Figure 5: Existing Regulations

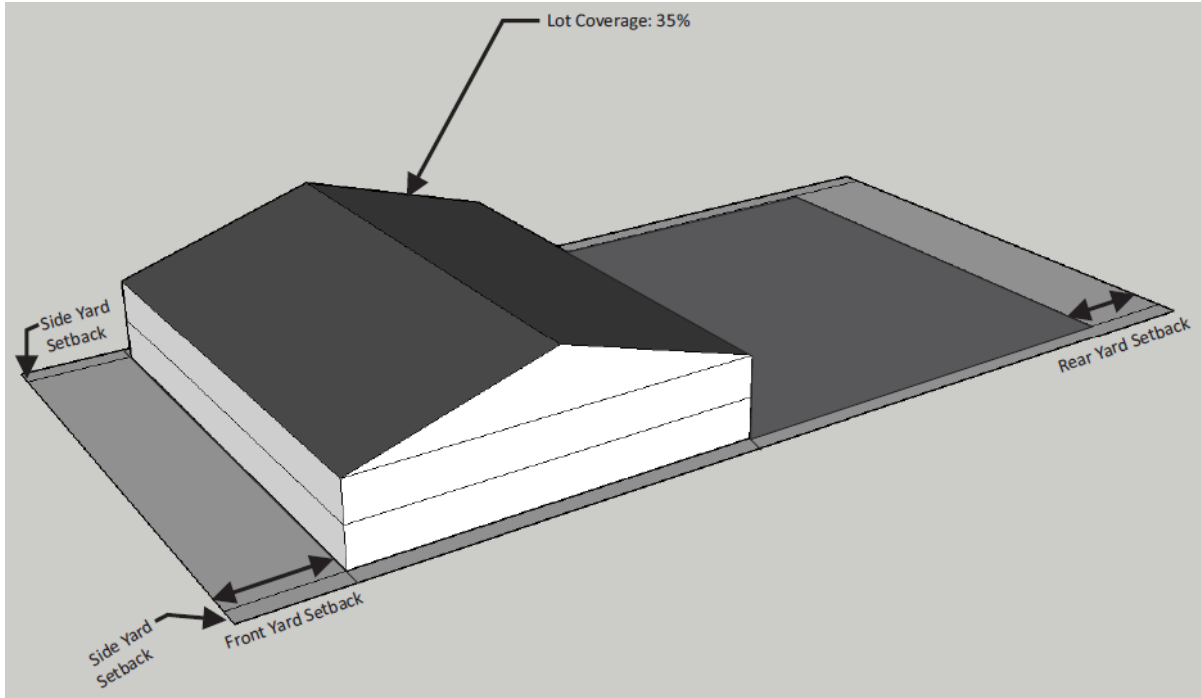
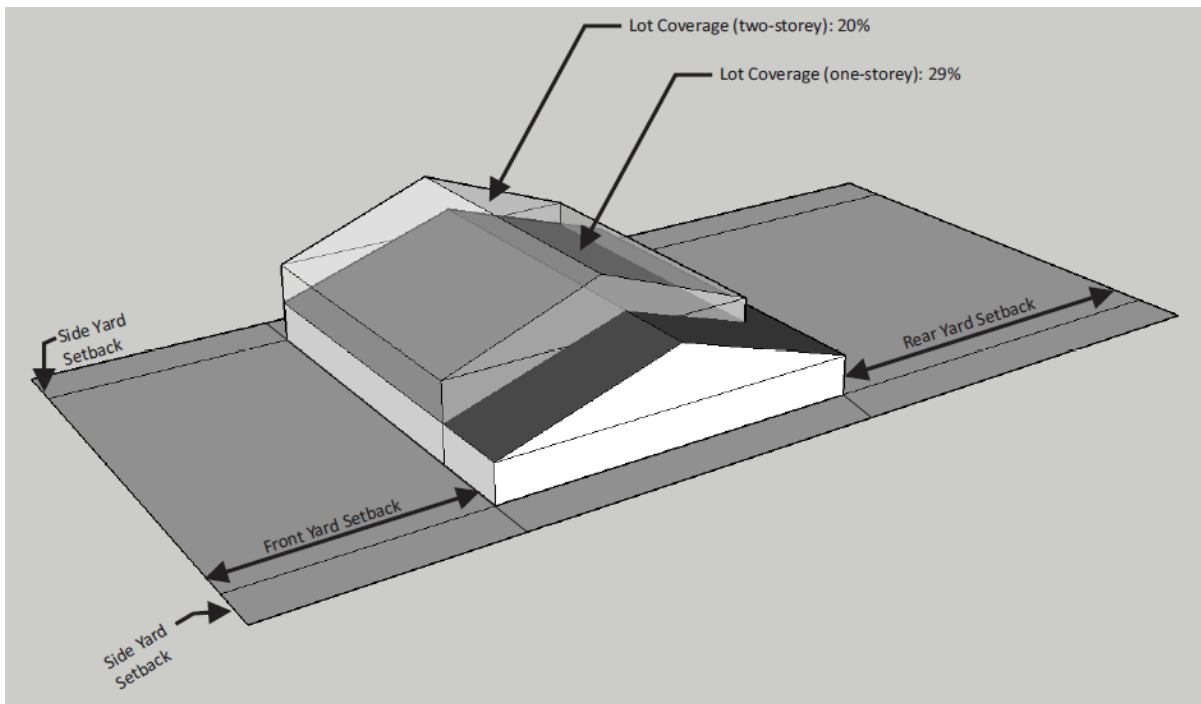


Figure 6: Proposed Regulations



	Existing Regulation	Proposed Regulation	
Maximum Lot Coverage	35%	30% ¹ (one-storey)	20% (two-storeys)
Maximum Height	10.5 metres	7.5 metres (one-storey)	9.5 metres (two-storeys)
Minimum Front Yard	7.5 metres	Average front yard setback ²	
Minimum Side Yard	1.5 metres, except on a corner lot the minimum side yard abutting a street shall be 6.0 metres	3.8 metres	
Minimum Rear Yard	7.5 metres	30.8 metres	

1 Based on the proposed setback requirements, the maximum lot coverage for a one-storey dwelling on this lot is 29%, below the maximum permitted of 30%. The maximum lot coverage permission cannot be achieved on all lots, given lot dimensions and setback requirements.

2 For the purpose of Figure 6, the average front yard setback has been estimated. Separate illustrations have been prepared for the average front yard setback regulation.

4. Corner Lot

(22 m frontage by 30 m depth)

Figure 7: Existing Regulations

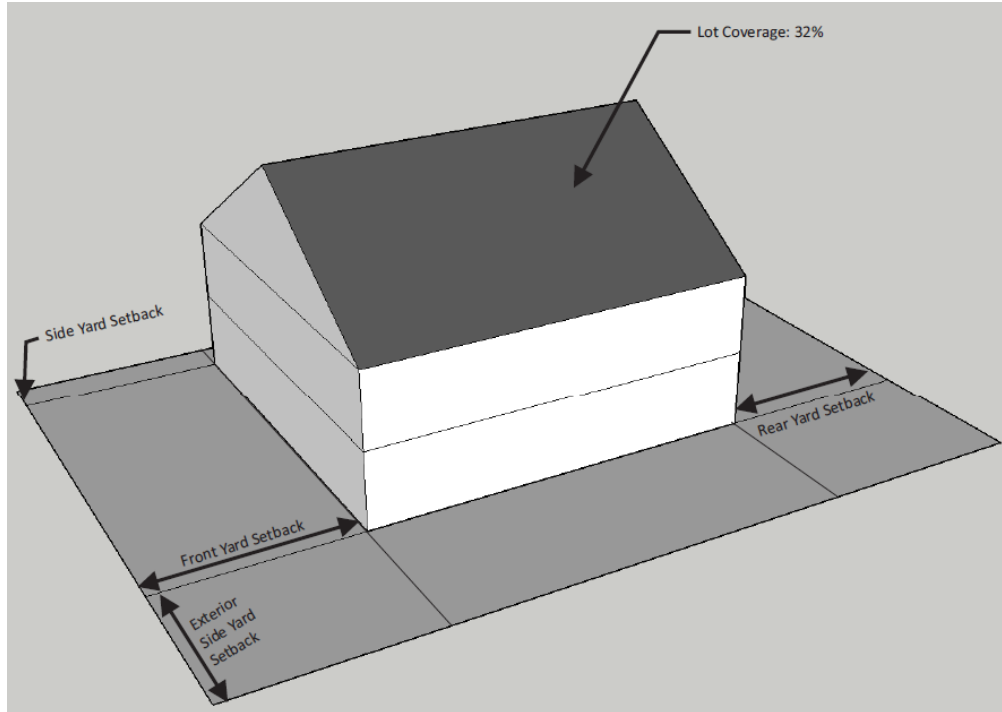
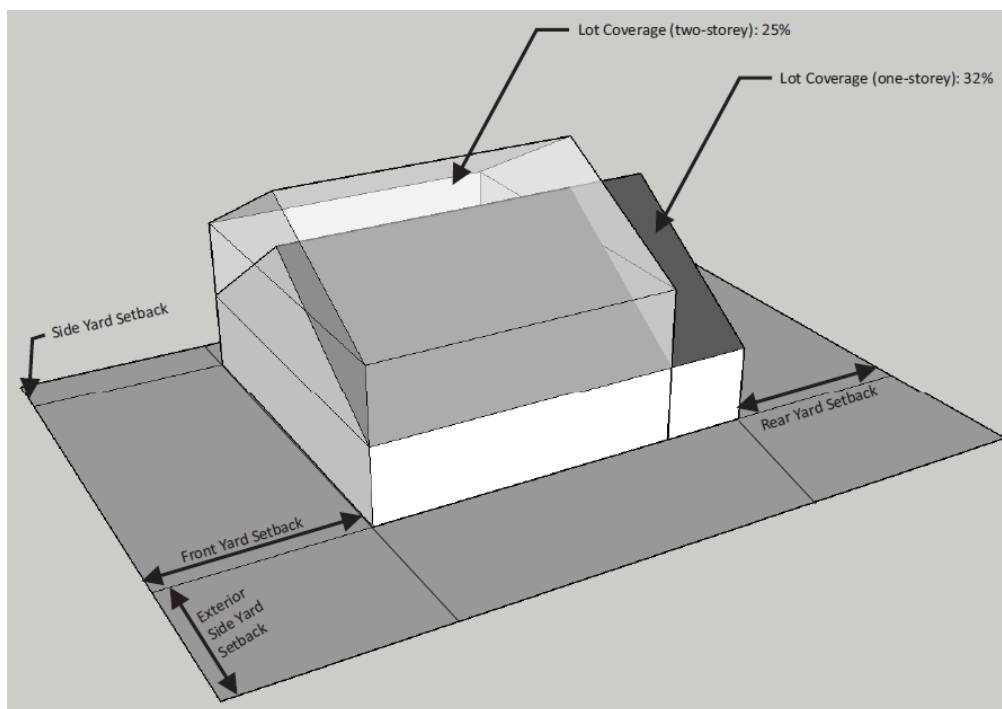


Figure 8: Proposed Regulations



	Existing Regulation	Proposed Regulation	
Maximum Lot Coverage	35% ¹	35% ¹ (one-storey)	25% (two-storeys)
Maximum Height	10.5 metres	7.5 metres (one-storey)	9.5 metres (two-storeys)
Minimum Front Yard	7.5 metres	Average front yard setback ²	
Minimum Side Yard	1.5 metres, except on a corner lot the minimum side yard abutting a street shall be 6.0 metres	2 metres and 6 m (abutting the street)	
Minimum Rear Yard	7.5 metres	7.5 metres	

1 Based on the proposed setback requirements, the maximum lot coverage for this lot is 32%, below the maximum permitted of 35%. The maximum lot coverage permission cannot be achieved on all lots, given lot dimensions and setback requirements. In this case, the corner lot is subject to an exterior side (flankage) yard of 6 metres, which reduces the buildable envelope.

2 For the purpose of Figure 8, the average front yard setback has been estimated. Separate illustrations have been prepared for the average front yard setback regulation.

Average Front Yard Setback

Three sample lot fabrics representative of lot patterns in the "ER" Zone are illustrated to visualize the various outcomes when applying the average front yard setback regulation. The illustrations depict:

1. A street of consistent front yard setbacks
2. An inconsistent streetwall of varying front yard setbacks
3. A corner lot and abutting properties

For the following figures (Figures 9 – 13), the lot to be developed is shaded grey. The adjacent dwelling(s) used to calculate the average front yard setback is hatched.

Figure 9: Sample Lots with Inconsistent Front Yard Setbacks

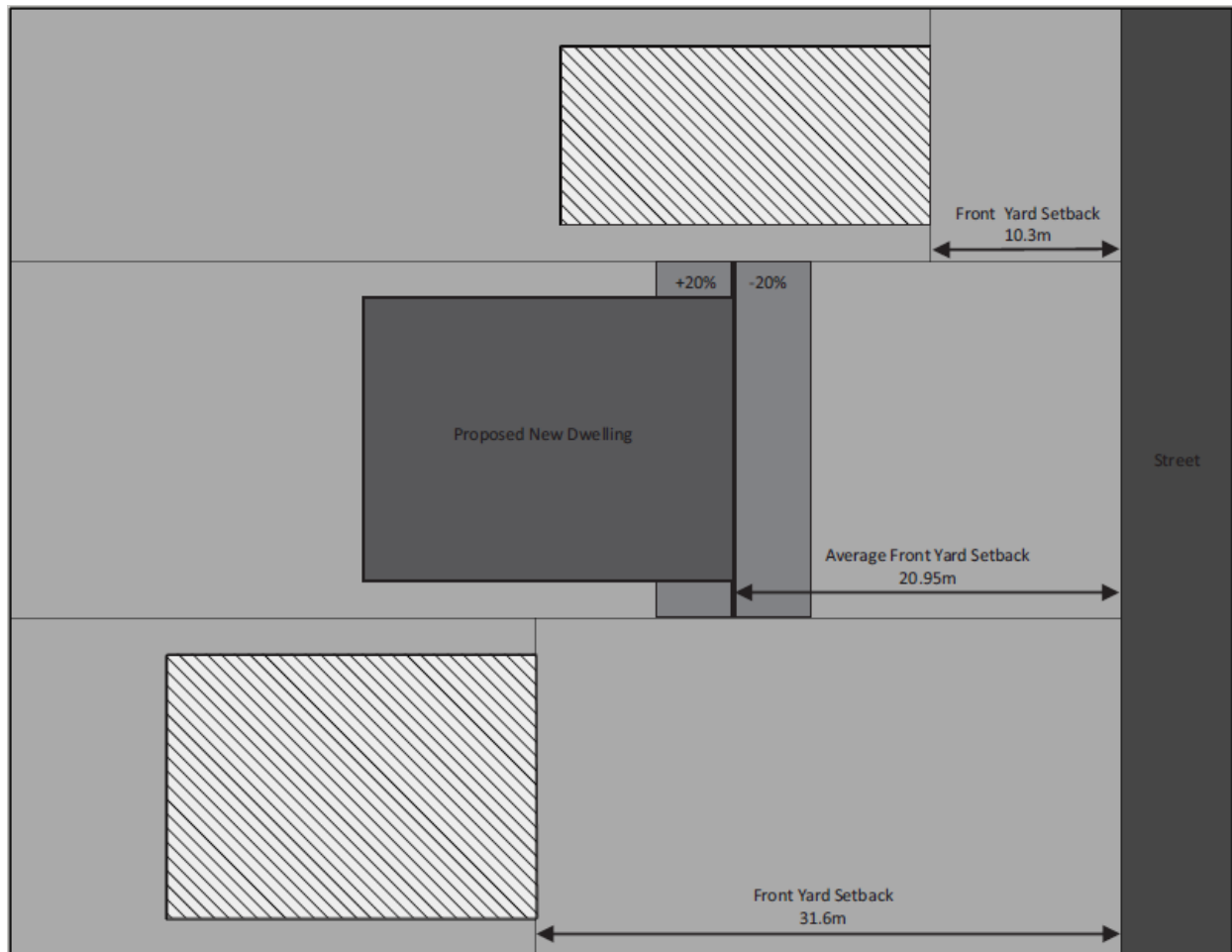


Figure 10: Sample Lots with Consistent Front Yard Setbacks

In this figure, the lot to be developed is shaded grey. The adjacent dwellings used to calculate the average front yard setback are hatched.

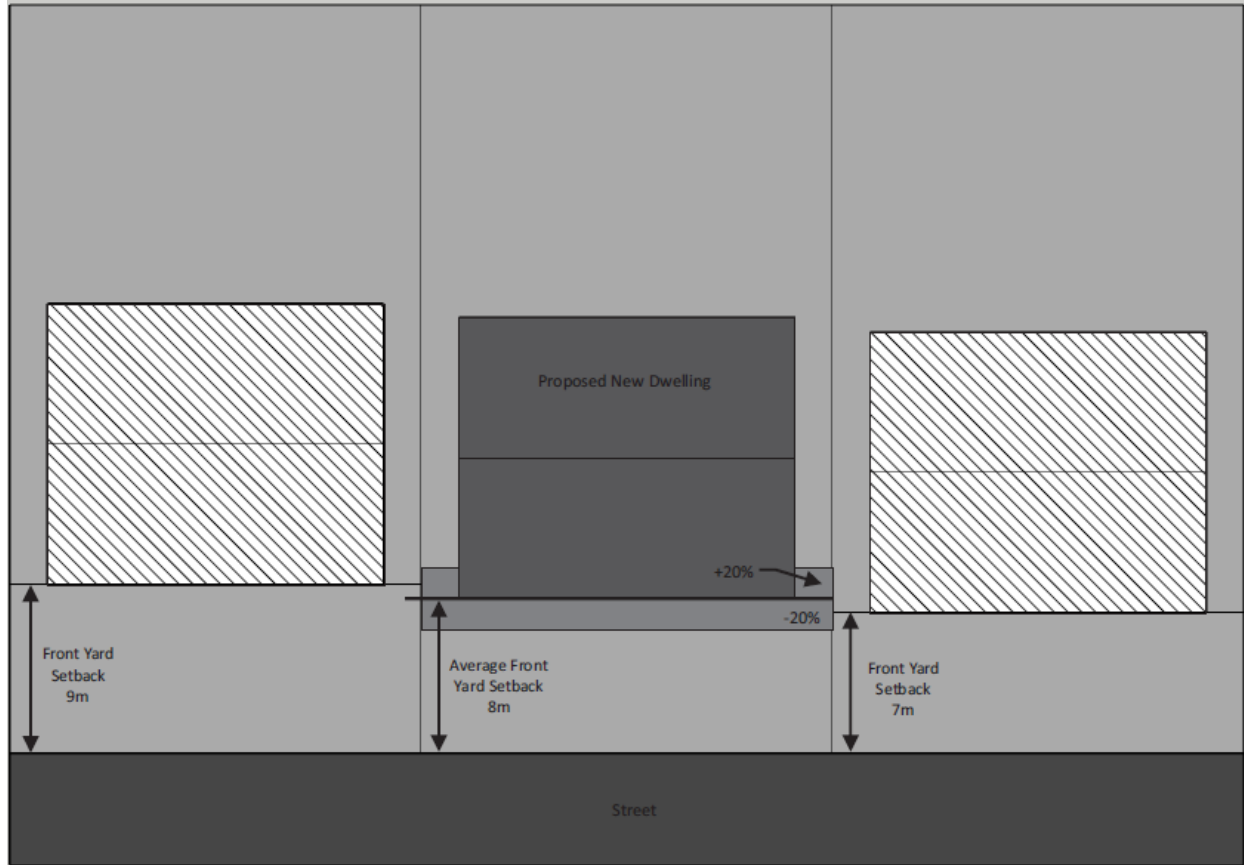


Figure 11: Corner Lot Fabric - Scenario A

The next three figures illustrate the average front yard setback regulation applied to the same sample of five lots (one corner lot and four interior lots).

In this scenario, the lot to be developed has two adjacent dwellings that face the same street (hatched). These dwellings are used to calculate the average front yard setback.

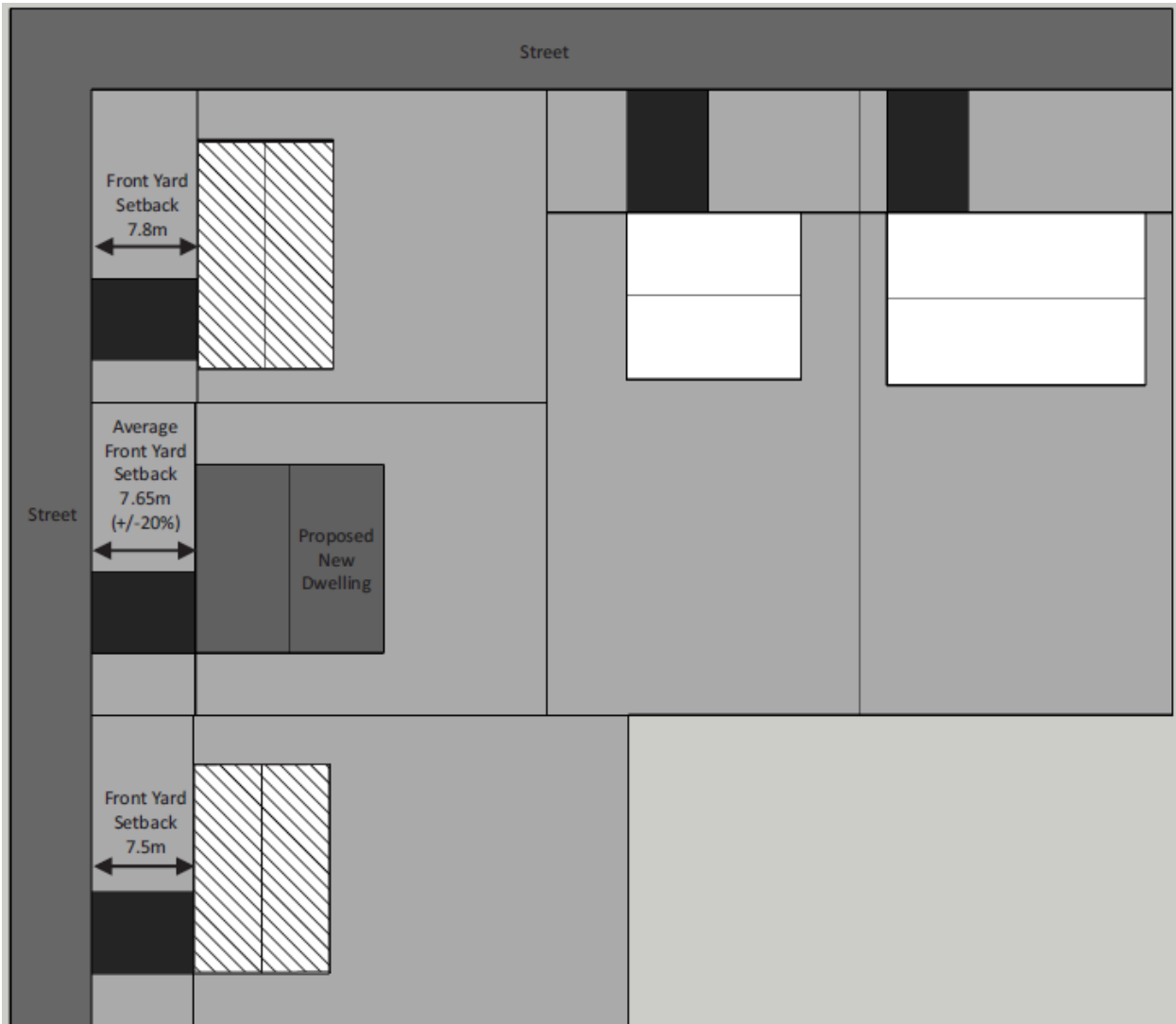
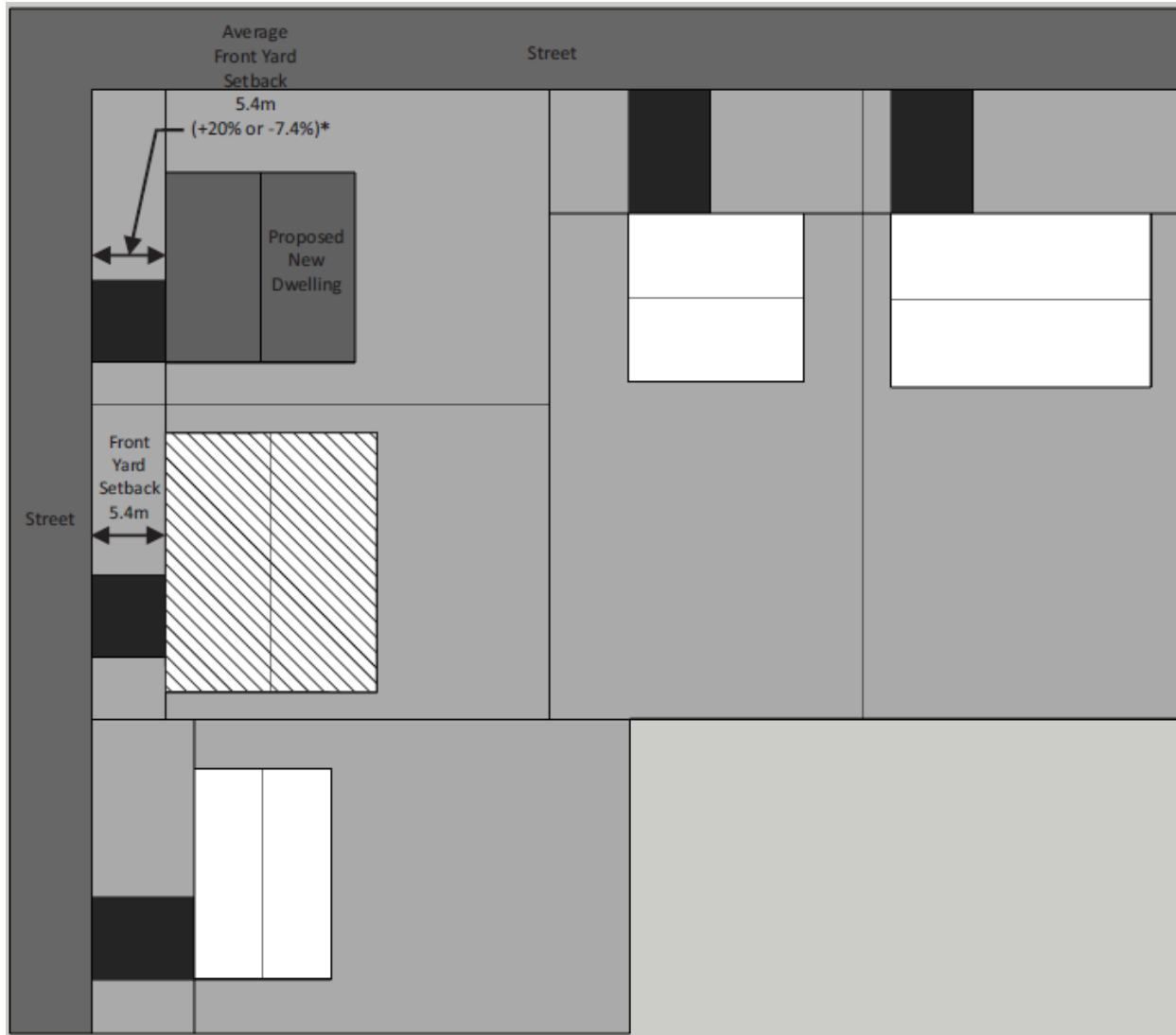


Figure 12: Corner Lot Fabric – Scenario B

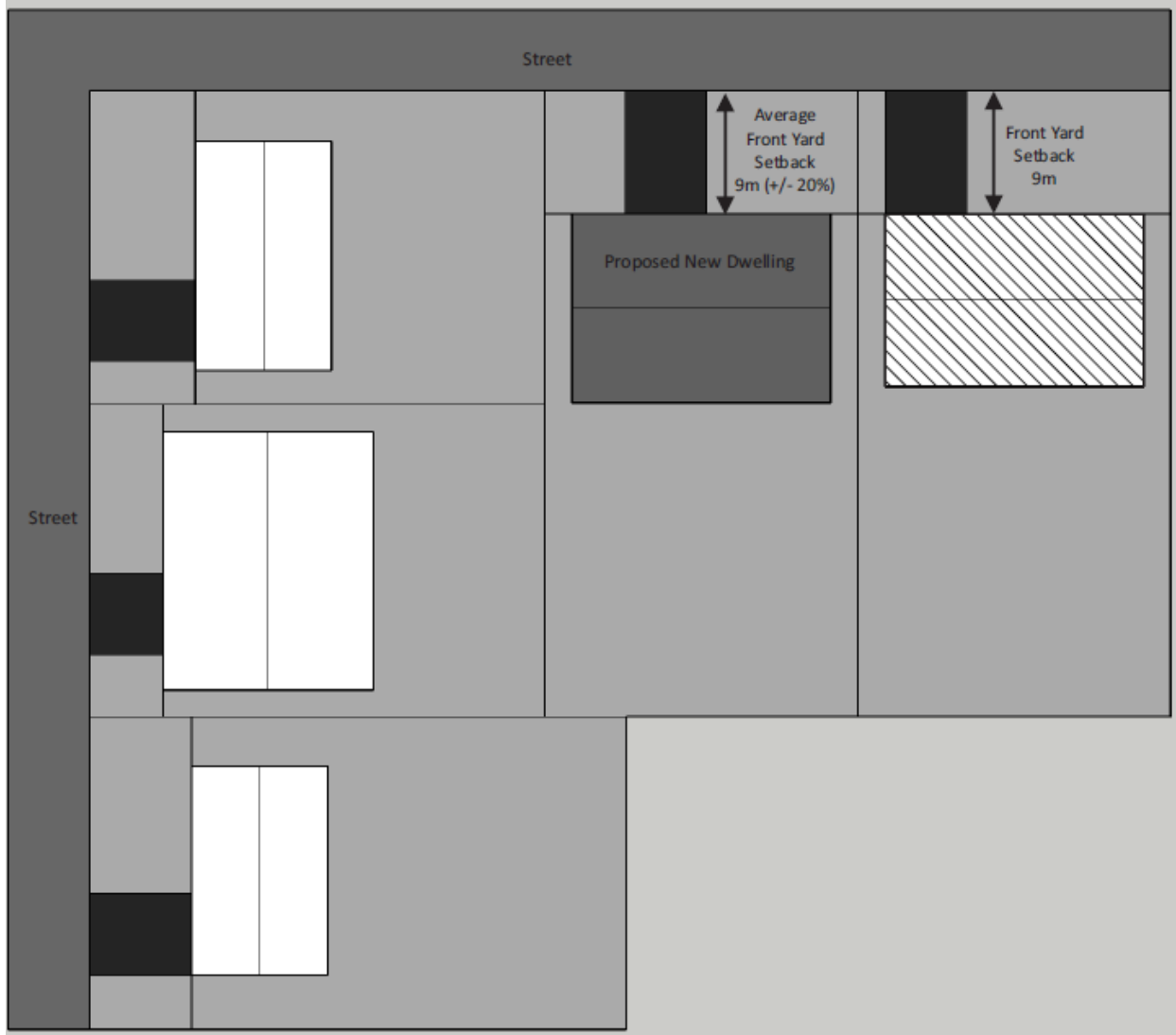
In this scenario, the corner lot is being developed, thus only the adjacent dwelling facing the same street (as shown in the hatching), is used to calculate the average front yard setback.



* With an average front yard setback of 5.4 metres, this number cannot be adjusted downward by 20% as it would fall under 5 metres, the minimum front yard setback that must be maintained.

Figure 13: Corner Lot Fabric – Scenario C

In this scenario, the lot being developed only has one adjacent dwelling facing the same street (as shown in the hatching). This is the dwelling used to calculate the average front yard setback.





MODIFICATIONS TO THE EXISTING RESIDENTIAL “ER” ZONE IN THE TOWN OF ANCASTER ZONING BY-LAW 87-57

DATA ANALYSIS OF THE “ER” ZONE

March 2018

**PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

Data Analysis of the “ER” Zone

Introduction

The purpose of this document is to present the data that staff used to analyze the existing context in the “ER” Zone and develop the recommended regulatory framework to address issues of overbuilding in the “ER” Zone. The following information is included:

- **Part 1:** Overview of characteristics of existing lots and dwellings in the “ER” Zone;
- **Part 2:** Overview of recent development activity in the “ER” zone, including demolitions, new construction, and additions between 2012 and 2017; and,
- **Part 3:** Analysis of minor variances granted in the “ER” Zone between 2012 and 2017.

Part 1: Characteristics of Existing Lots and Dwellings in the “ER” Zone

Planning Units

There are approximately 2,500 lots in the “ER Zone.” Parcels are located in the Clearview, Garner, Hamilton Golf and Country Club, Leeming, Lime Kiln, Marritt, Old Mill, Shaver, Spring Valley, St. John’s, and Sulphur Springs planning units (please see Appendix “A” to Report PED18036 for the location map of planning units). Table 1 identifies the distribution and average size of lots in the “ER” Zone by planning unit.

Table 1 – “ER” Zone Parcels by Planning Unit

Planning Unit	Number of Parcels	Average Lot Size (m ²)
Clearview (includes the Oakes subdivision)	305	1,514.3
Garner	237	1,002.0
Hamilton Golf and Country Club	592	1,100.6
Leeming	329	801.0
Lime Kiln	232	1,310.9
Marritt	2	1,206.8
Old Mill	112	1,579.5
Shaver	35	1,422.2
Spring Valley	269	1,061.0
St. John’s	386	1,066.3
Sulphur Springs	1	n/a

There is significant variation in the lot size from planning unit to planning unit. Planning units with the biggest average lot size include Old Mill, Clearview, Shaver, and Lime Kiln. Leeming, Garner, Spring Valley, and St. John’s have the smallest average lot size.

Lot configuration also substantially varies, both between planning units, and between lots within a particular planning unit. For example, the lot fabric within Leeming planning unit is relatively consistent, with 118 lots measuring approximately 22 m frontage by 30 m depth. In contrast, the lot fabric in the Lime Kiln planning unit is varied and includes narrow and deep lots, pie-shaped lots, square lots, and other oddly shaped corner and curved lots. Lot configuration will be addressed in more depth in another section. Reformation of the regulatory framework must be responsive to the varied nature of both lot fabric and built form of existing dwellings throughout the “ER” Zone.

Lot Size

The “ER” Zone regulations prescribe the minimum required lot frontage (18 m) and lot area (695 m²). In many cases, frontages and areas are larger than the minimum required by the regulations. Table 2 identifies general characteristics of lot fabric in the “ER” Zone. Lot frontage, depth, and area information were sourced from Municipal Property Assessment Corporation (MPAC) assessment data, which does not calculate lot dimensions in accordance with the prescribed methods set out in the Town of Ancaster Zoning By-law 87-57.

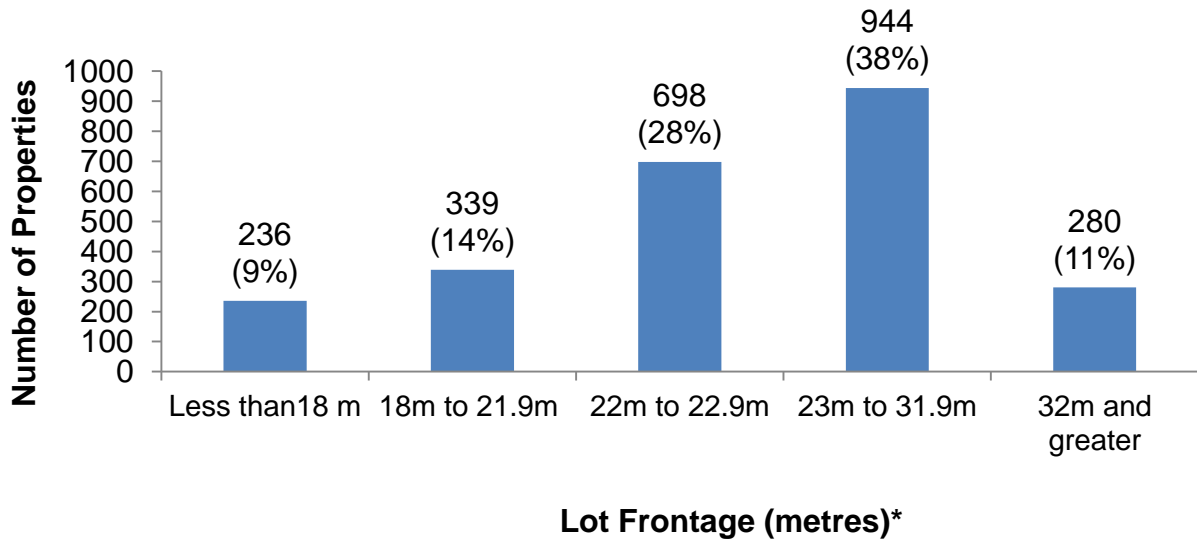
Table 2 – Lot Frontage, Depth, and Area Characteristics in the “ER” Zone

	Minimum	Maximum	Average	Median
Lot Frontage (m)*	7.3	123.4	25.4	22.9
Lot Depth (m)	5.8	139.5	45.3	41.2
Lot Area (m²)	105.8	10,089.4	1,139.1	1,029.72

*Note: Exclude frontages below 7 meters (4 Properties)

Average lot frontage in the “ER” Zone is 25 m. The majority of lots (66 percent) have frontages in the range of 22 m to 32 m (see Figure 1). Approximately 28 percent of lots have a frontage of 22 m.

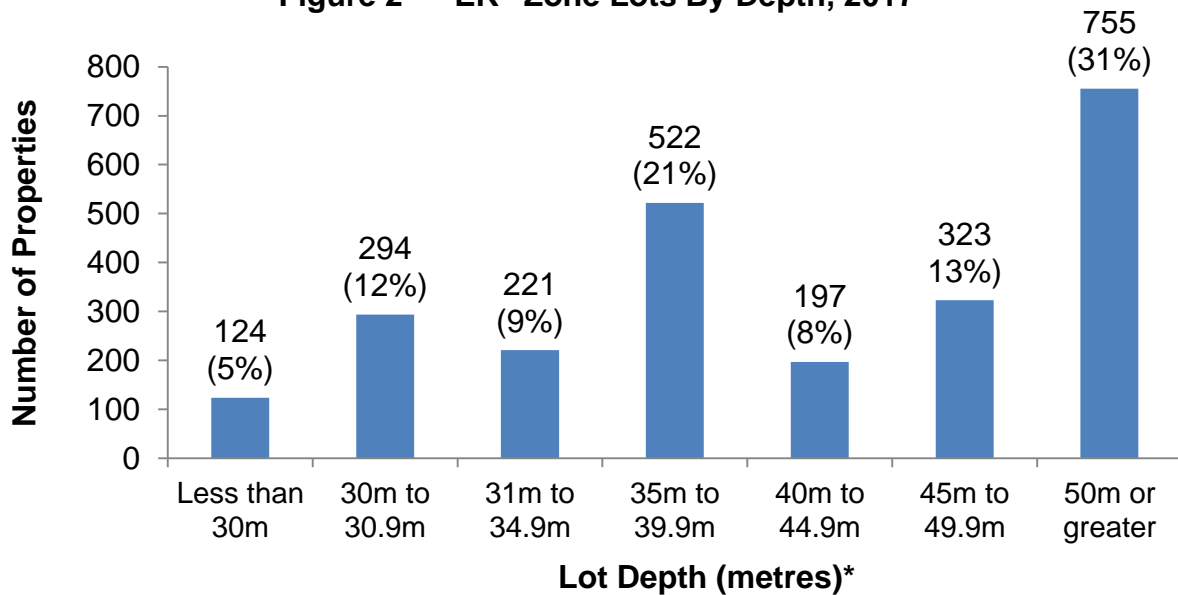
Figure 1 – “ER” Zone Lots By Frontage, 2017



*Note – Data ranges were selected based on the large occurrence of lot frontages of 22 metres. The proposed side yard setback regulation is also tied to the frequency of frontages at 22 metres.

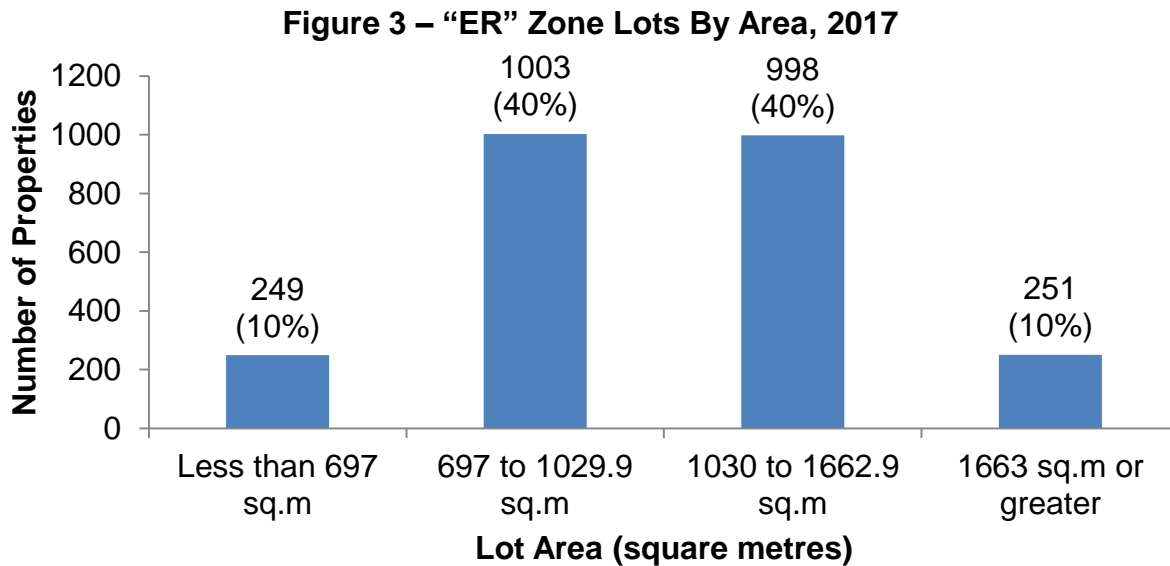
Average lot depth is 45 m. Thirty-one percent of lots have a depth of over 50 m (see Figure 2). A significant number of lots are within the lot depth category of 35 m to 39.9m.

Figure 2 – “ER” Zone Lots By Depth, 2017



*Note – Data ranges were selected based on the proposed rear yard setback regulation, which requires a progressively larger rear yards setback tied to depth a of lot.

Average lot area is 1139 m². There is a relatively even distribution of lots between the ranges of 697 m² to 1030 m² and 1030 m² to 1663 m², with eighty (80) percent of lots falling in this two ranges (see Figure 3).



The median lot frontage is approximately 2.5 m less than the average lot frontage, and the median lot depth is approximately 4 m less than average lot depth (see Table 2). The median represents the middle number in a series. The difference between the average and median indicates there may be some lots with very large frontages and depths that are causing a bias in the averages. Acknowledging this limitation, the average lot dimensions were used as a guide in understanding the lot fabric and possible modifications to the regulations respecting the building envelope.

Lot Configuration

It is important to consider lot configuration when addressing regulations that set the parameters for building envelope because some regulations may not be appropriate on every type of lot. For example, on lots with very shallow depths, large rear yard setbacks are not possible. On lots that are narrow but deep, the orientation of the dwelling will likely need to be narrow and long. In developing the proposed zoning regulations to address development in the “ER” Zone, staff took into consideration the following types of lot configurations:

- An average lot configuration based on the average frontage and depth of all lots in the “ER” Zone;
- Lots that are wide and deep;
- Lots that are wide and shallow;
- Lots that are narrow and deep; and,
- Lots that are narrow and shallow.

Although there are more possible lot configurations, these lot configurations represent the average and any substantial deviation from the average lot configuration.

Consideration was also given to corner lot configurations. Table 3 identifies the frequency of the lot configurations listed above. An average lot configuration was considered to be a lot with an average frontage and average depth, plus or minus 2 metres.

Table 3 – Frequency of Lot Type

Type of Lot (Configuration)	Frontage	Depth	Number of Lots
Average Lot (±2 m from average dimensions)	23 m up to 28 m	43 m up to 48 m	98
Wide, Deep Lot (≥2m wider and ≥2m deeper than average lot)	Equal to or greater than 28 m	Equal to or greater than 48 m	187
Wide, Shallow Lot (≥2m wider and <2m shallower than average lot)	Equal to or greater than 28 m	Less than 43 m	339
Narrow, Deep Lot (<2m narrower and ≥2m deeper than average lot)	Less than 23 m	Equal to or greater than 48 m	471
Narrow, Shallow Lot (<2m narrower and <2m shallower than average lot)	Less than 23 m	Less than 43 m	620
		Other Irregular Lots	786
		Total	2,501

A typical lot is rectangular in shape with a frontage that is shorter than its depth, with an average lot frontage of 25.3 m and an average lot depth of 45.3 m. There are a substantial number of lots that are narrow and shallow, as well as narrow and deep. Wide lots are less common.

Part 2: Development Activity in the “ER” Zone (2012 - 2017)

A review of redevelopment activity in the “ER” Zone was undertaken to explore the change in built form of dwellings between January 2012 and October 2017. Building size and lot coverage data was sourced from Municipal Property Assessment Corporation (MPAC) assessment data. The City’s internal application tracking database (AMANDA) was used to determine dates of demolitions and replacement dwellings, as well as additions to existing dwellings.

Demolition and Replacement of Homes

There are approximately 2,500 single detached dwellings in the “ER” Zone. In total, 126 dwellings were demolished and replaced since 2012, representing approximately 5 percent of the building stock. On average, about 21 homes per year were demolished and replaced from 2012 to 2017, indicating an average replacement rate of less than one percent (about 0.8%) per year. Table 4 identifies number of replacement dwellings, increase in size between demolished and replacement dwellings, and change in lot coverage.

Table 4 – Characteristics of Demolished and Replaced Dwellings (January 2012-October 2017)

	2012	2013	2014	2015	2016	2017
Number of Replacement Dwellings	26	20	9	23	26	22
Average Size of Demolished dwelling (total building space)	140 m ² (1,511 sq. ft.)	130 m ² (1,404 sq. ft.)	137 m ² (1,472 sq. ft.)	160 m ² (1,722 sq. ft.)	157 m ² (1,687 sq. ft.)	155 m ² (1,664 sq. ft.)
Average Size of Replacement dwelling (total building space)	348 m ² (3,745 sq. ft.)	359 m ² (3,866 sq. ft.)	381 m ² (4,096 sq. ft.)	390 m ² (4,194 sq. ft.)	411 m ² (4,426 sq. ft.)	396 m ² (4,265 sq. ft.)
% increase in size	148%	175%	178%	144%	162%	156%
Average Lot Coverage of demolished dwelling	11.58%	12.73%	13.24%	11.51%	13.47%	13.44%
Average Lot Coverage of replacement dwelling	20.08%	23.15%	24.85%	19.21%	23.80%	23.28%
% change in coverage (replacement dwelling / demolished dwelling)	73%	82%	88%	67%	77%	73%

There does not appear to be any discernable trend in replacement dwelling size and lot coverage over the course of 2012 to 2017. However, it is clear there is an overall trend of replacement dwellings being substantially larger than the dwellings they replace.

Demolished dwellings have been in the range of 1,400 to 1,700 sq. ft., while replacement dwellings are in the range of 3,700 to 4,400 sq. ft. It is apparent that the sizes of replacement dwellings are substantially larger than the ones they replace. Typically, replacement homes are at least double the size of the demolished dwelling.

Lot coverage has also increased. Lot coverage of demolished dwellings was in the range of 11.5 percent to 13.5 percent. For replacement dwellings, lot coverage falls in

the range of 19 percent to 25 percent. Note that lot coverage is calculated by adding the footprint of the dwelling and all accessory structures.

Additions to Existing Homes

Since 2012, thirty-one (31) permits for additions to existing single detached dwellings were completed in the “ER” Zone. Addition size is outlined in (Table 5).

Table 5 – Building Footprint Area and Total Added Building Space through Additions to Single Family Dwellings (January 2012 to October 2017)

	2012	2013	2014	2015	2016	2017
Average size of footprint of addition	16 m ² (176 sq.ft.)	34 m ² (370 sq.ft.)	42 m ² (451 sq.ft.)	46 m ² (495 sq.ft.)	29 m ² (315 sq.ft.)	18 m ² (196 sq.ft.)
Average amount of total building space added	142 m ² (1524 sq.ft.)	52 m ² (564 sq.ft.)	75 m ² (809 sq.ft.)	70 m ² (754 sq.ft.)	52 m ² (564 sq.ft.)	58 m ² (629 sq.ft.)
Number of Properties	1	8	11	8	2	1

Redevelopments through additions have been infrequent in the past 6 years, with an average of 5.2 additions occurring annually. The average footprint of additions has not shown any trend during this time period. Total area added to the building has also varied from year to year.

Part 3: Analysis of Minor Variances Activity in “ER” Zone (2012 - 2017)

Staff reviewed all Committee of Adjustment decisions relating to the Ancaster “ER” Zone between 2012 and 2017. In total, there were 57 residential properties in the “ER” Zone that required applications for one or more minor variances. Fifty-five (55) of these applications/properties were granted permission for minor variances and two (2) were denied. A total of 145 variances were granted for the 55 properties. Approximately half of the properties (23) required only one minor variance.

Of the fifty-five properties with one or more minor variances, the breakdown is:

- Twelve (12) of the properties had minor variance(s) for new dwelling construction (possibly in conjunction with variances for attached garages, porches, decks, accessory structures, and lot dimensions);
- Thirty (30) properties had minor variance(s) for an addition including attached garages (possibly in conjunction with variances for porches, decks, accessory structures, and lot dimensions); and,

- Thirteen (13) properties had minor variance(s) relating strictly to accessory structures, or variances that recognized existing site/dwelling conditions.

To the greatest extent possible, only properties with minor variances relating to the dwelling are considered in this analysis. Other types of variances (e.g. for accessory structures, decks, and porches) are technical and do not relate to the dwelling. However, it is important to note that the lot coverage, as prescribed in the zoning by-law, is calculated by adding the building footprint of all structures (dwelling and accessory) on a lot.

New Dwellings

Of the twelve properties where new dwelling construction was occurring, a total of 21 variances were granted that relate strictly to the dwelling or lot dimensions. Table 6 identifies the nature of these variances and the variance with the greatest deviation from the regulation. On average, each new dwelling with a successful minor variance application obtained 1.75 variances relating to the dwelling and lot dimensions.

Table 6 – Nature of Minor Variances Granted for New Dwellings (January 2012 – October 2017)

Regulation	Number of New Dwellings with Variance to this Regulation	Variance with greatest deviation from regulation
Minimum Lot Area (695 m ²)	1	Minimum lot area of 623 m ²
Minimum Frontage (18 m)	3	Minimum frontage of 16.4 m
Maximum Height (10.5 m)	1	Maximum of 11.9 m
Minimum Front Yard (7.5 m)	3	Minimum front yard of 5.6 m
Minimum Side Yard (1.5 m)	4	Minimum side yard of 1.2m*
Minimum Flankage Yard (6.0 m)	2	Minimum flankage of 3m
Minimum Rear Yard (7.5 m)	2	Minimum rear yard of 5.8m
Maximum Lot Coverage (35%)	5 (Note - two different lot coverage variances were obtained for the same property).	Maximum lot coverage of 42%

*Note – While the parent ER zone requires a minimum side yard of 1.5m, some parcels have a special exception which requires a minimum side yard of 3m. The other three variances granted were for parcels with the special exception requiring the 3m side yard.

Analysis of Minor Variances for New Dwellings

Of the 126 new dwelling constructions since January 2012, twelve had minor variances relating to the new dwelling or lot dimensions. Per year, an average of 2.4 new dwellings have obtained minor variances.

Variances that set the parameters for building envelope are maximum height, minimum setbacks, and lot coverage. These variances are considered to be most important in terms of their impact on the potential building envelope and massing of the dwelling. Variances for lot dimensions are considered technical in nature.

The average new setbacks for front, side, and rear yard do not deviate from the parent regulation by more than 1.5 meters (20% of the maximum setback). As such, the setback variances granted are considered to be minor. While height is perceived to be a major issue in terms of its impact on privacy and massing, it is important to note that there is only one minor variance granted for maximum height between 2012 and 2017. In reviewing the built form and surrounding context of the dwelling that obtained the minor variance for height, it does not appear to be out of character with the surrounding dwellings.

In terms of variances for lot coverage, it does not appear that the new dwellings are substantially out of character with the existing neighbouring dwellings, although 2 of the 5 parcels with a lot coverage variance have not been built. All of the parcels with minor variances for lot coverage are smaller than average or irregularly shaped.

Additions

Thirty (30) properties undergoing an addition had a minor variance granted, equating to five (5) variances per year over the period of January 2012 to October 2017. Porch and deck related variances were, to the greatest extent possible, not included in the analysis, even though they would typically be considered an addition to the dwelling. Table 7 outlines the number of variances granted and the most substantial variance granted for each regulation.

Table 7 - Nature of Minor Variances Granted for Additions (January 2012 – October 2017)

Regulation	Number of Additions with Variance to this Regulation*	Variance with greatest deviation from regulation
Minimum Lot Area (695 m ²)	1	Minimum lot area of 580.6 m ²
Minimum Frontage (18 m)	1	Minimum frontage of 15.2 m
Maximum Height (10.5 m)	0	-
Minimum Front Yard (7.5 m)	13	Minimum front yard of 3.8 m
Minimum Side Yard (1.5 m)	7	Minimum side yard of 0.9 m

Regulation	Number of Additions with Variance to this Regulation*	Variance with greatest deviation from regulation
Minimum Flankage Yard (6.0 m)	6	Minimum flankage of 1.5 m
Minimum Rear Yard (7.5 m)	9	Minimum rear yard of 1.8 m
Maximum Lot Coverage (35%)	2	Maximum lot coverage of 37.4%

*Note – Projections not counted. Garage only counted if attached to dwelling. Variance only counted if it was not possible to determine if it was tied to porch or dwelling addition – if it was discernable that variance was only related to porch, it was not counted.

Analysis of Minor Variances for Additions

The total number of variances granted for the 30 properties with variances relating to additions is 64 (includes variances for porch projections and decks). If variances for porches, projections, and decks are removed from the calculation, the number of variances is 42, addressing 25 properties. Relative to the number of additions completed since January 2012 (31), it appears that the vast majority have obtained one or more variance(s).

The most frequent type of variance granted was front yard setback followed by rear yard setback, side yard setback, and flankage yard setback. Some of these variances are a significant deviation from the parent regulation (for example, a front yard setback of 3.8 m is nearly half of the setback required by the parent zone regulation. There were no variances for height and only two (2) variances for lot coverage.

When analyzing variances for additions, it is important to acknowledge that there are likely many cases where the variance is required to address existing site conditions. In general, there are cases where variances are required to address situations where an addition is being built on a dwelling that existing prior to the implementation of the “ER” Zone regulations as they are today. Dwelling location and orientation can also trigger the need for variances, as dwellings are often angled. Overall, while there are some examples of significant deviation from the required minimums/maximums of the zoning by-law, the vast majority of these variances are minor in nature.

Summary of Written Comments from Public Information Centres

Note – Two Public Information Centres were held on September 26, 2016 at Ancaster Town Hall to discuss issues with infill development in the Ancaster Existing Residential (ER) Zone. A survey was distributed, which asked residents to identify and comment on their top two concerns respecting existing “ER” zone regulations. Survey comments and staff responses are captured in the following table:

Issue Summary	Written Comments and Suggestions	Staff Response
<p>Character of area is changing</p> <p>Residents raised concerns that the form and placement of many of the new builds and additions in the Ancaster ER Zone is out of character with existing/older built form.</p>	<ul style="list-style-type: none"> • It is inconsiderate and unfair to build a two storey home in a neighbourhood dominated by bungalows as it blocks sunlight, reduces privacy, and blocks views of trees and sky. I purposely bought in this neighbourhood 2 years ago because of the space, privacy, and mature trees. I don't want my street to become another Oakville or Mississauga with large decadent homes stuck together. (2 other comments similar to above) • When new home construction regrades the lot and then builds with a height variance, the new home is just aggressive and the older home next door is dwarfed. Should not allow variance. • The existing ER zone regulations are all areas of concern, otherwise they wouldn't be on this form. Basically the style and size of a new house should complement other homes on the street. If existing home owners in the neighbourhood are not happy with the plans, then they should be adjusted and downsized, until a compromise is reached. If a new house causes existing home owners to be so unhappy that they have to move house then that is just blatantly wrong. 	<ul style="list-style-type: none"> • The existing older built form reflects design preferences and economic conditions of an earlier time. Recently constructed dwellings are often larger than older dwellings due to changes in construction techniques and requirements as well as design preferences and amenities sought by today's home owners. Recognizing this evolution, staff are proposing a modified regulatory framework to address the massing of additions and new builds that are sympathetic to existing neighbourhood character and scale. • Members of the public were consulted at a public meeting on September 26, 2016, to identify issues with ER Zone regulations and possible solutions to address over-building. The results of the ER Zone Pilot Project will be monitored upon implementation of the zoning by-law amendment. Further revisions to the ER Zone may occur through the Comprehensive Residential Zoning project, which will include a public consultation process. Members of the public can also

Issue Summary	Written Comments and Suggestions	Staff Response
		participate in public processes required through <i>Planning Act</i> applications, such as minor variance or rezoning applications.
<p>Building height too high</p> <p>Residents felt that additions and new builds are too large, and negatively impact privacy of residents in neighbouring smaller homes and bungalows. Impacts of large dwellings include loss of privacy, loss of views to trees and sunlight, and lack of integration with existing streetscape and neighbourhood character. Land regrading was also identified as a height related issue.</p>	<ul style="list-style-type: none"> • Limit height to 150 percent of highest structure in the area or average height or height of existing property being replaced. • Building height should be restricted to adapt to current streetscape. 6 meters. • This is already very high for a neighbourhood that is mainly bungalows and few split levels. Not more than 1.5 storeys. • When located next to bungalows, 10.5 meters is too high resulting in loss of privacy. The 3 storeys permitted on Wilson St are way too high when they are overlooking bungalows behind the main street. • Should take account of house sizes in the local area. Perhaps 125% max of local homes, to a maximum of 10.5 meters. • 35 ft. height max may be too high for some (all) neighbourhoods. Again, let's try to blend new with old. <p><i>Measurement of Height / Regrading</i></p> <ul style="list-style-type: none"> • Houses built near this height are completely out of character with the existing [homes]. They visually overwhelm adjacent homes to the point of devaluing them. Loss of privacy on adjacent properties. Shadowing issues on adjacent properties (particularly when the walls are at the side yard minimums). Air flow. Even the one floor houses are substantially higher than those on adjacent homes, which can lead to a loss of privacy. How is height measured, and who confirms height? Reduce to maximum of 8.5 m height 	<ul style="list-style-type: none"> • The proposed maximum building height will be restricted to 7.5 meters for one storey dwellings, and 9.5 meters, for two storey dwellings. It is the intent that this regulation will synchronously work with other proposed regulations to reduce the buildable area and scale down the massing of additions and new builds. • Building height is measured as “the vertical distance from grade to the uppermost point of the building,” but does not include features such as chimneys and skylights. Grade is defined as “the average level of the proposed or finished ground adjoining a building calculated along the perimeter of all exterior walls.” • Staff recognize that variation in grade between lots can impact relative height from

Issue Summary	Written Comments and Suggestions	Staff Response
	<p>for two storey houses and establish a maximum for one storey.</p> <ul style="list-style-type: none"> • It's a bit late to look at bylaws once these [houses] are up. I am told my house is below grade. So drainage is now my problem. These houses seem to have foundations that are higher than existing homes. Perhaps eaves trough drainage should be regulated to have attachment to ditches or sewers instead of running onto a neighbour's property. I.e. no downspouts on Carrington Ct for 1 year. Why are roofs so high? Seems to me that the new attics make a 3 storey house. • Too many rebuilds take place on top of infill of 4 to 8 feet, raising height considerably above the allowed 10.5 m. This also inevitably causes drainage problems. • Building height should be based on the average natural grade, before construction, measured around the perimeter of the lot. Currently monster homes are meeting the maximum building height at the front but exceeding this height restriction in the middle and back of the home because of land grade changes. (One other similar comment to above) 	<p>home to home, which can cause issues of privacy, reduced views, and general overbuilding. See Repot PED18036 for more information on grading.</p>
<p>Maximum Lot Coverage too high</p> <p>Residents were concerned with existing maximum lot coverage regulation in terms of its ability to limit scale of development, and in terms of adherence to this regulation. The following impacts were identified: poor drainage, tree loss, loss of privacy, and changes in</p>	<ul style="list-style-type: none"> • We assume 35 percent as the building footprint including garage(s) and patio (impervious) area with constructed foundation or gradwalls. • Maximum lot coverage should not exceed original footprint of house or go from one storey to two storeys. None of us have privacy. (2 other similar comments to this) • Change of character of neighbourhood by overbuilding large homes is changing landscape, streetscape. Should be subject to size of lot depending on lot. 	<ul style="list-style-type: none"> • Lot Coverage “means the percentage of the lot covered by all buildings, but shall not include swimming pools and decks.” • There is a diverse range of both lot size and dwelling form within the ER Zone. While the intent is to be sympathetic the existing character of the area, staff also acknowledge the natural evolution of building construction methods, design preferences, preferred character, and

Issue Summary	Written Comments and Suggestions	Staff Response
streetscape.	<ul style="list-style-type: none"> Should be reduced to 25 percent maximum. 30 percent would be more fitting to these areas (1 other similar comment to this) The best solution is to take an average of existing square footage in the area and set a maximum allowable square footage (i.e. 150 percent) for new homes. The replacement home may only be 10 % larger footprint of the original house. Should increase to allow larger 1 floor homes if streetscape is same. 50 % 	<p>desired amenities.</p> <ul style="list-style-type: none"> Staff are proposing to modify lot coverage regulations to further restrict the possible building envelope. The proposed maximum lot coverage is lower for a one storey dwelling is being reduced from 35% to 30% for a one storey dwelling and 25% for a two storey dwelling. For larger lots (greater than 1650 square meters), maximum lot coverage will be further reduced to 30% for one storey dwellings and 20% for two storey dwellings.
<p>Minimum Yard Setbacks requirements too small</p> <p>Residents felt that minimum yard setbacks were too small. Impacts of small setbacks include reduced privacy, poor drainage, and reduced property/rear yard access. These impacts appeared to be especially relevant to side yard setbacks. Varying front yard setbacks from lot to lot was also identified as an issue because of its impact on views/visibility and streetscape.</p>	<p><i>General</i></p> <ul style="list-style-type: none"> There should be a safe distance (min. distance) around the perimeter of every property. <p><i>Front Yard Setbacks</i></p> <ul style="list-style-type: none"> Frontage – use street average. Side yard – make it proportional to size. One of the suggestions at the meeting was to have a new build setback to average the setback of the adjacent homes (houses on either side of new build). I think this would help the neighbourhood keep some of its character. Minimum front yard should not exceed 9 meters (original line). Minimum rear yard should not exceed 20 meters or in accordance to original footprint. Minimum side yard no more than 3.5 meters (existing hydro variance). Minimum flankage no more than 15 meters. <p><i>Side Yard Setbacks</i></p> <ul style="list-style-type: none"> The spacing between the houses should be greater – perhaps 2.5 meters on each side. I believe this would 	<ul style="list-style-type: none"> Staff have proposed changes to all setback requirements, with the exception of the flankage yard. The proposed regulations will place further parameters on the size of the building envelope, location of dwelling, and building mass, in addition to potentially improving drainage issues between adjacent lots. Recommendations are generally as follows: <ul style="list-style-type: none"> Minimum front yard will be determined by calculating an average of the existing front yards of adjacent parcels, with room for deviation from the average to a maximum of 20% of the average. Minimum rear yard will be determined by calculating a percentage of the lot depth. The percentage increases as lot depth increases. Minimum side yard – increased to 2

Issue Summary	Written Comments and Suggestions	Staff Response
	<p>balance out the appearance and perhaps help with water drainage.</p> <ul style="list-style-type: none"> • Out of character with existing side yards setbacks of adjacent homes. To put a wall at 1.5 m, the excavation must be wider and nearly touches the property line, which has the effect of damaging the roots of trees on both sides of the property line. Loss of green space/light and air circulation. Loss of privacy. Restricts storm water flow (water must flow from back to front). Restricts access to back of property. Increase minimum side yard to 2.6 meters. • Side yard setbacks should allow for sufficient walkway space in addition to and not impeding upon drainage requirements. For example, if a drainage swale is required on or inside the property line, then the setback should be measured from the outside edge of mandated swale. Monster homes are being built to the edge of the setback and are not leaving sufficient space for both mandated swale and walkway. Setbacks should be in line with adjoining dwellings so as to not impede the neighbour's view. • The minimum side yard setback should be increased to 3 meters to prevent crowding, loss of privacy, and noise pollution as this space is used to locate air conditioners, etc. 	<p>meters for lots < 23 meters wide, or 10% of lot frontage for lots > 23 meters wide.</p> <ul style="list-style-type: none"> • A proposed zoning regulation requires that one (1) meter of the side yard (swale) must be free and clear of all hard-surfaced materials and landscaping, except sod. The intent of this regulation is to protect swales from obstruction and reduce drainage issues between adjacent properties.
<p>Lack of Landscaping Requirements</p> <p>Residents identified tree / vegetation loss as an issue that occurs through construction of new homes. Generally, the impact of</p>	<ul style="list-style-type: none"> • Half of front yard paved for 3 car garage. • Provide enough landscaping to keep the privacy of the existing lots. The new monster home on McNeil looks down into the backyards of Elm Hill. • Most of us have lost all of our privacy (backyards). Our pool, deck, rooms at the back of the house are clearly visible from their back rooms/deck/yard. It will 	<ul style="list-style-type: none"> • Ancaster Zoning By-law 87-57 contains general provisions relating to parking. At-grade parking areas are not permitted to occupy more than 35 percent of the lot area.

Issue Summary	Written Comments and Suggestions	Staff Response
<p>tree / vegetation loss is twofold: loss of privacy, and loss of natural vegetation to retain water and control stormwater runoff. Excavation can also damage tree roots of trees on adjacent lots.</p>	<p>take some very tall trees to give us our privacy back.</p> <ul style="list-style-type: none"> • 50% minimum of lot size able to absorb moisture (i.e. snow / melting snow without runoff onto adjoining properties). • Minimum 50 percent yard landscaped/kept greenspace and increase water absorption methods (reduce storm sewer requirements). [Landscaping requirements] should be set because Montgomery Drive already has drainage issues. • Total excavation of old homes, all nursery materials and sometimes all mature trees. Have noted digging to lot lines and damaging roots of neighbours. That stress cannot be good for mature trees. Lawns are not enough to absorb heavy rains and no effort to construct stone based swales, etc. • Everyone in our immediate area is upset that from the new monster homes, the neighbours can look right into our “private” space. Most of the tall trees were hewn to make room for it. They can also see into our kitchen and eating area. 	<ul style="list-style-type: none"> • Tree protection is not addressed through the Zoning By-law. In the Town of Ancaster, tree protection is addressed through two by-laws; Town of Ancaster By-law 2000-118 (regulates injury and removal of individual trees 45 cm diameter or greater and woodlands 0.2 ha or greater) and the City-wide Urban Woodland Conservation By-law 14-212 (regulates injury and removal of trees within woodlands 0.2 ha or greater). If trees are to be injured or removed, permits may be required under these by-laws. When a development application is submitted for redevelopment of a property, the City requires a Tree Protection Plan. Tree Protection Plans are to be completed in accordance with the City’s Council adopted Tree Protection Guidelines.
<p>VariANCES / Building Permits granted too easily</p> <p>Respondents felt that minor</p>	<ul style="list-style-type: none"> • If the [Committee of Adjustment] is able to grant an infinite number of variances, who makes sure that the infrastructure keeps up? Truly if the [Committee of Adjustment] is issuing a variance to a new home build, 	<ul style="list-style-type: none"> • The Committee of Adjustment (“Committee”) is comprised of residents, who are selected by the City’s elected officials. The Committee uses four tests to

Issue Summary	Written Comments and Suggestions	Staff Response
<p>variances and building permits are obtained too easily.</p>	<p>they should be forced to make sure the infrastructure is in place (i.e. storm sewers, curbs, sidewalks) before the variance can be granted.</p> <ul style="list-style-type: none"> • Enforce 35 percent [maximum] lot coverage bylaw. No variance. • The zoning that currently exists is outdated as we now have sewers. I believe there should be more architectural control when new/large builds are put into ER zone. Changing zoning to reflect current times is necessary, but if we want to keep Ancaster a special place, we need to consider the overall streetscape now and in the future. All of the existing ER Zone regs need to be reviewed. In saying this, it appears that anyone can apply and receive variances. I believe the spirit of the [Committee of Adjustment] is for minor variances but in fact the Committee is granting extreme requests and in lots where the zoning is already overly generous. The [Committee of Adjustment] needs to be reigned in. (One other similar comment to the above). 	<p>determine if a proposed variance to the Zoning By-law is appropriate or not. The Committee functions as an independent decision making body acting on behalf of Council and Council's constituents. The Committee must assess staff recommendations, which are based on a planning policy framework, as well as comments from other departments, agencies, and submissions from members of the public.</p> <ul style="list-style-type: none"> • Growth Management staff are circulated on all minor variance applications and comprehensively review infrastructure and grading aspects of applications. • Staff have assessed the frequency and nature of minor variances granted from 2012 to present (2017) (see the document "Data Analysis of the "ER" Zone" which is attached as Appendix "E" to Report PED18036 for an analysis of variances). In total there are 55 properties that have obtained one or more variances. • The City does not regulate architectural style through zoning by-laws. A zoning by-law regulates how land may be used, location, types, and uses of buildings and other structures, lot dimension, parking requirements, building height, and building setbacks. Tools such as design guidelines can complement the zoning by-law, and can address specific design matters.

Issue Summary	Written Comments and Suggestions	Staff Response
<p>Lack of building permit enforcement during construction</p> <p>Respondents felt that new builds and additions are not being inspected and regulations are not being enforced.</p>	<ul style="list-style-type: none"> I can't believe these huge house are only covering 25%. Are they inspected after footings poured? Someone i.e. bylaw officer should keep inspecting these sites. Permits should be displayed before foundations go in. Site should be fenced off for safety. Respect for neighbouring properties – lawns being damaged, etc. No work done on weekends. Initial inspection should record trees on property and heavy fines issued if missing on next inspection. Builders should not be given permits when they have broken by-laws that are in existence now. If you aren't going to show plans to neighbours then inspectors should be there constantly. Buildings are far too high, imposing on neighbours' privacy and they don't fit in to surrounding properties. New basements are being built far higher than building code. 	<ul style="list-style-type: none"> Building Inspections are completed by the City's Building Division at various stages after a Building Permit is issued. For complaints or inquiries related to <u>zoning by-law compliance during construction</u>, contact the Building Division general line at 905-546-2720. A Building Enforcement Officer will investigate the complaint.
<p>Too much disruption during construction</p> <p>Respondents felt that the construction process is disruptive due to general nuisances.</p>	<ul style="list-style-type: none"> What do you do / who do you contact re. builders practices, i.e. when tearing a house down, insulation flying through air, hitting septic tanks and just digging them up, dry stone cutting (dusk) for literally a month at a time? There should also be more controls on the actual construction occurring in residential areas; issues of safety, noise, dust, pavement damage, and vehicle parking on streets. Assistance for existing landowners abutting new lot to know what to do. Bullied by builders. 	<ul style="list-style-type: none"> Residents can file a complaint for <u>general nuisances caused by construction</u> on the City's website at https://www.hamilton.ca/government-information/by-laws-and-enforcement or by phoning 905-546-2782. Municipal Law Enforcement officers investigate complaints to determine if there is a by-law violation. <p>Particulate matter is under the purview of the Ontario Ministry of Environment and Climate Change, and complaints can be filed by phoning 905-521-7650.</p>

Issue Summary	Written Comments and Suggestions	Staff Response
		<ul style="list-style-type: none">• For complaints or inquiries related to <u>zoning by-law compliance during construction</u>, contact the Building Division general line at 905-546-2720. A Building Enforcement Officer will investigate the complaint.

Summary of Site Specific Zoning Exceptions to the "ER" Zone to be Modified / Deleted

Site Specific Number	Address	Regulations	Action/Comment
201	Certain properties in area of Lover's Lane, Park Lane, Joanne Court	- setbacks	<u>Modify</u> - Add a new clause to require a minimum 3 m interior side yard for lots with less than 30 m of frontage
204	Mansfield Road/Judith Court Area	- setbacks - minimum floor area for houses	<u>Delete</u> - Setback addressed by vacuum clause - houses built
210	36 Cait Street 73,79,80,90,96 Irma Crt	- minimum floor area for houses	<u>Delete</u> - houses built
322	22 Valleyview Drive	- setback	<u>Delete</u> - Setback addressed by vacuum clause
323	26 Valleyview Drive	- setback	<u>Delete</u> - Setback addressed by vacuum clause
358	194 Sioux Road	- use - maximum gross floor area - setbacks	<u>Modify</u> - Delete setback addressed by vacuum clause
380	49 and 53 Valleyview Drive	- frontage - setbacks - maximum height	<u>Modify</u> - Delete frontage addressed by vacuum clause
392	14 Valleyview Drive	-- setbacks - size and number of parking spaces	<u>Modify</u> - Delete setback addressed by vacuum clause
393	16 and 20 Valleyview Drive	- frontage - setbacks - maximum height	<u>Modify</u> - Delete setbacks and frontage addressed by vacuum clause
454	178 and 182 Central Drive	- frontage	<u>Delete</u> - Frontage addressed by vacuum clause
564	130 Fiddlers Green Road Part of)	- lot area	<u>Delete</u> - Lot area addressed by vacuum clause
588	427 and 431 Kitty Murray Land	- frontage - setbacks	<u>Delete</u> Setbacks and frontage addressed by vacuum clause

OFFICE OF THE CITY CLERK

6.5 (a)

MAR 19 2018

Mike and Kathy Robitaille

53 Lovers Lane Ancaster Ontario (since April of 1984)

In order to regulate a zoning plan for The Town of Ancaster there first needs to be a starting point which should be the existing streetscape around any proposed new development, renovation or home addition.

The next consideration should be the setback dimensions from the street lot line of the neighboring, abutting, existing, homes. Setback dimensions of new homes (from the front or side flankage lot lines at the street) should be the same as the existing homes on the properties that abut onto the proposed new development on either side.

New developments or additions on corner lots should match the setback dimensions (from the front lot line at the street) of the neighboring, abutting homes that front onto the same street and match the setback dimensions (from the flankage side lot line at the street) of the neighboring, abutting homes that front onto the street that runs parallel to the flankage, side lot line around the corner. The new proposed home or addition setback dimensions (from their respective lot lines) have to remain constant with neighboring, abutting homes in both the North-South and the East-West direction in order to maintain the existing view of the streetscape, especially in older established neighborhoods. The flankage side lot line setbacks are just as important to maintain as the front lot line setbacks when considering the development of corner lots.

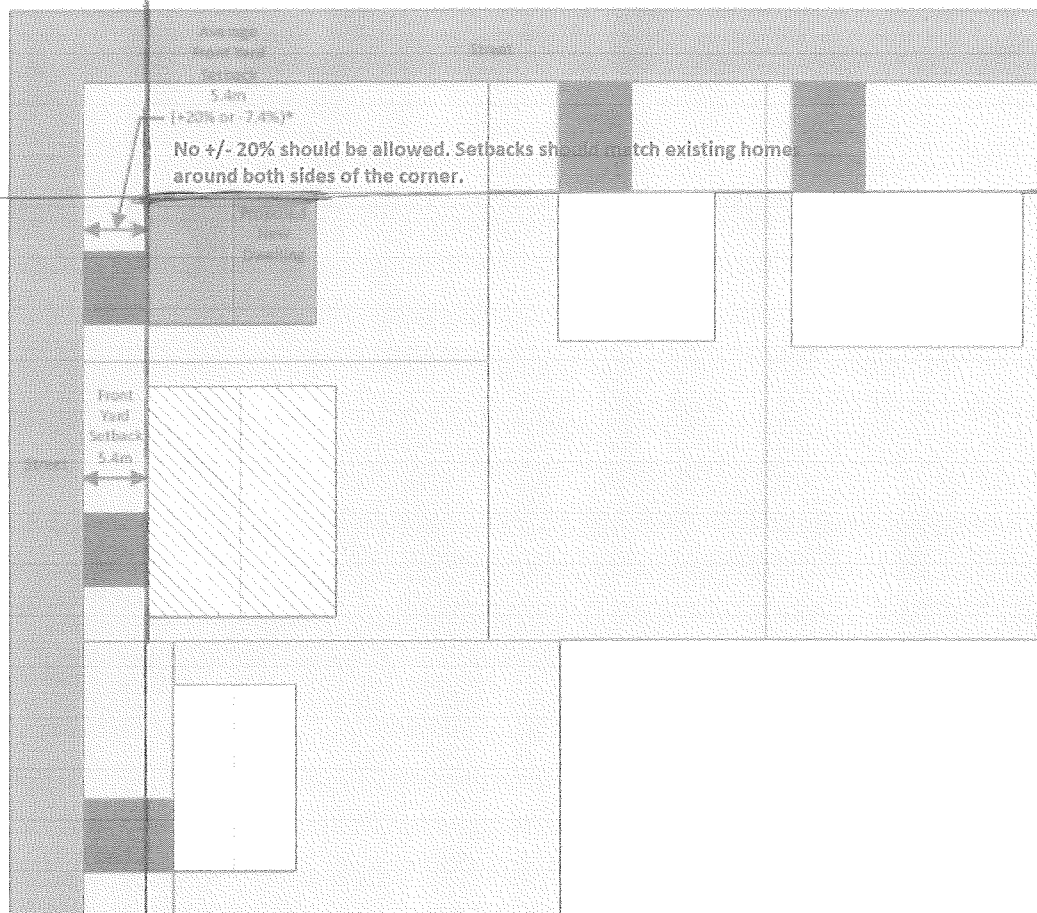
There should be no variations allowed from matching the existing, neighboring house setback dimensions including the +/- 20% suggested by the city planning department. There are houses in Ancaster with 50ft setbacks from the lot line at the street. With a 20% deviation from the setback of a neighboring home a new house (#1) could be built with a 40ft setback or 10ft closer to the street. If another new house (#2) was later built beside the new house previously mentioned, it could be moved forward another 8ft which would position it 32ft from the front lot line. A third new house (#3) being built beside the previous two could then be moved forward another 6ft positioning it 26ft from the front lot line at the street. The setback from the front property line was just cut in half at house (#3) under the +/- 20% scenario suggested by Hamilton City planning.

Not until proper setbacks of a proposed new house or addition have been established can appropriate front, side and rear yard allowances be determined.

10ft side yard allowances create passageways that allow construction equipment to travel into backyards for rework, repairs or emergency situations. Side yards must also accommodate water drainage through proper landscaping and swales in order to stop it from spilling onto neighboring lots. Hydro feeds, union gas and other mechanical amenities are routed underground down along side yards and need an area big enough for safe installation. No side

Figure 12: Corner Lot Fabric – Scenario B

In this scenario, the corner lot is being developed, thus only the adjacent dwelling facing the same street (as shown in the hatching), is used to calculate the average front yard setback.



* With an average front yard setback of 5.4 metres, this number cannot be adjusted downward by 20% as it would fall under 5 metres, the minimum front yard setback that must be maintained.

In order to truly maintain the existing streetscapes of Ancaster the setback of any proposed new development or addition must match the setbacks of both adjacent, abutting, neighboring lots around both sides of the corner under review.

yards of 1.5 meters wide should ever be allowed because it doesn't provide enough width for the installation of a swale and safe placement of underground services.

Many of the new houses recently built in this area have large air conditioning units installed in their side yard away from the view of the homeowners. These AC units are large enough to process the amount of air required to cool a 5,000 sq ft home and project over a meter out from the wall of the new house. No air conditioning unit should be almost touching the neighboring lot line if not just for the noise pollution alone.

The idea of rear yards being 40% of the property length for lots over 50 meters long will help to deter people from building houses in backyards and in turn taking away privacy from surrounding neighbors.

A minimum 7.5 meter front and rear yard allowance will deter the development and construction of new homes that are too big for smaller lots and in turn won't meet zoning requirements. A maximum house footprint of 30% for single storey's and 20% for two storey's is better than the current allowances.

In order to control the finished roof height of any proposed new infill development or addition, city planning first has to take the finished floor elevation of the existing home into consideration because it co-relates with the lot elevation on the entire surrounding property. Recently built new homes in this area have raised the finished floor 3-4 feet above that of the existing home which in turn raises the foundation footings 3-4 feet. This creates a situation where the ground around the foundation walls must also be raised in order to keep the footings below frost.

Raising the grade at the foundation walls of a new home creates a situation where most of the entire yard ends up being raised and then slopes down towards the lower existing grades at neighboring properties, expelling water in their direction. The City should create limitations that will control how high the finished floor height of any proposed new development can be raised above the finished floor height of the existing home that will later be demolished.

Even though some new developments have adhered to the 10.5 meter roof height restriction, they still have extended their finished roof height in excess of 38ft because they've raised both the finished floor elevation and final grade around the house.

The final height of any proposed new house or addition should correspond with (be close to) the finished floor and grade elevations of the existing home (before demolition) and the neighboring homes around it. A 7.5 meter maximum height for a single story dwelling would be an improvement. Creating a 9.5 meter 2 story height restriction is also a positive step but the orientation and quantity of upper floor windows looking down into the windows of single story bungalows should also be addressed. A review by the city planning department of how many windows will look down into the bedrooms and bathrooms of neighboring homes can be

controlled or lessened before a building permit is issued.

The City of Hamilton currently has no official Grading Policy for infill developments which has forced a lot of long term Ancaster residents into lengthy, expensive, legal battles with builders and new home owners. Hamilton's city officials have washed their hands of the situation sending the problem of bylaw non-compliance into the hands of the courts.

A grading plan for a proposed new development has to be submitted by a builder or owner and then approved by the city planning department before a building permit is issued. If the submitted grading plan is subsequently not followed there is a deviation clause.

Below is the non-compliance clause I copied/pasted from the current City of Hamilton partial Grading Policies :

GRADING CERTIFICATE - DEVIATION

"This is to certify that we have reviewed the final lot grading for the above mentioned lot and taken elevations where necessary to confirm the direction of surface drainage, as shown on the as-built plot plan. While the final lot elevations do not match exactly the proposed lot grading plan, the basic lot drainage pattern has been adhered to and the intent of the approved overall grading plan has been met. No drainage problems were evident at the time of inspection."

The statement above has created a legal loophole allowing improper grading to be done around new homes which in turn causes problems because of water draining onto neighboring properties. It is imperative for the City of Hamilton to create a grading policy that applies to proposed new infill development as soon as possible. Ultimately, a grading policy serves no purpose unless it is followed up on and the bylaws enforced by city officials.

Garages should not be allowed to project into any minimum front, rear, side or flankage yard allowance whether they be attached to the house or free standing.

There have recently been new 3 storey homes approved and built in Ancaster amongst neighborhoods comprised of single storey bungalows. The houses were designed and built with a flat roof to stay within the 10.5 meter height restriction. This creates 3 horizontal rows of windows at 3 different heights looking down into neighboring homes and creates a situation in which neighboring owners can never regain their privacy.

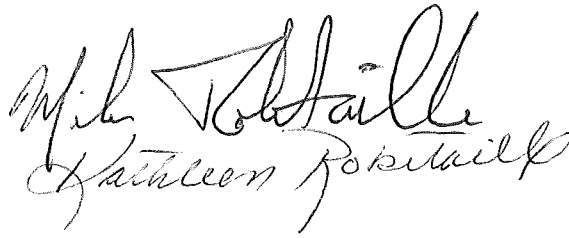
The vacuum clause suggested by the city planning department should be replaced with a 15 year statute of limitations enabling city officials to punish blatant bylaw offenders retroactive from the date the offence was committed.

The City of Hamilton planning department should consider any and all negative impacts that a proposed new development will have on neighboring properties. Discuss possible problems with the neighbors before issuing a building permit and help create a healthier environment for

us all.

Mike and Kathy Robitaille

Ancaster, Ontario



Mike Robitaille
Kathleen Robitaille

Please send us copies of the results of your decision.

IDA Bedioui Planning Co-ordinator
71 MAIN ST. WEST
1st Floor

6.5(b)

Re: Proposed Changes to the Existing Residential "ER" Zone

Tom and Teresa St. Michael
25 Douglas Rd
Ancaster, Ont

Attention: Planning Coordinator, Ida Bedioui

We have been residents of Ancaster our entire lives. We are encouraged by these proposed changes to our neighbourhood.

- 1) Lot Coverage--We feel that 25% for both bungalows and 2 storey would be adequate.
- 2) Max Height-- max height proposed could still be lowered even more.
- 3) Set backs-- We agree with the front yard and rear yard set backs.
- 4) Side yard-- We recommend an increase to the side yard from 2 meters to 3 meters.
- 5) Variances-- We feel that there should not be any variances given to new homes built.
We
- 6) Grading/Drainage--We agree that the impact from infill development has a major impact on mature neighbourhoods, therefore we feel a full drainage and grading review is absolutely necessary. The City's Lot Grading and Drainage Policy is inadequate. We need standards for infill lot grading to be created and adopted by council.

We ask to be notified of the decision of The City of Hamilton on these proposed changes to the Existing Residential "ER" Zone in the Town of Ancaster Zoning by-Law No. 87-57.

Respectfully,

Tom & Teresa St.Michael



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Economic Development Division

TO:	Mayor and Members Planning Committee
COMMITTEE DATE:	March 20, 2018
SUBJECT/REPORT NO:	Amendments to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan (CIP) (PED18030(a)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Edward John (905) 546-2424 Ext. 2359
SUBMITTED BY:	Glen Norton Director, Economic Development Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Project Area as set out in Report PED18030(a), and that the By-law attached to Report PED18030(a) to amend the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Project Area as Appendix "A" be enacted;
- (b) That the City's maximum contribution as part of the Environmental Remediation and Site Enhancement (ERASE) Study Grant Program be increased from \$25K to \$35K for two studies per property / project be approved;
- (c) That the Environmental Remediation and Site Enhancement (ERASE) Study Grant Program date for maximum of two studies per property be reset to July 1, 2011;
- (d) That additional administrative requirements regarding submission and enactment of Environmental Remediation and Site Enhancement (ERASE) Study Grant applications be approved;
- (e) That additional eligible costs be added to the Environmental Remediation and Site Enhancement (ERASE) Study Grant and Redevelopment Grant Program to cover Designated Substances and Hazardous Material Survey and Industrial / Office Reuse Feasibility Study and their removal and abatement in the Older Industrial Area be approved;

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SUBJECT: Amendments to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan (CIP) (PED18030(a)) (City Wide) - Page 2 of 18

- (f) That additional eligible costs be added to the Environmental Remediation and Site Enhancement (ERASE) Study Grant and Redevelopment Grant Program to cover Designated Substances and Hazardous Material Survey and their removal and abatement applicable to current / closed Institutional uses as an eligible cost across the Community Improvement Project Area (CIPA) be approved;
- (g) That additional eligible costs be added to the Environmental Remediation and Site Enhancement (ERASE) Study Grant and Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Program to cover Designated Substances and Hazardous Material Survey and their removal and abatement applicable to designated Heritage Buildings as an eligible cost across the Community Improvement Project Area (CIPA) be approved;
- (h) That staff be authorized to implement and administer the Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Program including the additional eligible costs once the amendment has come into force and effect;
- (i) That the Environmental Remediation and Site Enhancement (ERASE) Tax Assistance Program includes Environmental Insurance Premiums as an eligible cost be approved;
- (j) That the interest rate for the Downtown Hamilton / West Harbourfront Remediation Loan Program (RLP) be decreased from prime minus 1% to 0% and the loan repayment period be reduced from ten years to five years be approved;
- (k) That the Community Improvement Plan (CIP) titled Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan (October 2017) as amended and attached as Appendix "B" to Report PED18030(a) be approved;
- (l) That any changes to the program description and terms be by way of Council resolution.

EXECUTIVE SUMMARY

Every successful economic development program / process must be dynamic in nature and possess the ability to change in order to accommodate revisions to policy; trends in the market; and to satisfy the needs of the end user of the program; while simultaneously delivering on the expectations of Council. The purpose of this Report is to present the proposed amendments to the Environmental Remediation and Site

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Enhancement (ERASE) Community Improvement Plan (CIP) intended to ensure it's on-going relevance and responsiveness. These amendments include, but are not limited to the following:

- Increasing the City's maximum contribution as part of the ERASE Study Grant (ESG) Program for two studies from \$25K to \$35K;
- Inclusion of additional eligible costs to the ESG and ERASE Redevelopment Grant (ERG) Program to include the study, removal and abatement of Designated Substances and Hazardous Material (DSHM) from the older industrial area, institutional buildings and designated heritage buildings;
- Enhance requirements for applicants to demonstrate intention to redevelop a brownfield site (letter of intent and preliminary development plan);
- Enhance marketing of ESG and ERG Program to Older Industrial Area;
- Increase Development Charge demolition credit for Older Industrial Area sites with approved ERG applications from five to ten years;
- Commence using current ability to conduct spot and random audits of eligible expenses on ERG projects;
- Clarify that the cost of environmental remediation also includes cost of clean fill, grading and compaction to replace contaminated soils, and cost of filing a Record of Site Condition (RSC) and a Certificate of Property Use (CPU); and,
- Downtown Hamilton / West Harbourfront Remediation Loan Pilot Program (RLP) interest rate be decreased from prime minus 1% to 0% and the loan repayment period be reduced from ten years to five years and add environmental insurance premiums as an eligible cost.

A more detailed discussion of the specific amendments is provided in the Analysis / Rationale for Recommendations Section of this Report.

Alternatives for Consideration – N/A

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

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- Financial:** Currently, there are funds available in Brownfields ERASE Environmental Study Capital Project ID 3621708002 to fund the increase in the City's maximum contribution to the ERASE Study Grant Program. There will be no upfront or capital budget impacts by adding in further eligible costs to the ERASE Redevelopment Grant Program.
- Staffing:** Administration of the amendments proposed to the ERASE CIP can be accommodated by staff in the Economic Development Division.
- Legal:** Subsection 28 (7) of *The Planning Act* permits municipality in accordance with a Community Improvement Plan, to make loans and grants which would otherwise be prohibited under Sub-section 106(2) of *The Municipal Act*, to the registered owners, assessed owners, tenants, or their respective assignees, of lands and buildings within the designated Community Improvement Project Areas.

HISTORICAL BACKGROUND

The formal approval of the ERASE Community Improvement Plan in April of 2001 represented an important step in the delivery of a program promoting environmental remediation, community rehabilitation and redevelopment. The expansion of the ERASE Community Improvement Project Area to the full limits of the urban area within the City and the enhancements of the programs contained within in April 2005 also represented an equally important step forward in delivering financial incentive programs directed at brownfield redevelopment across the urban area of the City. Both of these milestones have contributed to Hamilton's reputation as being a municipal leader in terms of brownfield redevelopment in Canada.

The Planning and Economic Development Committee in March 2, 2010 further sought to expand the Hamilton LEEDing the Way Community Improvement Project Area to the full limits of the urban area as well as include mixed-use and multi-unit residential developments and redevelopments as additional eligible projects under the LEED Grant Program.

In 2014, a further update was approved providing administrative amendments to the programmable components of the RGP, Downtown Hamilton / West Harbourfront Remediation Loan Program and TAP Programs.

This Report seeks to build on the continuous improvement of the ERASE CIP Program in order to ensure the program remains responsive and relevant with regard to the redevelopment of brownfields within Hamilton. The Report represents one of the most comprehensive reviews completed to date regarding the effectiveness and applicability of the program.

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Since the ERASE CIP was approved, approximately 145 property owners and potential property owners (121 sites) have been approved for Environmental Study Grants. A number of these studies have led to brownfield sites being redeveloped. A total of 47 projects have been approved by City Council for ERASE Redevelopment Grants. As noted within the RCI Consulting Report (2017), while greater uptake in the ERG process is desirable, it still represents excellent value for the ESG Program in terms of the cost per acre of land studied and the cost per application. It has been identified that more restrictive environmental study and remediation standards are likely to explain such differences between the two processes, and that, in general, subject to administrative changes recommended within this Report studies conducted under the ESG Program have been effective in leading to ERG applications and brownfield redevelopment projects. These projects once complete will result in:

- Over 380 Acres of land studied;
- Total assessment increase due to ERG in excess of \$129,029,379;
- Every \$1 contributed by the City has generated \$11.10 in private sector construction; and,
- Remediation and redevelopment approved of approximately 210 acres of brownfield land with 123 acres (59% of approved land area) remediated to date.

In its 16 years, the ERASE CIP has proven to be very successful in providing the financial tools needed to promote the remediation and redevelopment of brownfield sites. There is consistent support for the expansion of programming and updating of policy in order to meet the significant challenges associated with brownfield redevelopment.

In order to achieve this, the City of Hamilton retained Dillon Consulting and RCI Consulting to prepare the Bayfront Industrial Area Renewal Strategy. Part of the study was to review the City's ERASE Programs, including recommendations for program updates.

As part of the review, RCI Consulting assessed historical program uptake; City Wide economic impacts; administrative and program issues; and, best practices in several other municipalities. The subsequent Report (See Appendix "B") provides the basis and rationale for the proposed amendments and updates to the existing program. These are reviewed in detail within this Report.

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POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

The Provincial Policy Statement (PPS) is issued under Section 3 of the *Planning Act* and is intended to guide municipalities as they make planning decisions. The *Planning Act* requires that municipal decisions with respect to the exercise of any authority that affects a planning matter “shall be consistent with” the PPS.

The PPS supports the remediation and redevelopment of brownfield sites. For example, Section 1.7.1 e) of the PPS states that “long-term economic prosperity should be supported by promoting the redevelopment of brownfield sites”. Brownfields are defined in the PPS as “undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant”.

The PPS also supports Smart Growth through urban growth management. For example, Section 1.1.3.3 of the PPS states “planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs”. Therefore, the PPS supports brownfield redevelopment as a way to achieve the goal of promoting intensification and redevelopment. Other policies in the PPS (Sections 1.1.1 a), 1.1.1 h) and 1.6.3) support the management of growth to achieve efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term. The redevelopment of brownfields has a role to play in this regard.

Growth Plan of the Greater Golden Horseshoe (GGH), 2017

The Growth Plan envisages increasing intensification of the existing built-up area, with a focus on urban growth centres, intensification corridors, major transit station areas, brownfield sites and greyfields. The ERASE Community Improvement Plan would contribute to the increased intensification in the built-up area.

The vision for the GGH is grounded in the following principles that provide the basis for guiding decisions on how land is developed; resources are managed and public dollars invested:

- Achieve complete communities that are designed to support healthy and active living;

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- Prioritize intensification and higher densities to make efficient use of land and infrastructure and support transit viability;
- Provide flexibility to capitalize on new economic and employment opportunities as they emerge, while providing certainty for traditional industries, including resource-based sectors;
- Provide for different approaches to manage growth that recognize the diversity of communities in the GGH;
- Protect and enhance natural heritage, hydrologic, and landform systems, features, and functions;
- Conserve and promote cultural heritage resources to support the social, economic, and cultural well-being of all communities, including First Nations and Métis communities; and,
- Integrate climate change considerations into planning and managing growth such as planning for more resilient communities and infrastructure – that are adaptive to the impacts of a changing climate – and moving towards low-carbon communities, with the long-term goal of net-zero communities, by incorporating approaches to reduce greenhouse gas emissions.

Further, providing opportunities for businesses and residences to locate in the Greater Golden Horseshoe is fundamental to using land wisely and ensuring a prosperous economic future.

Urban Hamilton Official Plan

The City of Hamilton Urban Official Plan has numerous policies directed towards achieving an efficient, well-planned and supportive approach to land use planning with particular regard to the development and redevelopment of brownfield sites. The following policies, amongst others, are applicable:

“Policy 3.1.5 There are many complex and interconnected reasons for promoting and implementing brownfield *redevelopment*. There are significant and immediate economic, environmental and social benefits from regenerating these "legacy" properties. The City, in addition to other economic development objectives, shall pursue the *redevelopment* of brownfield sites and promote opportunities for employment and *residential intensification* by.

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- a) continuing to liaise with other levels of government, agencies, and the private sector to endorse and amend existing legislation, regulations and standards, including the addressing of liability issues for land owners;
- b) undertaking studies to identify priority brownfield sites for *redevelopment*;
- c) providing the necessary financial assistance to developers and landowners to make the *redevelopment* of brownfield sites a viable option; and,
- d) ensure a wide variety of investment opportunities are available throughout the City and provide potential employment users with a range of alternative sites of various size in a variety of locations throughout the City.”

The continuous review and improvement of the ERASE CIP will secure this policy intent, providing financial support in order to facilitate efficient development.

Economic Development Strategy 2010-2015

The Economic Development Strategy 2010-2015 identified the importance of the ERASE CIP and complimentary brownfield redevelopment initiatives. The Strategy determined that the ERASE CIP provided an economic tool that would help the City to accomplish its economic, environmental and social goals, across the entire urban area.

In particular, providing land to meet demand for employment and residential uses; increasing tax assessment and revenues in the long-run for the municipality and the Province; creating employment opportunities; utilizing existing infrastructure, resulting in a reduction of urban sprawl and its related costs; contributing toward the revitalization of particular areas and neighbourhoods; and, restoring the environment in these neighbourhoods, which will in turn, remove threats to the health of workers and residents.

With the various brownfield initiatives, brownfield redevelopment is a potentially powerful external driver that the City can and should use to help accomplish its economic and planning goals including reducing urban sprawl, urban intensification and infilling and reuse of existing infrastructure among many others.

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Economic Development Action Plan 2016-2020

The updated Economic Development Action Plan 2016-2020 reaffirms the importance in removing barriers to development. In particular:

- Grow non-residential tax assessment and increase the number of living-wage jobs;
- Be the most diversified economy in Canada;
- Have the best workforce in Ontario;
- Support strategic investment in infrastructure;
- Have a thriving entrepreneurship and innovation; and,
- Have vibrant commercial and cultural districts and places.

It is considered that the ERASE CIP provides assistance both directly and indirectly in securing the goals of the Economic Development Action Plan.

RELEVANT CONSULTATION

The following Divisions within the Corporation were consulted on the amendments to the ERASE CIP: Strategic Services and Special Projects – Planning and Economic Development Department; Legal Services – Corporate Services Department; and, Finance (Taxation) – Corporate Services Department.

Public Open Houses outlining the proposed amendments to the ERASE CIP were held on May 29, 2017 at the David Braley Centre and on August 28, 2017 at 294 James Street North.

Also, a presentation was given to the Development Industry Liaison Group (DILG) on September 18, 2017. The comments received also contributed to the proposed amendments.

A summary of the responses from the public meetings are detailed below:

- Development charge reduction is a pivotal consideration in the pro-forma of any brownfield development;

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- Although there remains greater confidence in brownfield redevelopment within financial institutions, financing brownfield redevelopment remains precarious;
- ERASE programs to date provide meaningful incentives to encourage brownfield remediation;
- Expansion of eligibility for studies to include DSHMS and allow grants to cover their removal / treatment. This is important particularly in older buildings – heritage and institutional; and,
- Flexibility in timing and application process would assist in the financing of larger projects.

Staff in the Business Development Section of the Economic Development Division was also consulted. The Business Development Section was a participant in the Public Open Houses described above as part of the ongoing monitoring and feedback on the Hamilton LEEDing the Way Community Improvement Plan (CIP) and LEED Grant Program (LGP). There are no proposed changes to LEED related eligible cost items in the ERASE Redevelopment Grant Program at this time.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The amendments made to the ERASE CIP (March 2010) were aimed at further enhancing the financial incentives offered across the City and in specific areas. The Community Improvement plan currently contains the following major programs:

1. ERASE Study Grant Program (ESG);
2. ERASE Redevelopment Grant program (ERG);
3. ERASE Tax assistance Program (TAP);
4. ERASE Downtown Hamilton / West Harbourfront Remediation Loan Program (RLP);
5. ERASE Municipal Acquisition and Partnership Program (MAPP); and,
6. ERASE Marketing and Opportunities Program (MOP).

Programs 1 to 4 are directed at the private sector and are designed to encourage private sector investment and reinvestment, redevelopment, and construction activity in the Project Area. Program 5 is a municipal program of brownfield property acquisition,

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improvement and municipal participation in public-private partnerships to remediate and redevelop brownfield properties. Program 6 is a comprehensive program designed to:

- a) market the ERASE incentive programs to brownfield market makers such as developers, property owners, and real estate, environmental, planning and other support industries; and,
- b) market redevelopment opportunities to these key stakeholders.

Figure 1.1 summarises the current programs contained in this Community Improvement Plan, including a brief description of each program.

Figure 1.1

PROGRAM / PROGRAM DESCRIPTION / DURATION

ERASE Study Grant Program (ESG)

Grants for 50% of cost of Phase II environmental site assessments (ESAs), risk assessments and remedial work plans, up to \$20K per study and \$25K total per property / project. Five years from introduction.

ERASE Redevelopment Grant Program (ERG)

Grants to property owners who undertake redevelopment “pay-as-you-go” grants equal to 80% of increase in municipal portion of property taxes for up to ten years or until approved remediation costs are met. Ten years from introduction. Grants paid out for up to ten years.

ERASE Tax Assistance Program (TAP)

Tax assistance to a property in the form of a freeze or cancellation of part or all of the educational tax portion during the rehabilitation and development period ten years from introduction. Freeze or cancellation of part of the educational tax portion for up to three years.

Downtown Hamilton / West Harbourfront Remediation Loan Pilot Program

Loan to property owners who undertake remediation to facilitate residential and commercial redevelopment in the Downtown Hamilton and West Harbourfront areas. One year from introduction.

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ERASE Municipal Acquisition and Partnership Program (MAPP)

Acquisition and redevelopment of key strategic properties by the City. Partnership in public / private sector remediation and redevelopment initiatives concurrent with the RGP (8.2).

ERASE Marketing and Opportunities Program (MOP)

Marketing program to market the ERASE incentive programs and key redevelopment opportunities to the development and real estate industry.

One other program which does not actually form part of this Plan is the Development Charges Reduction (DCR) Program, which provides a reduction of development charges payable on contaminated sites that are remediated and redeveloped.

As any changes to the Development Charges By-law is outside the scope of the *Planning Act*, the DCR Program has only been referenced, and not included in this Plan.

Successes to Date

As detailed within this Report, the current review represents one of the most comprehensive reviews of the CIP since inception in 2001. As detailed in Appendix “A” of the Consultant’s Report, significant successes have been realized and quantitatively demonstrated as a result of the current CIP between 2001 and 2016.

These are as follows:

- ERASE study grant has resulted in 382.0 acres being environmentally studied with a cost to the City of Hamilton per acre being \$3,677.39 which represents excellent value;
- ERASE redevelopment grant resulted in 213 acres to be remediated and redeveloped (123 acres remediated to date);
- Every \$1 the City has contributed toward completed ERG projects has generated approximately \$11.10 in private sector construction; and,
- \$3.13M increase in property tax directly attributed to remediation and redevelopment works undertaken with the support of the ERG Program.

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Opportunities for Improvement

Following in depth review of the program since the 2010 updates, a number of issues and potential opportunities were identified:

- ESG applications lagging in the system - approximately \$500K (30 applications) approved from 2001 to 2014 have yet to complete and submit study – over 25% of applications;
- Insufficient ESG applications proceeding to ERG - ESG applications outnumber ERG applications 2.5 to 1;
- Interest in ESG applications in Older Industrial Area has declined - only 10% of ESG applications in last three years located in Older Industrial Area .vs. 29% from 2001 to 2013;
- Opportunity to expand eligible study types (DSHMS and feasibility studies) in Older Industrial Area and DSHMS for former Institutional uses and Heritage Buildings; and,
- Ability to increase program awareness.

In order to address these, RCI Consulting has identified a number of proposed amendments and updates to the existing program. These are discussed as follows:

ESG Program

The City of Hamilton is one of only a few municipalities that have increased its maximum environmental study grant amount, from \$10K in 2001, to \$15K in 2005, to the current \$20K in 2010. While Hamilton's maximum single grant amount is higher than most other municipalities, Hamilton's maximum grant amount for two studies (\$25K) is similar to most of the other municipalities in Ontario, and actually less than Guelph and Waterloo. This could prove limiting where an applicant wishes to conduct multiple environmental studies on a site, e.g., Phase II ESA and a Risk Assessment (RA), and this is quite often the case. On this basis, it was considered appropriate to increase maximum grant for two studies from \$25K to \$35K.

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As raised within the stakeholder and public meetings, the ability to increase the eligibility of the ESG to cover DSHMS would provide a meaningful response to many issues arising out of adaptively re-using older buildings particularly Heritage properties, whereby demolition options are limited or constrained and redevelopment costs are significantly increased. In reviewing this, staff concurred and also identified the opportunity to include former institutional buildings, given the rising number of former schools and similar buildings being considered for redevelopment.

In order to ensure the grant is responsive to legislative changes that were introduced in July 2011, (which included additional improvements to the standards and other policy clarifications) the maximum of two studies per site will be based on studies conducted after July 1, 2011, as such, studies completed prior to 2011 will no longer be used to tally the two study maximum per project / property.

A number of marketing and administrative changes are also recommended to ensure awareness of the incentives are increased, that there is a legitimate intent to develop the property, and to encourage development to proceed from the date of study in a timely fashion.

ESG Program Recommendations

1. Increase max. grant for two studies from \$25K to \$35K;
2. Reset date for maximum of two studies per project to July 1, 2011 (date new ESA requirements came into effect);
3. Add cost of "DSHMS and Industrial / Office Reuse Feasibility Study" as an eligible cost in the Older Industrial Area only;
4. Add cost of "DSHMS for current / closed Institutional uses" and "Heritage Buildings" as an eligible cost across the CIPA;
5. Enhance requirement for applicants to demonstrate legitimate intention to redevelop a brownfield site (letter of intent and preliminary development plan);
6. If approved ESG application outstanding more than two years, the study (except RA) must be submitted within six months;
7. If approved ESG application outstanding less than two years, the study (except ESA) must be submitted within two years of ESG approval;
8. For new ESG applications, all studies except RA must be submitted within two years of approval; and,

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9. Enhance marketing of ESG Program to Older Industrial Area.

ERG Program

While the ERG Program has produced brownfield redevelopment activity on most (24 of 38) approved application sites, there are concerns with the progress on a number of the 13 ERG applications that have been approved but have not yet been remediated, especially since these 13 applications represent approximately 87 acres or 41% of the ERG approved land area.

In reviewing this matter, it would appear that a number of these 13 sites have not yet been able to achieve remediation and a Ministry of the Environment (MOE) acknowledged RSC. A few of these 13 sites have experienced lengthy delays in obtaining an RSC acknowledgement from the MOE, but are now close to obtaining an acknowledged RSC, and it is expected that once these applicants have an MOE acknowledged RSC in hand, redevelopment of these sites will take place quickly.

On this basis, it is recommended that a number of enhancements to the existing program be recommended. In particular, as previously mentioned, the introduction of DSHM as an eligible cost is considered to provide a meaningful and important incentive particularly in the redevelopment of former institutional and the rehabilitation and restoration of existing Heritage buildings.

With regard to encouraging greater uptake in ERG's within the older industrial area, it is proposed that these sites would become more attractive by sheltering the older industrial area from the reductions to the Tax Increment Grant (TIG) and costs eligible for Development Charges reduction that are being proposed for the Rest of the Urban Area.

ERG Program Recommendations

1. Enhancements to ERG Program in Older Industrial Area include:
 - a. Add "removal / abatement of DSHM" as a stand-alone eligible cost (for the TIG only);
 - b. Increase the demolition charge demolition credit for brownfield sites with approved ERG applications from five to ten years; and,
 - c. Enhance marketing of ERG Program to existing and potential businesses.
2. Add "removal / abatement of DSHM" as a stand-alone eligible cost (for the TIG only) for current / closed institutional uses and the rehabilitation and restoration of Heritage properties across the CIPA.

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3. Follow up on 13 approved ERG applications where remediation / RSC is not completed and close applications where redevelopment plans have been abandoned and / or current owner is no longer interested.
4. Commence using current ability to conduct spot and random audits of eligible expenses on ERG projects.
5. Follow up on future ERG approved projects to track project starts.

TAP Program

As in most other Ontario municipalities that offer a tax assistance program that includes the Province's education component of property taxes on brownfield sites, the City of Hamilton's TAP has not received much interest since it was introduced in 2005. This

finding is considered to be directly related to the complicated and time consuming process that the Province of Ontario has put in place for municipalities and applicants seeking to access the Province's education property tax assistance for brownfield redevelopment projects. Notwithstanding that this difficulty is likely to remain in place, a number of minor enhancements to the City's ERASE TAP are recommended.

TAP Program Recommendations

1. Clarify that the cost of environmental remediation also includes "cost of clean fill, grading and compaction to replace contaminated soils, and cost of filing an RSC and CPU", and,
2. Add "environmental insurance premiums" as an eligible cost.

Loan Program

While the RLP Program has also only seen modest up-take to date in the seven years that it has been in place, it remains an innovative program that provides the approved applicant with the option to repay the loan using the assignment of grant payments under the ERG Program. This allows the RLP to act as bridge financing until the annual ERG payments can be used to start repaying the RLP. In the event that the full ten-year grant amount is not sufficient to repay the loan in its entirety, supplemental payments from the applicant are required. The annual interest rate on the loan is 1% below the prime rate as established by the Royal Bank of Canada. This rate is established at the time the first instalment of the loan is advanced by the City and reset annually on the anniversary date of the first advance.

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Based on the \$400K program cap on the loan amount, the greatest benefit of the program is likely in promoting smaller brownfield redevelopment projects in the Downtown Hamilton and the West Harbourfront Area. As such, the Report compiled by RCI recommends the City retain this program in the short to medium term. It is not clear that this program will prove necessary in the long-term based on the large scale of development (including brownfield redevelopment) being witnessed and planned for in Downtown Hamilton, and especially in the West Harbourfront Area.

Increases in demand and market value in Downtown Hamilton, and eventually in the West Harbourfront Area, combined with the other ERASE Incentive Programs and the Downtown Incentive Programs available from the City of Hamilton, may be sufficient to spur most brownfield redevelopment projects in both Downtown Hamilton and the West Harbourfront Area. It is considered that the \$400K cap on the program essentially restricted the program only to the smaller brownfield redevelopment projects in the Downtown and the West Harbour Area.

Finally, it was identified that the ERASE RLP Program has an interest rate of 1% below prime and an amortization period of ten years, while the Downtown RLP Program has a 0% interest rate and an amortization period of five years. Staff considers that ten years is a long time for the City to have a RLP outstanding and that the amortization period of the ERASE RLP Program should be reduced. Therefore, in order to bring the two programs into line, it was determined that the ERASE Loan Program should adopt the Downtown RLP Program structure, i.e., 0% interest rate and a five-year amortization period. This will also make the administration of both programs more consistent and easier.

Loan Program Recommendations

1. Decrease interest rate from (prime minus 1%) to 0%; and,
2. Reduce loan repayment period using TIG from ten years to five years.

Monitoring

A number of general administrative items will enter into general program overview to ensure the success of each individual program as well as to ensure maximum benefit and success can be achieved with the resources allocated.

Monitoring Recommendations

1. Check completeness of applications ensuring all requested data, and monitoring variable estimates are provided; and,

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2. Conduct follow-up tracking on completed ERG applications to record actual monitoring variable values (grant amount, residential units constructed, industrial / commercial space constructed, jobs, construction value, assessment value, property taxes, etc).

Conclusion

It is considered that based on the in-depth review conducted by RCI Consulting, attached as Appendix “B” to Report PED18030(a), and from the information and comments received from the Industry and Environmental stakeholders, the proposed changes to the existing ERASE CIP (2010) are appropriate and continue to ensure the City of Hamilton is a leader in the pursuit of brownfield remediation.

ALTERNATIVES FOR CONSIDERATION

Not Applicable

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED18030(a) - Policy Amendment By-law

Appendix “B” to Report PED18030(a) – Consultant’s Report

EJ:dt

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Authority:

Wards: 1, 2, 3, 4, 5, 6, 7, 8,
9, 10, 11, 12 and 13
Bill No.

CITY OF HAMILTON

BY-LAW NO.

To Adopt:

Amendment No.1 to the Environmental Remediation and Site Enhancement (ERASE)
Community Improvement Plan

WHEREAS By-law 10-050, passed on the 10th day of March 2010, designated the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Project Area;

AND WHEREAS Section 28 of the Planning Act entitled Community Improvement states that where a by-law has been passed to designate a community improvement project area, the Council may provide for the preparation of a plan suitable for adoption as a community improvement plan for the community improvement project area;

AND WHEREAS By-law 10-050, passed on the 10th day of March 2010, adopted and approved the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan, as amended;

AND WHEREAS Council by its Planning Committee held a public meeting on XXXX , 2018 to discuss and receive public input regarding an amendment to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan , and has taken other steps required to amend the Plan prior to the enactment of this By-law, as required by the Planning Act;

AND WHEREAS the City has prepared an amendment to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan, attached hereto as Schedule 1 and forming part of this By-law;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Amendment No.1 to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan, consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted and approved.

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2. Schedule 'A' to By-law 10-050 is hereby amended as set out in Schedule 1 to this By-law.

PASSED this X day of XXX, 2018.

Fred Eisenberger

Mayor

Rose Caterini

City Clerk

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Amendment No. 1

To the

Environmental remediation and Site Enhancement (ERASE)
Community Improvement Plan

The following Text and Schedules constitutes Amendment No. 1 to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan.

Purpose

The purpose of this amendment is to:

- To update the information on the Provincial Policy Statement and Places to Grow: Growth Plan for the Greater Golden Horseshoe;
- Increase the City’s contribution to the ERASE Study Grant Program and include as eligible costs the cost of designated substances and hazardous materials surveys for the Older Industrial Area, institutional and designated Heritage sites;
- Amend the Tax Assistance Program to include ‘removal/abatement of designated substances and hazardous materials’ and ‘environmental insurance premiums’ as eligible costs;
- Amend the Downtown/West Harbourfront Remediation Loan Program (RLP) to apply only to smaller sites;
- Amend the ERASE Redevelopment Grant Program to Include ‘removal/abatement of designated substances and hazardous materials’ for the Older Industrial Area, institutional and designated Heritage sites;
- To make clerical and administrative changes to the CIP and the associated financial incentive program descriptions and terms.

Actual Changes

1. That the Title and Header be amended by updating the date of the document to February 2018.
2. That Section 1.1 What are Brownfields?, first paragraph, first sentence be deleted and replaced as follows”
“”Brownfields” are defined generally as undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant (Provincial Policy Statement, 2014, pg. 39).”
3. That Section 1.2.2 Environmental Benefits, second paragraph first sentence delete the word “recent” and third paragraph, second sentence delete the word ‘recent’.
4. That Section 1.3, Purpose of the CIP, Paragraph three be deleted and replaced as follows:

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“In June of 1999, City Council directed that a Community Improvement Plan (CIP) to promote the Brownfield redevelopment of industrial and commercial properties in the City of Hamilton be prepared. The Plan was called the Environmental Remediation and Site Enhancement (Erase) Community Improvement Plan (CIP) and was adopted by City Council in April of 2001 and approved by the Minister of Municipal Affairs and Housing in August of 2001. The Erase CIP applies to the Erase Community Improvement Project Area (2001) generally associated with Hamilton’s older industrial area (see Appendix A). The ERASE CIP was expanded in April of 2005 for the improvement and enhancement of financial assistance programs contained in the ERASE CIP and to expand these programs to the full limits of the urbanized area of the City (see Appendix B). In 2010 the ERASE CIP was further amended adding a Remediation Loan Program (RLP), expansion to the ERG Programs well as increases to the ESG Program. The Erase CIP has been in place for approximately sixteen years and has been successful in providing the financial tools needed to promote the remediation and redevelopment of brownfield sites. The results of the ERASE CIP to date are presented in Section 5.0 on Previous Community Improvement Plans.”

5. That Section 2.4, Provincial Policy Statement (PPS) be deleted and replaced as follows:

“2.4 Provincial Policy Statement (PPS)(2014)

The Provincial Policy Statement (PPS) is issued under Section 3 of the *Planning Act* and is intended to guide municipalities as they make planning decisions. The *Planning Act* requires that municipal decisions in respect of the exercise of any authority that affects a planning matter “shall be consistent with” the PPS.

The PPS supports the remediation and redevelopment of brownfield sites. For example, Section 1.7.1 e) of the PPS states that “long-term economic prosperity should be supported by promoting the redevelopment of brownfield sites”. Brownfields are defined in the PPS as “undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant”.

The PPS also supports Smart Growth through urban growth management. For example, Section 1.1.3.3 of the PPS states “planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs”. Therefore, the PPS supports brownfield redevelopment as a way to achieve the goal of promoting intensification and redevelopment. Other policies in the PPS (Sections 1.1.1 a), 1.1.1 h) and 1.6.3) support the management of growth to achieve efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term. The redevelopment of brownfields has a role to play in this regard.”

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6. That Section 2.5 Growth Plan for the Greater Golden Horseshoe be deleted and replaced as follows:

“2.5 Growth Plan for the Greater Golden Horseshoe (2017)

The Growth Plan envisages increasing intensification of the existing built-up area, with a focus on urban growth centres, intensification corridors, major transit station areas, brownfield sites and greyfields. The ERASE Community Improvement Plan would contribute to the increased intensification in the built-up area.

The vision for the GGH is grounded in the following principles that provide the basis for guiding decisions on how land is developed; resources are managed and public dollars invested:

- Achieve complete communities that are designed to support healthy and active living
- Prioritize intensification and higher densities to make efficient use of land and infrastructure and support transit viability.
- Provide flexibility to capitalize on new economic and employment opportunities as they emerge, while providing certainty for traditional industries, including resource-based sectors.
- Provide for different approaches to manage growth that recognize the diversity of communities in the *GGH*.
- Protect and enhance natural heritage, hydrologic, and landform systems, features, and functions.
- Conserve and promote cultural heritage resources to support the social, economic, and cultural well-being of all communities, including First Nations and Métis communities.
- Integrate climate change considerations into planning and managing growth such as planning for more resilient communities and infrastructure – that are adaptive to the impacts of a changing climate – and moving towards low-carbon communities, with the long-term goal of net-zero communities, by incorporating approaches to reduce greenhouse gas emissions.

Further, providing opportunities for businesses and residences to locate in the Greater Golden Horseshoe is fundamental to using land wisely and ensuring a prosperous economic future.”

7. That following Section 2.6 Regional Municipality of Hamilton-Wentworth Official Plan that one new section be added as follows and the subsequent sections renumbered accordingly:

“2.7 Urban Hamilton Official Plan

The City of Hamilton Urban Official Plan has numerous policies directed towards achieving an efficient, well planned and supportive approach to landuse planning. With particular regard to Community Improvement Plan’s Policy 1.15.1 is considered applicable:

Community Improvement shall be carried out through the designation, by Council, of Community Improvement Project Areas and through the preparation and implementation of Community Improvement Plans pursuant to the *Planning Act*. It is the intent of Council

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that the entire *urban area* or any part of the *urban area* as defined in this Plan, and as subsequently amended, may by by-law be designated as a Community Improvement Project Area.

Policy 1.15.2 sets out the criteria to be used when designating community improvement project areas:

When designating Community Improvement Project Areas, one or more of the following characteristics may be present:

- a) building stock or property in need of rehabilitation;
- b) buildings and *structures* of heritage or architectural significance;
- c) encroachment of incompatible land uses or activities;
- d) deteriorated or insufficient physical infrastructure such as, but not limited to, sanitary and storm sewers and water mains, public transit, roads/streets, curbs, sidewalks, street lighting and utilities;
- e) deteriorated or insufficient *community facilities/services* such as, but not limited to public indoor/outdoor recreational facilities, public open space and public social facilities;
- f) inadequate mix of housing types;
- g) inadequate *affordable* housing;
- h) known or perceived environmental contamination;
- i) deteriorated or insufficient parking facilities;
- j) poor overall visual amenity of the area, including, but not limited to streetscapes and urban design;
- k) existing Business Improvement Areas or potential for inclusion in a Business Improvement Area designation, provided such designation is in conformity with the Niagara Escarpment Plan;
- l) inappropriate road access and traffic circulation;
- m) shortage of land to accommodate building expansion and/or parking and loading facilities;
- n) other barriers to the improvement or redevelopment of underutilized land or buildings; or,
- o) any other environmental, social, or community economic development reasons for designation.

As discussed in Section 3.0, properties in the older industrial area and brownfields throughout the urban area of Hamilton exhibit several of these characteristics, including:

- known or perceived environmental contamination;
- building stock or property in need of rehabilitation;
- encroachment of incompatible land uses or activities;
- shortage of land to accommodate building expansion and/or parking and loading facilities; and,
- poor overall visual amenity of the area, including, but not limited to streetscapes and urban design.

With particular regard to the development and redevelopment of brownfield Sites Policy 3.1.5, is applicable:

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There are many complex and interconnected reasons for promoting and implementing brownfield *redevelopment*. There are significant and immediate economic, environmental and social benefits from regenerating these "legacy" properties. The City, in addition to other economic development objectives, shall pursue the *redevelopment* of brownfield sites and promote opportunities for employment and *residential intensification* by:

- a) continuing to liaise with other levels of government, agencies, and the private sector to endorse and amend existing legislation, regulations and standards, including the addressing of liability issues for land owners;
- b) undertaking studies to identify priority brownfield sites for *redevelopment*;
- c) providing the necessary financial assistance to developers and landowners to make the *redevelopment* of brownfield sites a viable option; and,
- d) ensure a wide variety of investment opportunities are available throughout the City and provide potential employment users with a range of alternative sites of various size in a variety of locations throughout the City.”

The continuous review and improvement of the ERASE CIP will secure this policy intent, providing financial support in order to facilitate efficient development.”

8. That Section 2.7 Vision 2020 be deleted and replaced as follows:

“2.8 2016 – 2025 STRATEGIC PLAN

The Strategic Plan 2016-2025 is a detailed strategy intending to secure the vision of making Hamilton the ‘best place to raise a child and age successfully’. The strategy’s mission is ‘To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.’

9. That Section 2.10 Setting Sail be deleted and replaced as follows:

“Setting Sail is the City’s long term planning project for Hamilton’s West Harbour (see Figure 2 for West Harbour Study Area). The West Harbour Area has witnessed tremendous change in recent years, led by the City’s investments in Pier 4 and Bayfront Parks and the creation of the Waterfront Trail. The City of Hamilton and the Hamilton Port Authority (formerly the Hamilton Harbour Commissioners) also reached an agreement in 2000 on future land use that sees a separation of recreational uses in the West Harbour Area from industrial port uses in the East Harbour Area.

The main objective of the Setting Sail Study is to create a series of integrated plans that will guide investment and development in the West Harbour Area. The Setting Sail Study is broad and includes consideration of land use, transportation, infrastructure and urban design.

One of the specific elements of the Setting Sail Study is a strategy to realize the revitalization and conversion of older industrial areas in the West Harbour to non-

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industrial uses. In this context, there are a few remaining operational industrial uses in and near the Tiffany Block which is bounded by Bay, Stuart and Barton Streets and the relocation of these few remaining industrial uses to industrial areas outside the West Harbour Area would help facilitate redevelopment of the West Harbour Area for non-industrial uses.”

10. That Section 2.11 Planning For Future Land Use, fourth paragraph first sentence delete the words “will emanate from” and replace with the word “form”.
11. That Section 2.12 Summary of Planning Policies be deleted and replaced as follows:

“The redevelopment and rehabilitation of the older industrial areas in the City of Hamilton is a key theme in the Urban Hamilton Official Plan. The use of financial tools to direct future urban development to curb urban sprawl and increased awareness of the potential for redevelopment and rehabilitation of contaminated brownfield sites are encouraged within the 2016-2025 Strategic Plan.

The Urban Hamilton Official Plan sets out the required framework as per Section 28 of the *Planning Act* for the preparation of a community improvement plan to promote the redevelopment of brownfields in Hamilton’s older industrial areas and throughout the urban area. The designation of the entire Urban Area as the ERASE Community Improvement Project Area and the preparation, adoption and amendment of this ERASE CIP is in conformity with, and supported by, existing planning policies. Through its programs contained herein, this CIP also emphasizes particular land uses in various areas within the Community Improvement Project Area that are in keeping with future planned land uses.”

12. That Section 3.2, Types of Assistance Required, that paragraph four, first sentence be amended by deleting the date “(2001)” and replacing it with “(2010)”.
13. That Section 3.2, Types of Assistance Required, that following paragraph five, a new paragraph be added as follows:

“Furthermore, it is considered appropriate to increase the eligibility of the ESG and ERG’s to cover DSHMS in the following circumstances:

- 1) Former institutional buildings;
- 2) Existing Heritage (properties designated under Part IV or V of the Ontario Heritage Act); and,
- 3) Older Industrial Area.

It is considered that this would provide a meaningful response to many issues arising out of adaptively re-using older buildings particularly Heritage properties, whereby demolition options are limited or constrained and redevelopment costs are significantly increased. In reviewing this staff concurred and also identified the opportunity to include former institutional buildings, given the rising number of former schools and similar buildings being considered for redevelopment.”

14. That Section 4.0 Community Improvement Project Area, be amended by deleting the first paragraph and replacing it as follows:

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“Based on the enabling policies in the Urban Hamilton Official Plan, the critical needs analysis, and the existence of brownfields throughout the urban area of Hamilton, the boundary of the Hamilton ERASE Community Improvement Project Area (the “Project Area”) is “the area designated as Urban Area in the Urban Hamilton Official Plan, as may be amended from time to time”. The boundary of the ERASE Community Improvement Project Area as shown in Figure 4 is provided for illustrative purposes only to show the Project Area. The ERASE Community Improvement Project Area is properly defined by the above-noted text reference to the Urban Area. Therefore, any expansion or change to the Urban Area, and therefore the Project Area, will be captured by the above-noted text reference and will not require amendment to this Plan.”

15. That Section 4.0 Community Improvement Project Area, be amended by replacing Figure 4 with the updated Figure 4 contained at the end of this document.
16. That Section 5.3 ERASE Community Improvement Plan (CIP) – 2005 be amended by deleting paragraph two, three and four.
17. That following Section 5.3 ERASE Community Improvement Plan (CIP) – 2005 one new section be added as follows and the subsequent sections renumbered accordingly:

“5.4 ERASE Community Improvement Plan (CIP) – 2010

The ERASE CIP (2010) was adopted by City Council March 2010. The ERASE CIP (2010) expanded upon the ERASE CIP (2005) in terms of financial assistance and included the addition of a Remediation Loan Program (RLP) for the West Harbour and Downtown Areas.

Since the ERASE CIP (2001) over 380 Acres of land has been studied; with the City of Hamilton experiencing a total assessment increase due to ERG in excess of \$129,029,379. It has been demonstrated that every \$1 contributed by the City has generated \$11.10 in private sector construction; and that remediation and redevelopment has been approved for approximately 210 Acres of brownfield land with 123 Acres (59% of approved land area) remediated to date”

18. That Section 5.4 Downtown Hamilton Community Improvement Plan (CIP) be amended by deleting the words ‘as amended’ in line 2 and adding:

“and further amended in 2016 by by-law 16-125 and 16-126.”

19. That Section 6.1 be deleted in its entirety and the section renumbered accordingly.
20. That Section 6.2 Notification and Public Participation Procedure be amended by deleting “(April 2005)” from the first line and replacing with “(February 2018)”
21. That Part C ERASE CIP be amended by updating existing photographs.
22. That Part B ERASE CIP Section 7.0 Goals of the ERASE Community Improvement Plan be amended by deleting the first sentence and replacing it with:

“The goals of this Plan are consistent with and build upon the goals in the Urban Hamilton Official Plan.”
23. That Part B ERASE CIP Section 8.0 The ERASE Community Plan (CIP) be amended by deleting “(April 2005)” with “(February 2018)” of the first line.

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24. That Part B ERASE CIP Section 8.0 The ERASE Community Plan (CIP) be amended by updating ‘Figure 5 Summary of ERASE CIP Programs’ with the updated information approved through this by-law.
25. That Part B ERASE CIP Section 8.4 Downtown Hamilton / West Harbourfront Remediation Loan Pilot Program (RLP) be amended by deleting the word ‘Pilot’.
26. That Part B ERASE CIP Section 8.5 ERASE Municipal Acquisition and Partnership Program (MAPP) be amended by adding the words “Minister of” before the word “Housing” in the last line.
27. That Part B ERASE CIP Section 8.6 ERASE Marketing and Opportunities Program (MOP) be amended by adding the words “Minister of” before the word “Housing” in the last line.
28. That Part B ERASE CIP Section 10 Program Monitoring and Adjustment be amended by deleting the following words:
 “and feedback obtained from applicants and members of the Brownfield Redevelopment Task Force,”.
29. That Part B ERASE CIP Section 11.0 Conclusion be amended by deleting the first sentence of paragraph 2 and replacing with:

 “The goals of this Plan are consistent with and build upon the community improvement goals in the Urban Hamilton Official Plan.”
30. That Section 12.0 References add the following reference:

 “Urban Hamilton Official Plan – Vibrant, Healthy, Sustainable Hamilton.”
31. That Part C Appendices be amended by updating the existing photographs.
32. That Part C Appendices, Appendix A Section 8.1 ERASE Study Grant Program be amended deleting acronym “(SGP)” and replacing with acronym “(ESG)” and that this be repeated for the remainder of the Appendix.
33. That Part C Appendices, Appendix A Section 8.1.1 Purpose be amended by adding an additional third paragraph that states:

 “The Study Grants are considered an important tool to facilitate ERG applications, and to ensure this continues administrative changes will be recommended to require that all ESG’s are accompanied by preliminary development plans and/or letter of intent to develop.”
34. That Part C Appendices, Appendix A Section 8.1.2 Program Description be amended adding “(Since July 1, 2011)” at the end of prefix “b)” and by deleting “\$25,000” number from prefix “c)” and replacing it with “\$35,000”.
35. That Part C Appendices, Appendix A Section 8.1.2 Program Description be amended by deleting paragraph 3 which starts “ The SGP will Commence”, in its entirety.
36. That Part C Appendices, Appendix A Section 8.1.2 Program Description be amended by adding an additional paragraph prior to the final paragraph of the Section – which states:

 “For consideration of an ESG proposed on City Owned Lands, the application must be accompanied with an intent to purchase agreement approved by City of Hamilton Real Estate Staff.”
37. That Part C Appendices, Appendix A Section 8.1.2 Program Description be amended by adding at the end of the section:

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“It is to be noted that an SGP cannot be used solely for refinancing purposes. Finally, for the purposes of clarity a ‘project’ consists of the redevelopment site. The redevelopment site may include adjacent municipal addresses.”

38. That Part C Appendices, Appendix A Section 8.1.3 Eligibility Requirements be amended by adding at the end of prefix a) “(Program is not retroactive).
39. That Part C Appendices, Appendix A Section 8.1.3 Eligibility Requirements be amended by deleting “\$25,000” figure from prefix i) and replace with figure “\$35,000”.
40. That Part C Appendices, Appendix A Section 8.1.3 Eligibility Requirements be amended by adding “Since July 1, 2011.” at the end of prefix i).
41. That Part C Appendices, Appendix A Section 8.1.3 Eligibility Requirements be amended by adding the following prefix’s:

- l) Eligible costs to cover Designated Substances and Hazardous Material Survey and Industrial/Office Reuse Feasibility Study and their removal and abatement in the Older Industrial Area.
- m) Eligible costs to cover Designated Substances and Hazardous Material Survey and their removal and abatement applicable to current/closed Institutional uses across the CIPA.
- n) Eligible costs to cover Designated Substances and Hazardous Material Survey and their removal and abatement applicable to designated Heritage Buildings (properties designated under Part IV or V of the Ontario Heritage Act) across the CIPA.
- o) All environmental studies must be prepared to meet latest O. Regulation 153/04 standards.
- p) The applicant must provide a phase one ESA for all properties within the redevelopment site.”

42. That Part C Appendices, Appendix A Section 8.1.4 Administration be amended by adding follow on wording from the end of the last sentence in the first paragraph, stating:

“and a letter of intent and preliminary development plans for intended development. It should be noted that two quotes should be provided for the proposed study work.”

43. That Part C Appendices, Appendix A Section 8.1.4 Administration be amended by adding final paragraph which states:

“ESG approval (except Risk Assessments) will be revoked if study work not completed within 2 calendar years from date of initial approval.”

44. That Part C Appendices, Appendix B Section 8.2 ERASE Redevelopment Grant Program (RGP) be amended by deleting the acronym “(RGP)” and replace with “(ERG)” and that this be repeated for the remainder of the Appendix.

45. That Part C Appendices, Appendix B Section 8.2.2 Program Description be amended by deleting the word “incremental” from the fourth sentence of the first paragraph and replacing with:

“first full year of newly assessed”

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46. That Part C Appendices, Appendix B Section 8.2.2 Program Description be amended by deleting the words “rehabilitating the land and building” and replacing with the following:

“remediation as outlined in the Remedial Action Plan.”

47. That Part C Appendices, Appendix B Section 8.2.2 Program Description be amended by deleting the word “after” from prefix b) and replaced with the words “up to”.

48. That Part C Appendices, Appendix B Section 8.2.2 Program Description be amended by adding the following words to the end of the first sentence of paragraph 9 after the word “project”:

“and receipt of an RSC.”

49. That Part C Appendices, Appendix B Section 8.2.2 Program Description be amended by adding the following paragraph to the end of the section:

“It should be noted that peer reviewed risk assessments are to be permitted in situations where a RSC is not required by the MOECCC (i.e. not moving to a more sensitive land use). Finally, for the purposes of clarity a ‘project’ consists of the redevelopment site. The redevelopment site may include adjacent municipal addresses.”

50. That Part C Appendices, Appendix B Section 8.2.3 Eligibility Requirements be amended by adding the following to the end of prefix a) “(Program is not retroactive);”

51. That Part C Appendices, Appendix B Section 8.2.3 Eligibility Requirements be amended by deleting the existing prefix g) i) and replaced with the following wording:

“i) environmental remediation, i.e., the cost of any action taken to reduce the concentration of contaminants on, in or under the eligible property to permit a record of site condition (RSC) to be filed for the proposed use by a qualified person, including costs of preparing and filing of an RSC and CPU, cost of clean fill, grading and compaction to replace contaminated soils;

52. That Part C Appendices, Appendix B Section 8.2.3 Eligibility Requirements be amended by adding the following prefix’s to prefix g):

“ix) Eligible costs to cover Designated Substances and Hazardous Material Survey and Industrial/Office Reuse Feasibility Study and their removal and abatement in the Older Industrial Area;

x) Eligible costs to cover Designated Substances and Hazardous Material Survey and their removal and abatement applicable to current/closed Institutional uses across the CIPA;

xi) Eligible costs to cover Designated Substances and Hazardous Material Survey and their removal and abatement applicable to the rehabilitation and restoration of designated Heritage Buildings (properties designated under Part IV or V of the Ontario Heritage Act) across the CIPA.”

53. That Part C Appendices, Appendix B Section 8.2.3 Eligibility Requirements be amended by deleting the following words from prefix h) “total cost of rehabilitating the land and buildings” and replacing with “total approved cost of remediation.”

54. That Part C Appendices, Appendix B Section 8.2.3 Eligibility Requirements be amended by adding the following words to the end of prefix l):

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“RSC to conform to latest O. regulation 153/04 standards.”

55. That Part C Appendix B, Section 8.2.3 Eligibility Requirements be amended by adding a new prefix stating:

“q) No grant subsidy to be paid out until the project is completed. Alternatively, subject to written approval by the Director of Economic Development, a % of payment may be provided for phased development based on the number of phases complete.

56. That Part C Appendices, Appendix B Section 8.2.3 Eligibility Requirements be amended by adding the following to the final paragraph of the Section:

“80% of the City tax increment will be reimbursed to the property owner in the form of a grant, while the remaining 20% of the tax increment will be dedicated to the ERASE MAPP (See Section 8.5).”

57. That Part C Appendices, Appendix C Section 8.3.2 Program Description be amended by deleting the words “of approximately” from the first sentence of paragraph 3 and replacing with the words “up to”.

58. That Part C Appendices, Appendix C Section 8.3.2 Program Description be amended by adding the following to the end of the 5th paragraph “and the Minister of Finance (if applicable)”.

59. That Part C Appendices, Appendix C Section 8.3.3 Eligibility Requirements be amended by deleting the existing prefix g) i) and replaced with the following wording:

“i) environmental remediation, i.e., the cost of any action taken to reduce the concentration of contaminants on, in or under the eligible property to permit a record of site condition (RSC) to be filed for the proposed use by a qualified person, including costs of preparing and filing of an RSC and CPU, cost of clean fill, grading and compaction to replace contaminated soils;

60. That Part C Appendices, Appendix C Section 8.3.3 Eligibility Requirements be amended by adding an additional eligible program cost to the prefix g) such that it reads:

“v) Environmental Insurance Premiums.”

61. That Part C Appendices, Appendix D Section 8.4 be amended by deleting the word ‘Pilot’.

62. That Part C Appendices, Appendix D Section 8.4.2 Program Description be amended by adding the words “(at applicants cost)” to the end of the 6th paragraph which starts with the words “Actual costs”.

63. That Part C Appendices, Appendix D Section 8.4.2 Program Description be amended by deleting paragraph 16 which starts with the words “Interest on the principal” in its entirety.

64. That Part C Appendices, Appendix D Section 8.4.2 Program Description be amended by deleting paragraph 17 and 18 and replacing with the following:

“That the interest rate for the Loan Program be 0% and the loan repayment period be a maximum 5 years”.

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65. That Part C Appendices, Appendix D Section 8.4.2 Program Description be amended by deleting the following words from the end of paragraph 21: “together with interest accrued to date”.
66. That Part C Appendices, Appendix D Section 8.4.3 Eligibility Requirements be amended by deleting any reference to the “remedial work plans” and replacing with the words “remedial action plan”.
67. That Part C Appendices, Appendix D Section 8.4.4 Administration be amended by deleting the words “Downtown and Community” from the first sentence and replaced with the word “Urban”.
68. That Part C Appendices, Appendix D Section 8.4.4 Administration be amended by deleting paragraph 8 which starts “An application fee” and paragraph 11 which start “The program is being” in their entirety.
69. That Part C Appendices, Appendix G Section 9.1 Purpose be amended by adding a new third paragraph that states:

“It is recommended that the Development Charge demolition credit for Older Industrial Area sites with approved ERG applications be extended to 10 years”.

70. That Part C Appendices, Appendix G Section 9.2 Program Description be amended by deleting paragraph 4 which starts “The DCR program” in its entirety.
71. That Part C Appendices, Appendix G Section 9.3 Eligibility Requirements be amended by deleting the superfluous “,” within prefix a) vii) c).
72. That Part C Appendices, Appendix G Section 9.3 Eligibility Requirements be amended by deleting the existing prefix a) i) and replaced with the following wording:

“i) environmental remediation, i.e., the cost of any action taken to reduce the concentration of contaminants on, in or under the eligible property to permit a record of site condition (RSC) to be filed for the proposed use by a qualified person, including costs of preparing and filing of an RSC and CPU, cost of clean fill, grading and compaction to replace contaminated soils;

73. That Following Appendix I a new “Appendix J” be inserted detailing the ERASE Community Improvement Project Area (2018) and that the subsequent appendices be renumbered accordingly.
74. That current “Appendix J” be amended by adding the following information at the end of the Section:

“Urban Hamilton Official Plan

The City of Hamilton Urban Official Plan has numerous policies directed towards achieving an efficient, well planned and supportive approach to landuse planning. With particular regard to the development and redevelopment of brownfield Sites the following policies, amongst others, are applicable:

Policy 3.1.5 There are many complex and interconnected reasons for promoting and implementing brownfield *redevelopment*. There are significant and immediate economic, environmental and social benefits from regenerating these "legacy" properties. The City, in addition to other economic development objectives, shall pursue

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the *redevelopment* of brownfield sites and promote opportunities for employment and *residential intensification* by:

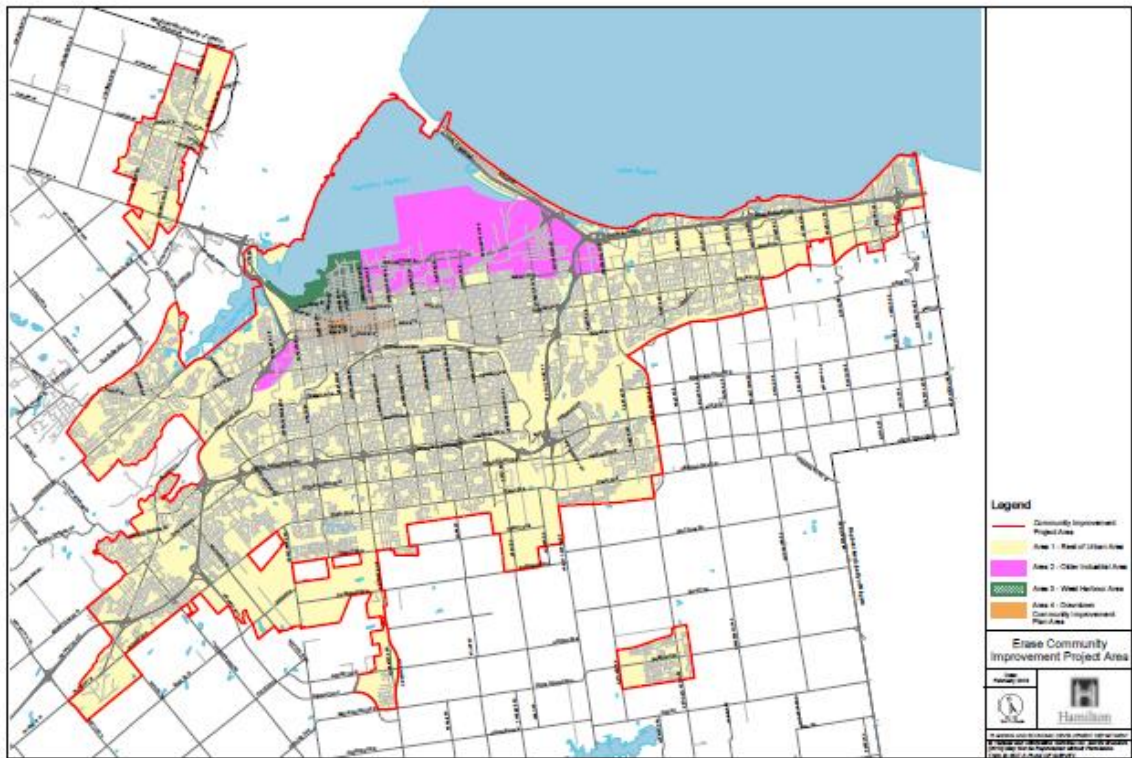
- a) continuing to liaise with other levels of government, agencies, and the private sector to endorse and amend existing legislation, regulations and standards, including the addressing of liability issues for land owners;
- b) undertaking studies to identify priority brownfield sites for *redevelopment*;
- c) providing the necessary financial assistance to developers and landowners to make the *redevelopment* of brownfield sites a viable option; and,
- d) ensure a wide variety of investment opportunities are available throughout the City and provide potential employment users with a range of alternative sites of various size in a variety of locations throughout the City.”

75) That current “Appendix L” – Downtwon Hamilton Community Improvement Project Area Boundary be amended by adding the latest map of the downtown CIPA.

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Schedules

2018 ERASE CIP Map



Appendix "B" to Report PED18030(a)



Hamilton



ERASE[∞] 2018 COMMUNITY IMPROVEMENT PLAN (CIP)

ENVIRONMENTAL REMEDIATION AND SITE ENHANCEMENT

REVIEW OF CITY OF HAMILTON ERASE CIP INCENTIVE PROGRAMS

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EXECUTIVE SUMMARY

Introduction

The City of Hamilton adopted its first Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan (CIP) in 2001. This award-winning plan was the first of its kind in Canada to offer municipal incentive programs for the remediation and redevelopment of brownfield sites. The City of Hamilton updated the ERASE CIP in 2005, and last updated the ERASE CIP in 2010. When it was first developed, the ERASE CIP applied only to the City's Older Industrial Area, but in 2005, it was expanded to apply to the entire Urban Area. The City of Hamilton has been consistently cited and recognized as a leader in Canada for its municipal programs to promote brownfield redevelopment.

As part of the current preparation of Phase 2 of the Bayfront Industrial Area Renewal Strategy, the City of Hamilton retained RCI Consulting (in association with Dillon Consulting and ASI) to conduct a comprehensive review of the ERASE Programs in the Bayfront Industrial Area and across the entire Urban Area. This report presents the results of this comprehensive review of the City's ERASE Programs.

Study Goals

The primary goals of this review of the ERASE Programs are to:

- Evaluate the uptake and economic performance of the programs;
- Identify any issues and concerns with current program content and administration; and,
- Make recommendations on program content and administrative enhancements to address identified program and administrative issues and further improve the effectiveness and performance of the ERASE Programs across the Urban Area, and especially in the City's Bayfront Industrial Area; and,
- Provide guidance and recommendations to inform potential revisions to the ERASE Programs.

Methodology

A comprehensive methodology relying on both quantitative and qualitative analysis was developed to review the ERASE Programs. This methodology included:

- A review of benchmark (best practice) municipal brownfield redevelopment incentive programs employed by ten (10) Canadian municipalities with long-standing brownfield incentive programs;
- Qualitative Interviews and discussion with City staff responsible for ERASE Program development and administration;
- A comprehensive quantitative analysis of ERASE Program results data over the last 15 years to evaluate program uptake, effectiveness, and economic impacts;
- Development of draft recommendations for enhancements to the ERASE Programs; and,
- Consultation with key brownfield stakeholders and the public to refine and finalize the ERASE Program recommendations.

Best Practices

The ERASE programs are very competitive when compared with the incentive programs offered by other municipalities in Ontario. The City of Hamilton is the only municipality in the comparison that offers a remediation loan program (see Figure 2 "Comparison of Municipal Brownfield Redevelopment Incentive Programs"). Only minor enhancements to the types/cost of environmental studies and environmental

remediation expenses eligible for the ERASE Programs are required to maintain the competitiveness of the City of Hamilton's ERASE Programs.

Analysis of ERASE Programs, 2001-2016

Overall, the ERASE Programs have been very well utilized and have produced the following impressive results:

- 121 sites have been approved for ERASE Study Grants, resulting in the environmental study of approximately 383 acres of land with an average study grant cost to the City of only \$3,657 per acre;
- 44 sites have been approved for ERASE Redevelopment Grants;
- Of the 44 sites approved for ERASE Redevelopment Grants, 22 projects (50%) are complete or substantially complete and these 22 projects have resulted in:
 - ✓ The construction of approximately 600,000 sq.ft. of new industrial/commercial space;
 - ✓ The construction of approximately 450 new residential units;
 - ✓ A total project construction value of approximately \$170 Million;
 - ✓ The creation of at least 325 jobs in the industrial/commercial sector;
 - ✓ An increase in assessment value due solely to the impact of the ERG projects of \$129 Million;
 - ✓ An increase in property taxes collected by the City due solely to the impact of ERG projects of \$2.3 Million annually;
 - ✓ \$5.5 Million collected by the City in development charges; and,
 - ✓ \$1.4 Million collected by the City in building permit fees.
- Once construction is completed on all 44 ERG sites, it is anticipated that this will result in:
 - ✓ The remediation and redevelopment of 213 acres of brownfield land in Hamilton;
 - ✓ The construction of approximately 1,150 new residential units;
 - ✓ The creation of approximately 530 jobs; and,
 - ✓ Approximately \$391 Million in construction value.

While the ERASE Programs have clearly met and even exceeded the goals of the ERASE CIP, the comprehensive analysis of the programs did identify minor issues around eligible study and remediation costs, and program administration and marketing that can be addressed in order to improve program efficiency, effectiveness and performance.

Recommendations

A series of draft report recommendations have been developed to address minor issues identified in the ERASE programs and these recommendations were then revised and finalized based on input received at a workshop with key stakeholders, a public meeting, and via ongoing consultation with City staff.

A summary of the key report recommendations is provided below:

ERASE Program Administration and Monitoring

It is recommended that City staff:

- a) Check the completeness of all data, information, and cost estimates collected for all ERASE Program applications and ensure that construction cost estimates are realistic based on comparable projects;
- b) Conduct follow up tracking on every ERG application after projects are completed to determine and record accurate actual amounts for all project performance monitoring variables; and,

- c) Conduct accurate long-term tracking of the assessment value and property taxes on all properties participating in the ERASE Programs; and,
- d) Clarify that a minimum of two (2) cost estimates are required from a qualified person for the ERASE Study Grant Program and the ERASE Redevelopment Grant Program to ensure cost-efficient environmental study and remediation approaches.

ERASE Study Grant (ESG) Program

It is recommended that the City:

- a) Increase the maximum grant level per property/project for two environmental studies from its current level of \$25,000 to \$35,000;
- b) Add the cost of “designated substances and hazardous materials surveys” to the eligible costs of the ESG Program across the ERASE Community Improvement Project Area, but only where such studies are being done on current or former institutional sites or properties designated under Parts IV or V of the *Ontario Heritage Act*;
- c) Enhance the ESG Program in the Older Industrial Area (Area 2) by:
 - i) adding expanded study types such as designated substances and hazardous materials surveys and industrial and office reuse feasibility studies to the list of eligible program costs; and,
 - ii) increasing awareness and marketing of the ESG Program to existing and prospective business in the Older Industrial Area.
- d) Develop enhanced submission requirements for the ESG Program to restrict this program only to applicants who have clearly demonstrated their legitimate intention to redevelop a brownfield site.
- e) Implement measures to ensure that all current and future applicants to the ESG Program complete and submit their approved environmental studies in a timely manner.
- f) Increase the annual budget for the ESG Program on a go forward basis to approximately \$250,000 per year.

ERASE Redevelopment Grant (ERG) Program

It is recommended that the City:

- a) Add the “removal/abatement of designated substances and hazardous materials as identified in a designated substances and hazardous materials survey” as a stand-alone eligible cost in the Older Industrial Area (Area 2);
- b) Add the “removal/abatement of designated substances and hazardous materials as identified in a designated substances and hazardous materials survey” as a stand-alone eligible cost only for current or former institutional sites or for properties designated under Parts IV or V of the *Ontario Heritage Act* in the rest of the ERASE Community Improvement Project Area;
- c) Increase awareness and marketing of the ERG Program to existing and prospective business in the Older Industrial Area.
- d) Follow up on approved ERG applications where an RSC has yet to be submitted to determine the status of these projects, and where the applicant is no longer interested in the program, these applications should be formally closed and the grant cancelled.
- e) Develop and implement a standardized process to resolve disagreements between the developer's consultant and the City's peer review consultant regarding submitted environmental studies for ERG applications that are not changes to a more sensitive use.
- f) Review the few ERG projects where there have been cost overruns to determine the causes of these cost overruns and address these causes through modifications to the ESG and/or ERG programs.
- g) Commence utilizing the City's current ability to conduct spot and random audits of eligible expenses on ERG projects.

- h) Develop and distribute to applicants a Guideline that clearly specifies eligible costs for the ERG Program and the level of detail expected in eligible cost invoice submissions and other supporting documentation.

ERASE Tax Assistance Program (TAP)

It is recommended that the City add the following eligible costs to the ERASE TAP:

- i) clean fill, grading and compaction to replace contaminated soils;
- ii) filing a Record of Site Condition (RSC) and a Certificate of Property Use (CPU);
- iii) environmental insurance premiums; and,
- iv) removal/abatement of designated substances and hazardous materials as identified in a designated substances and hazardous materials survey.

Downtown Hamilton/West Harbourfront Remediation Loan (LOAN) Program

It is recommended that the City modify the ERASE LOAN Program to include a 0% annual interest rate and a 5 year amortization period, with all other program details and requirements remaining the same.

ERASE Marketing and Opportunities Program (MOP)

It is recommended that the City:

- a) Review, revise and augment the components of its ERASE MOP to support and coincide with the launch of the City's revised ERASE CIP, including the revised ERASE incentive programs; and,
- b) Better document marketing initiatives and resources to better track program strategies and outcomes.

1.0 INTRODUCTION

1.1 Background and Purpose

The 3,700 acre Bayfront Industrial Area is Hamilton's largest industrial area and presents a major opportunity for Hamilton to continue on its current path of economic renewal and revitalization. The reuse and redevelopment of brownfield sites in the Bayfront Industrial Area will play a key role in helping the City maximize the market potential of underutilized employment lands in the Bayfront Industrial Area.

Phase 1 of the Bayfront Industrial Area Renewal Strategy, the Market Opportunities Study, was completed by Deloitte LLP in August of 2015. One of the key findings of the Phase 1 Strategy is that the abandoned and derelict buildings in the Bayfront must be rejuvenated if the city plans to take advantage of the significant opportunity for economic development that exists in this area. The Phase 1 Strategy stressed the importance of promoting brownfield redevelopment to help achieve this goal and the significant role that the provision of government incentives plays in brownfield redevelopment.

The City of Hamilton retained the consulting team of Dillon Consulting, RCI Consulting and ASI to prepare Phase 2 of the Bayfront Industrial Area Renewal Strategy. One of the key tasks undertaken as part of the Phase 2 Strategy was a Brownfield Review. This task included a review of the City's Environmental Remediation and Site Enhancement (ERASE) Brownfield Programs. Initially, this review was intended to focus only on the use of the City's ERASE programs in the Bayfront Industrial Area. However, as the City's ERASE CIP programs had not been reviewed since the last time the ERASE CIP was revised in 2010, the comprehensive review of the City's ERASE CIP programs was expanded to include the entire urban area.

The purpose of this report is to present the results of the comprehensive review of the City of Hamilton's ERASE programs and associated recommendations. The recommendations contained in this report are designed to improve the effectiveness of the ERASE programs, both in the Bayfront Industrial Area, and urban area wide. The recommendations relating to ERASE program enhancements will have to be implemented via an amendment to the existing ERASE CIP, while recommendations relating to data collection, monitoring and program administration can largely be implemented via internal process improvements that do not necessarily require amendment to the existing ERASE CIP.

1.2 General Methodology

The first step in reviewing the ERASE programs was to review the history of the ERASE CIP and how the programs changed as the ERASE CIP was periodically updated since first being developed and adopted by the City in 2001.

The second step in the study involved a review of benchmark municipal brownfield redevelopment incentive programs in ten Canadian municipalities (including Hamilton), with well-established brownfield redevelopment incentive programs. The comparator municipalities were selected in consultation with City of Hamilton staff. This exercise helped to indicate program areas where the City of Hamilton was competitive with the comparator municipalities and areas where the City of Hamilton could enhance its ERASE programs.

Next, interviews and discussions were conducted with City staff currently and previously responsible for administering the ERASE incentive programs. The focus of these discussions with City staff was on programs gaps, administrative issues, and future program direction. Discussions with City staff continued throughout the

preparation of this report to ensure that the recommendations in this report address the programs gaps and administrative issues identified by City staff.

Next, City staff supplied historical data and mapping on the uptake of the various different ERASE Programs from the time the first ERASE CIP was approved in late 2001 to the end of 2016. The available data was then analysed to determine patterns and trends in the historical take-up and economic impact of the ERASE Programs.

Finally, once draft recommendations for revisions to the ERASE Programs and administrative processes had been developed, these were presented to key brownfield redevelopment stakeholders at a facilitated workshop held on May 29, 2017. Approximately 30 people attended this event. A public open house was also held on August 28, 2017 to share information on the proposed ERASE Program review and recommendations with members of the public. Input received during the stakeholder and public consultation sessions was used in consultation with staff to finalize the ERASE Program recommendations contained in this report.

1.3 Report Content

Section 2.0 of the report provides a summary of the review of benchmark municipal brownfield redevelopment incentive programs. The full review of benchmark municipal brownfield redevelopment incentive programs is contained in **Appendix A**.

Section 3.0 of the report provides a basic history of the ERASE CIP and how the incentive programs contained in the CIP have changed over the years.

Section 4.0 of the report contains a summary of the review of the uptake and results of Hamilton's ERASE Programs over the period 2001 to 2016. This section of the report also discusses administration and monitoring issues. The full review of Hamilton's ERASE programs is contained in **Appendix B**.

Finally, Section 5.0 of the report contains a summary of recommendations for revisions to the ERASE programs contained in the ERASE CIP along with a summary of recommendations pertaining to program administration and monitoring.

2.0 REVIEW OF BENCHMARK MUNICIPAL BROWNFIELD REDEVELOPMENT INCENTIVE PROGRAMS

2.1 Introduction

In order to help inform the consideration of ERASE incentive program improvements, a scoped best practices review of benchmark municipal brownfield redevelopment incentive programs used by other municipalities in Ontario was conducted. This section of the report contains a summary of this review, also referred to herein as a best practices review. The full best practices review is contained in **Appendix A**.

In consultation with City of Hamilton staff, nine Ontario municipalities with well-established brownfield incentive programs were selected for the best practices review. The City of Edmonton, AB. was also included in the best practices review (See Figure 2).

2.2 Methodology

Numerous municipalities in Ontario offer incentives to promote brownfield redevelopment, in their older industrial areas, downtowns, and often municipality wide. **Figure 1** below shows the most recent statistics (2012) collected by the Ontario Ministry of Municipal Affairs and Housing (MMAH) on municipalities in Ontario that offer brownfield redevelopment incentive programs. 52 municipalities in Ontario offer a variety of brownfield redevelopment incentive programs, and of these 52 municipalities:

- 96% offer pay-as-you-go tax increment grants;
- 77% offer combined municipal and education property tax assistance through the Province's Brownfields Financial Tax Incentive Programs (BFTIP);
- 58% offer environmental site assessment (ESA) grants;
- 54% offer planning and building permit fee rebates/grants;
- 52% offer partial or total development charge reduction; and,
- Only 4% (2 municipalities including Hamilton) offer a direct remediation grant or loan.

Figure 1 Municipal Brownfield Redevelopment Incentive Programs in Ontario

Type of Financial Incentive Program	Number of Municipalities	% of all Municipalities (52) with Brownfield CIPs
Tax Increment Grant	50	96%
Tax Assistance	40	77%
Environmental Study Grant	30	58%
Planning/Building Fees Grant	28	54%
Development Charge Reduction/Exemption	27	52%
Rehabilitation and Redevelopment Grant/Loan	2	4%

Source: Ontario MMAH, 2012

The Brownfield CIPs (and development charge by-laws, as applicable) in each municipality were reviewed and the web sites of each municipality were also examined to determine which brownfield incentive programs are currently being offered by each municipality. The details of the brownfield incentive programs being offered by each municipality are provided in **Appendix A**, and the types of brownfield incentive programs offered by each

municipality are summarized in **Figure 2** below. The best practices review contained herein is not intended as an exhaustive analysis. It was conducted to compare eligible costs and different types of municipal incentive programs used by the City of Hamilton to promote brownfield redevelopment on private sector lands to a number of benchmark municipalities.

2.3 Overview of Incentive Programs

Taken as a whole, the 10 municipalities in this comparison offer nine different types of financial incentive programs to promote private sector brownfield redevelopment. The incentive programs that are most commonly offered include the environmental study grant, brownfields property tax assistance, tax increment grant, and to a slightly lesser degree, the development charge reduction. Many of the municipalities in this best practices review, including Hamilton, also engage in municipal leadership activities on publicly and privately owned brownfields, including the maintenance of brownfield/historical land use inventories, and brownfield redevelopment supportive planning, data base, marketing and monitoring programs.

All 10 of the municipalities in this comparison offer assistance with the cost of environmental studies such as Phase II Environmental Site Assessments (ESAs) and Remedial Work Plans. The range of environmental studies funded varies somewhat from municipality to municipality.

All of the Ontario municipalities in this comparison offer a program to freeze, or in some cases, even cancel the municipal and education property taxes on a brownfield property for up to 3 years with some of the municipalities increasing the duration of the municipal property tax freeze/cancellation to 5 years.

All of the municipalities in this comparison offer grants to help offset the costs of environmental remediation. In Ontario, these remediation grants take the form of pay-as-you-go tax increment grants (TIGs) where the developer front-ends the costs of remediating and redeveloping the brownfield site, and an annual grant is paid out to the developer after the brownfield site is remediated and redeveloped.

Six (6) of the 10 municipalities in the comparison also offer development charge reductions or deferrals. This is typically done by allowing an applicant with an approved TIG to apply their remediation expenses against the municipal development charges payable. The TIG is then reduced (or "offset") by the amount of remediation expenses applied against the municipal development charges. Both of the upper tier governments in Niagara and Waterloo have separate development charge reduction programs for brownfield redevelopment.

Finally, the City of Hamilton is the only municipality in the comparison that offers a remediation loan, while the City of Cornwall is the only municipality in the comparison that also offers a municipal tipping fee grant and a grant to help offset the payment of parkland dedication fees on brownfield sites that are being redeveloped.

Overall, the best practices comparison of the ERASE programs in the City of Hamilton to brownfield redevelopment incentive programs offered by other leading municipalities suggests that the City of Hamilton is still at the forefront of municipal incentive programs used to promote brownfield redevelopment. Furthermore, as outlined in Section 4.0 of this report, the City of Hamilton's ERASE Programs have produced very impressive results in terms of the number and size of brownfield redevelopment projects and their economic impacts.

Figure 2 Comparison of Municipal Brownfield Redevelopment Incentive Programs

Type of Program	Municipality									
	Brantford	Cornwall	Guelph	Hamilton	Kingston	Kitchener, Cambridge, Waterloo/ Waterloo Region	Niagara Falls/ Niagara Region	Ottawa	Windsor	Edmonton
1) Project Feasibility Study Grant		X						X	X	
2) Environmental Study Grant		X	X	X	X	X	X	X	X	X
3) Property Tax Assistance (Freeze/ Cancellation)	X	X	X	X	X	X	X	X	X	
4) Tax Increment Grant (TIG)	X	X	X	X	X	X	X	X	X	X
5) Development Charge Reduction	X			X		X	X	X	X	
6) Remediation Loan				X						
7) Municipal Tipping Fees Grant		X								
8) Planning/ Building Permit Fees Grant		X						X	X	
9) Payment-in-Lieu of Parkland Dedication Grant		X								

2.4 Geographic Approach

Ontario municipalities that have prepared and adopted CIPs for the promotion of brownfield redevelopment have done so both on an area specific and urban area wide basis. However, most municipalities have tended to designate the entire urban area as a community improvement project area for their CIP, especially if their brownfield sites are in several parts of the urban area or spread out across the urban area. A number of municipalities, such as Hamilton and Guelph, originally started by designating only their older industrial areas, and then expanded their community improvement project areas to the entire urban area. Of the 10 municipalities in the comparison, 7 offer their brownfield CIP incentive programs across their entire urban area, while Cornwall's Brownfield CIP covers most of its urban area. Kingston's Brownfield CIP covers its downtown and older industrial areas, but it should be noted that the City of Kingston has had to twice expand its brownfield community improvement project area since inception of its Brownfields CIP.

Clearly, the choice of a community improvement project area depends on the location of brownfield sites in a municipality, which in turn depends in part on the historic industrialization and growth pattern of the municipality. While occurring more naturally in older industrial areas, brownfields can be found across most municipalities in the form of former uses such as gasoline stations, dry cleaners, printers, manufacturers, blacksmiths, textile mills, asphalt plants, petroleum storage and automobile wrecking yards.

A number of the municipalities in the comparison, including Hamilton, Niagara Falls and Ottawa have chosen to combine the urban area wide and area specific geographic approaches, i.e., a "hybrid approach". These municipalities have designating community improvement project areas for their Brownfield CIPs that are urban area wide, but have then identified "sub-areas" or "priority areas" within their larger community improvement project areas, e.g., areas that contain legacy brownfield sites and/or downtown areas. The brownfield incentive programs in these municipalities have then been tailored to provide more generous incentives and/or accomplish specific planning and economic development goals in these priority areas.

Best Practice Considerations for the ERASE CIP:

The ERASE CIP utilizes the hybrid approach to designation of a brownfields community improvement project area. Based on the broad geographic distribution of approved brownfield incentive program applications in Hamilton since inception of the ERASE Program, this approach appears to be appropriate and will continue to serve the City of Hamilton.

2.5 Environmental Study Grant Programs

All of the municipalities in the comparison except for Brantford offer an environmental study grant program. These are also referred to as environmental site assessment (ESA) grant programs. ESA grant programs in Ontario typically provide a matching grant that covers 50% of the cost of a Phase II Environmental Site Assessments (ESA), Risk Assessment and/or Risk Management Plan, and Remedial Work Plan (RWP). Two (2) of the 9 municipalities in Ontario, Guelph and Windsor, also allow Designated Substance and Hazardous Materials Surveys as an eligible cost under their ESA Programs.

The ESA Grant for 50% of the cost of the environmental study typically ranges from \$12,000 to \$20,000 for a single environmental study. The Region of Waterloo offers the most generous maximum ESA Grant among Ontario municipalities at \$40,000. Many of the Ontario municipalities allow for two environmental studies. In this case, the maximum grant amount for two environmental study grants typically ranges from \$20,000 to \$30,000.

While many of the above-noted ESA grant programs in Ontario municipalities have been in place for ten years or more, the maximum grant levels of these programs have never increased, or have increased only slightly over the years. Yet, the cost of Phase II ESAs, Remedial Work Plan and Risk Assessments has increased significantly since the Ministry of Environment (MOE) introduced more stringent site condition standards and environmental site assessment requirements in O.Reg 511/09, which took effect in 2011. Therefore, Ontario municipalities should be reviewing their maximum environmental study grant amounts to determine if they are adequate in the face of increased costs for the undertaking of environmental studies.

The City of Hamilton is one of only a few municipalities that has increased its maximum environmental study grant amount, from \$10,000 in 2001, to \$15,000 in 2005, to the current \$20,000 in 2010. While Hamilton's maximum single grant amount is higher than most other municipalities, Hamilton's maximum grant amount for two studies (\$25,000) is similar to most of the other municipalities in Ontario, and actually less than Guelph and Waterloo. This could prove limiting where an applicant wishes to conduct multiple environmental studies on a site, e.g., Phase II ESA and a Risk Assessment, and this is quite often the case.

It is important from a municipal perspective to ensure that environmental study grants are provided to owners or purchasers of properties that will actually be cleaned up and redeveloped, and where there will be an increase in assessment value, and therefore property taxes. Therefore, inquiries regarding redevelopment plans should be made by the municipality in the application for an environmental study grant, and the veracity of the information and responses should be evaluated by municipal staff. However, the submission of detailed redevelopment plans as a required condition for environmental study grants is not necessarily recommended.

Best Practice Considerations for the ERASE CIP:

The ESG Program offers a level of funding that is currently competitive with most Ontario municipalities that offer environmental study grants. As noted in Section 4.0, Hamilton's ESG Program has been well utilized and has produced good results to date. However, the following revisions to the ESG Program should be considered:

- 1) Increase the maximum grant level for two environmental studies per property/project from its current level of \$25,000 to \$35,000;***
- 2) Add "designated substance and hazardous materials survey" as an eligible cost ; and,***
- 3) Include enhanced program eligibility criteria to restrict program application only to a property owner or a bona fide arms-length prospective purchaser who has clearly demonstrated their legitimate intention to redevelop a brownfield site.***

2.6 Brownfields Property Tax Assistance Programs

The *Municipal Act, 2001* allows a municipality to pass a by-law providing tax assistance to an eligible property in the form of cancellation of all or a portion of the taxes levied on that property for municipal and education purposes during the "rehabilitation period" and the "development period" of the property, as defined in Section 365.1 of the *Municipal Act, 2001*. The matching education tax assistance is subject to approval by the Province (Minister of Finance) through its Brownfields Financial Tax Incentive Program (BFTIP) on a case by case basis. The municipality must make application to the Province for the matching education tax assistance. This process is complicated and time consuming, often taking more than six

months to obtain approval from the Province. This is one of the main reasons that the Province's BFTIP Program has not been well utilized since its introduction in 2004.

All of the Ontario municipalities in the comparison offer a Brownfields Property Tax Assistance Program. Eligible costs include the cost of any action taken to reduce the concentration of contaminants on, in or under the property to permit an RSC to be filed. The City of Brantford Brownfields Property Tax Assistance Program also specifically includes the cost to remove/abate designated substances and hazardous materials as an eligible cost, while some other municipalities may include this cost under environmental remediation.

The City of Hamilton ERASE Tax Assistance Program (TAP) includes eligible costs that are similar to those in other tax assistance programs in Ontario. However, the Hamilton TAP does not include the cost of abatement/removal of designated substances and hazardous materials and environmental insurance premiums. It is also not clear if the program includes the cost of clean fill, grading and compaction to replace contaminated soils and the costs of filing an RSC and CPU. The inclusion of these items as eligible costs would improve the applicability and attractiveness of the City's ERASE TAP, and potentially expand the ability of the City (on behalf of the applicant) to obtain additional funding for these eligible costs from the Province.

Considerations for the ERASE CIP:

The following revisions to the ERASE TAP should be considered:

- 1) Clarify that the cost of environmental remediation includes the cost of clean fill, grading and compaction to replace contaminated soils, and the costs of filing an RSC and CPU;***
- 2) Add the following as eligible costs:***
 - a) "environmental insurance premiums" ; and,***
 - b) "removal/abatement of designated substances and hazardous materials as identified in a designated substances and hazardous materials survey".***

2.7 Tax Increment Grant (TIG) Programs

Numerous U.S. municipalities have successfully used tax increment financing (TIF) to promote the redevelopment of brownfield properties. Simply defined, TIF utilizes the difference between the total future tax payable and current tax payable, i.e., the tax increment generated by the redevelopment, to pay for the specific costs associated with the redevelopment.

In Ontario, municipalities utilize a variation of TIF known as a tax increment grant (TIG). Instead of the municipality retaining the future tax increase when a brownfield property is remediated and redeveloped, it returns part or all of that increase to the owner/developer in the form of an annual "pay-as-you-go" grant for a specified period of time after the property has been remediated and redeveloped. This annual grant is based on a percentage of the tax increment generated by the project. This grant can include simply the cost of environmental assessment and remediation as eligible costs, and it can include other costs such as demolition, building rehabilitation, infrastructure upgrading, or even new construction.

In terms of the level of the TIG, virtually all of the municipalities use a constant percentage rate rather than a sliding scale. Brantford offers the most competitive TIG at 100% of the tax increment for up to 20 years. Waterloo municipalities are next with a TIG of 100% of the tax increment for 10 years. Ottawa offers an 85%

TIG but only for 5 years. This is a recent change from their previous 50% TIG for 10 years. Guelph, Hamilton, Kingston, Niagara Falls and Windsor offer their TIG at 80% for 10 years.

In terms of eligible brownfield costs permitted under the TIG programs, virtually all of the municipalities include the full suite of environmental remediation related expenses. This includes the costs of: environmental studies (excluding Phase I ESAs) not covered by environmental study grants, remediation, including costs to excavate, haul and dispose of contaminated soils, and/or in-situ or ex-situ treatment of contaminated soils, groundwater treatment, the supply, grading and compaction of clean fill to replace contaminated soils removed from the site, site monitoring and management measures, environmental insurance, and the preparation and filing of an RSC and CPU. A few of the municipalities also include the cost of abatement/removal of designated substances and hazardous materials, either directly, or under the environmental remediation category, demolition category, or under the building rehabilitation/retrofit category if an adaptive reuse project. Therefore, the City of Hamilton should consider the inclusion of the cost of abatement/removal of designated substances and hazardous materials as an eligible cost under its ERASE Redevelopment Grant Program.

All of the Ontario municipalities also include part or all of the non-environmental costs typically associated with the redevelopment of brownfield sites. This includes the cost of building demolition, building rehabilitation, and the cost of upgrading or replacing on-site and off-site public infrastructure. However, the eligible non-environmental costs and the percentage of those costs included in their TIGs vary significantly by municipality. For example, demolition is a 100% TIG eligible expense in all 9 of the Ontario municipalities, except in Ottawa where it is only 50% eligible, and in Hamilton where it is not an eligible expense in Area 1. Five of the 9 Ontario municipalities include building rehabilitation and retrofitting as a TIG eligible expense with building rehabilitation and retrofitting a 100% TIG eligible expense in Brantford, Niagara Falls and Windsor, and a 50% TIG eligible expense in Guelph and Ottawa.

Removal, upgrading and construction of on-site infrastructure works (water service, sanitary and storm sewers) are a TIG eligible expense in 7 of the 9 Ontario municipalities. In Brantford, Cornwall, Niagara Falls and Windsor, 100% of on-site infrastructure works are TIG eligible. In Kingston and Ottawa, 50% of on-site infrastructure works are TIG eligible. In Hamilton, only the costs of removing on-site infrastructure are TIG eligible, but these costs are limited to 25% of on-site infrastructure costs. Upgrading and construction of off-site infrastructure works is a 100% TIG eligible expense in only 3 of the 9 Ontario municipalities.

A number of municipalities in Ontario have reduced their allowance (percentage) for demolition and allowable on-site and off-site infrastructure upgrading eligible costs in recent years, because in some applications, these costs have begun to form a large percentage of approved brownfield TIG. Hamilton's restriction of TIG eligible infrastructure costs only to infrastructure removal and 25% of total on-site infrastructure costs and non-eligibility of demolition costs in Area 1 satisfactorily addresses this issue.

Six (6) of the 10 municipalities in the comparison also include LEED certification and increased material/construction costs required to achieve LEED certification as TIG eligible costs. These municipalities include Guelph, Hamilton, Kingston, Ottawa, Windsor and Edmonton. Hamilton caps eligible LEED costs at 50% of LEED costs and Windsor caps eligible LEED costs at 10% of total construction costs.

With the exception of Brantford and Hamilton, all of the Ontario municipalities in the comparison currently require submission of an RSC when applicants are accessing environmental remediation funding as part of a TIG, regardless of whether or not a mandatory change of use RSC is required as per O. Reg 153/04. Where a change of use RSC is not required by O. Reg 153/04, Brantford allows an applicant to provide an affidavit

stating that that the property is environmentally suitable for the propose use, and Hamilton allows a risk assessment to be peer reviewed by a consultant selected by the municipality. Ostensibly, this practice of providing an affidavit or peer review alternative to the RSC in non-mandatory RSC situations has been adopted by a few municipalities in response to complaints from incentive program applicants of increasing delays and complexities in the Province of Ontario's RSC review and acknowledgement process, especially as it relates to risk assessments.

All the municipalities in the best practices review require the applicant to enter into an agreement with the municipality specifying the terms of the funding assistance, obligations of the municipality and the owner, and defaults and remedies. Review of the standard TIG agreements utilized by several of the municipalities in the comparison show these agreements to be similar and still patterned largely after the City of Hamilton's seminal ERASE Redevelopment Grant Agreement. Generally speaking, standard TIG agreements should only be modified to suit the particulars of each application, e.g., a multi-phase brownfield redevelopment project versus a smaller single phase project.

Best Practice Considerations for the ERASE CIP:

The ERG Program offers a level of funding that is currently competitive with most Ontario municipalities that offer tax increment grants to promote brownfield redevelopment. As noted in Section 4.0, Hamilton's ERG Program has been well utilized and has produced good results to date. However, the following revisions to the ERG Program should be considered:

- 1) Add the "removal/abatement of designated substances and hazardous materials as identified in a designated substances and hazardous materials survey" as an eligible cost, but only under certain circumstances (See Section 4.5).***

2.8 Development Charge Reduction Programs

Five (5) of the 9 municipalities in the comparison (Brantford, Hamilton, Niagara Falls, Kitchener, and Windsor) offer a development charge (DC) reduction for contaminated sites that are remediated and redeveloped, while Ottawa offers a DC deferral. The municipalities offering a DC Reduction allow the eligible costs of environmental studies, remediation and LEED certification approved under their TIG program to be applied against City development charges. If the applicant elects this option, all eligible costs approved under the TIG applied against DCs payable are deducted from the TIG to be paid (known as a TIG offset). The City of Ottawa offers a two year deferral of the DC payable based on eligible costs up to a 50% deferral in priority brownfield areas and a 25% deferral in non-priority brownfield areas. This change in Ottawa from a DC reduction to a DC deferral took place in late 2015 in response to escalating development charge reductions associated with approved brownfield TIGs. Development charge reductions on larger brownfield redevelopment projects can often be into the millions of dollars.

It should be noted that both the Regions of Niagara and Waterloo offer their own Brownfield DC Reduction Programs. In Niagara, if the brownfield project is located within a Central Area Community Improvement Project Area, e.g., Downtown Niagara Falls, there is an automatic 75% Regional DC Reduction, and if the project is located outside a Central Area Community Improvement Project Area, there is an automatic 50% Regional DC Reduction¹. An additional 25% or 50% Regional DC Reduction can be obtained (depending on location) if the applicant can demonstrate the inclusion of a number of Niagara Smart Growth Design

¹ Under the Region of Niagara's new proposed Development Charges By-law, the Regional DC Reduction is equal to 100% of actual remediation costs regardless of project location and an additional 50% Regional DC reduction can be obtained if the applicant can demonstrate the inclusion of a number of Niagara Smart Growth Design principles into the proposed development.

principles into the proposed development. In Waterloo, the Region's DC Reduction (Exemption) Program allows the direct remediation costs (plus a pre-determined 20% indirect remediation costs) to be applied against Regional DCs payable, up to 100% of the Regional DCs payable.

Representatives from several of the municipalities using the DC reduction tool such as the Region of Waterloo and Hamilton, along with a number of major developers of brownfield sites have consistently indicated that this particular incentive is the single most attractive and effective incentive program to promote brownfield redevelopment. As opposed to TIGs, which are paid out over a number of years after project completion, a DC reduction offers an up-front cost savings to the developer because development charges are paid at the building permit stage, or at the latest, upon project completion. Development charge deferral programs, while they can save significant financing costs on large brownfield redevelopment projects, are not nearly as effective as DC reduction programs.

2.9 Remediation Loan Programs

The only municipality in the comparison that offers a loan for remediation is the City of Hamilton. This program was introduced by the City of Hamilton as a pilot program in 2010. This program offers a low interest loan (1% below prime) for the remediation of brownfield properties being developed/redeveloped for residential or residential/commercial use within Downtown Hamilton and the West Harbourfront. The low interest loan is equal to 80% of the cost of remediating a property to a maximum of \$400,000 per property/project. The original maximum amount was \$100,000, but this was increased to \$400,000 because it was found that \$100,000 was too low to complete most remediation projects in this area.

This program is designed to help finance the remediation by acting as bridge financing until property owners receive their ERG payments, at which time, the applicant has the option of repaying the loan through the assignment of their annual ERG payments. This is an innovative approach to repayment of the loan.

2.10 Planning and Building Permit Fee Grant Programs

Only 3 of the 9 Ontario municipalities in the comparison offer planning and building permit fee grants or rebates to promote brownfield redevelopment. Planning and building permit fee grants by themselves do not appear to be significant inducements for brownfield redevelopment. That is likely why most municipalities do not offer them. Therefore, planning and building permit fee grants/rebates are not considered a necessary incentive to promote brownfield redevelopment.

2.11 Payment in Lieu of Parkland Dedication Grant Programs

Only one municipality in the comparison offers a Payment in Lieu of Parkland Dedication Grant. The City of Cornwall offers a grant at the subdivision stage that is equal to the parkland dedication fees paid by the applicant on a brownfield redevelopment project. However, this grant is offered only on brownfield sites where land dedication is not feasible, and the grant is entirely at the discretion of Council. Preference is given to key brownfield sites identified by the City of Cornwall.

While the City of Hamilton does not offer a grant for payment in lieu of parkland, the City of Hamilton's Parkland Dedication By-law (By-Law No. 09-214) does contain a provision that provides a favourable calculation of the payment in lieu of parkland dedication for higher density brownfield redevelopment projects in the older industrial area and West Harbourfront Area of the City.

3.0 HISTORY OF THE ERASE CIP

3.1 Original ERASE CIP (2001)

The original ERASE CIP (2001) was the first plan of its kind in Canada to offer municipal incentives for the remediation and redevelopment of brownfield sites. The original ERASE CIP was adopted in 2001 and applied only to the City's Older Industrial Area (the Project Area) which corresponds to the area shown as Area 2 - Older Industrial Area in the current CIP (2010) (see **Figure 3**). The original ERASE CIP (2001) included the following programs:

1. ERASE Study Grant (ESG) Program – a grant equal to 50% of the cost of eligible environmental studies (Phase II ESA, Remedial Work Plan), with a maximum grant of \$10,000 per study and a maximum of two (2) studies (\$20,000) per property.
2. ERASE Redevelopment Grant (ERG) Program – a “pay-as-you-go” tax increment grant (TIG) program that provides an annual grant equal to 80% of the municipal property tax increase generated by an approved project for up to 10 years or up to the point when total annual grant payments equal the total value of work done under eligible program costs.

Eligible program costs for the ERG Program included the following costs:

- i) Environmental studies not paid for by the ESG;
 - ii) Environmental remediation;
 - iii) Demolition; and
 - iv) Site preparation including the construction and improvement of on-site public works such as water services, private sanitary and storm drains, and private sewers.
3. ERASE Development Charge Exemption Program (implemented through the Development Charges By-law and not the ERASE CIP) – allowed applicants with an approved ERG Program application to apply their environmental study and remediation costs against City Development Charges payable.
 4. ERASE Planning and Development Fees Program – grant equal to the cost of planning application fees, the demolition permit fee, and the building inspection fee (but not the building permit fee).
 5. ERASE Redevelopment Opportunities Marketing and Data Base Program (ROMDB) – a multi-faceted City program that includes marketing of the incentive programs and key redevelopment sites by various means and a data base with respect to vacant and underutilized properties in the Project Area.
 6. ERASE Municipal Acquisition, Investment and Partnership Program (MAPP) – a general program of City acquisition, investment and involvement in public/private partnerships to remediate and redevelop brownfield properties. The program was intended to be funded from the 20% of the annual municipal tax increment retained on participating ERG projects and any other monies allocated by Regional Council.

Figure 3 ERASE Community Improvement Project Area



3.2 ERASE CIP (2005)

In 2005, the ERASE CIP was amended. The Community Improvement Project Area to which the CIP applied was expanded from the Older Industrial Area (Area 2) to the entire Urban Area. The Community Improvement Project Area was further refined by carving out the West Harbour Area (Area 3) and the Downtown (Area 4) from the Rest of the Urban Area (Area 1).

The ESG Program was expanded to include risk assessments and the 50% grant was increased from a maximum of \$10,000 to a maximum of \$15,000 with a maximum of two studies and \$20,000 grant per property/project.

The ERG Program was expanded to include the cost of risk assessments and RSCs as eligible costs. However, the costs of demolition were restricted to Areas 2 (Older Industrial Area) and 3 (West Harbour Area) only. The cost of on-site infrastructure works was restricted only to costs of removal of on-site infrastructure prior to replacement, up to a maximum of 25% of the total cost of on-site public works, and only in Areas 2 and 3. Finally, the costs of relocation/removal for existing and operating industrial manufacturing and transportation uses, where such costs relate to or contribute directly to the actual remediation and rehabilitation of the site were made eligible, but only in Area 3.

The ERASE Tax Assistance Program (TAP) was also introduced in 2005 after enabling legislation was passed at the Provincial level. This program offers a cancellation of 80% of the municipal and education portion² of the property tax increase that results from redevelopment.

The ERASE MAPP remained the same, although the CIP did note that the 20% of the tax increment or tax assistance retained by the City for properties participating in the ERG or TAP will be placed in a Brownfields Pilot Project (BPP) Account for use by the City to undertake environmental studies and remediation on properties owned or controlled by the City, for brownfield site acquisition, and to fund brownfield pilot projects (public-private partnerships). Furthermore, the CIP specified that the BPP was to function as a revolving fund with any profits from redevelopment deposited back into the fund, and that the funds in the BPP Account were not intended for transfer to general revenues.

The ERASE Development Charge Exemption Program was renamed the ERASE Development Charge Reduction Program and expanded to the entire urban area along with the ERG program.

3.3 ERASE CIP (2010)

In 2010, the ERASE CIP was again amended and the 2010 ERASE CIP is the version currently in place.

The maximum 50% grant available under the ESG Program was increased from \$15,000 to \$20,000 for one study per property/project, and from \$20,000 to \$25,000 for two studies per property/project.

The ERG Program was expanded to include the installation, monitoring and maintenance of engineering controls/works as eligible costs and specific Leadership in Energy and Environmental Design (LEED) program components up to a maximum of 50% as per the City of Hamilton's LEED Grant Program (LGP) to achieve LEED certification. Similarly, the ERASE TAP was expanded to include the installation, monitoring and maintenance of engineering controls/works as eligible costs.

² Subject to approval from the Minister of Finance.

Finally, a Remediation Loan Program (LOAN) was added as a Pilot Program for the West Harbour and Downtown Areas (Areas 3 and 4). This program originally provided a loan equal to 75% of the cost of remediating a property within Areas 3 and 4 to a maximum of \$100,000 per property/project with grant payments under the ERG Program being used to repay the loan over up to 10 years. The Program was subsequently amended to increase the loan amount to 80% of the cost of remediating a property to a maximum of \$400,000 per property/project. The annual interest rate on the loan is 1% below the prime rate as established by the Royal Bank of Canada. The loan functions as bridge financing until the property owner receives their ERG money which they can then use to repay the loan.

In summary, the ERASE programs currently available as per the 2010 ERASE CIP are:

1. **ERASE Study Grant (ESG) Program** – a grant equal to 50% of the cost of eligible environmental studies (Phase II ESA, Remedial Work Plan), with a maximum grant of \$20,000 per study, a maximum of two (2) studies per property/project, and maximum grant of \$25,000 per property/project.
2. **ERASE Redevelopment Grant (ERG) Program** – a “pay-as-you-go” tax increment grant (TIG) program that provides an annual grant equal to 80% of the municipal property tax increase generated by an approved project for up to 10 years or up to the point when total annual grant payments equal the total value of work done under eligible program costs.
3. **ERASE Development Charge Exemption Program** (implemented through the Development Charges By-law and not the ERASE CIP) – allows applicants with an approved ERG application to apply their environmental study and remediation costs against City Development Charges payable.
4. **ERASE Tax Assistance Program (TAP)** – a cancellation of 80% of the municipal and education property tax increase³ that results from remediation and redevelopment of a brownfield property for a period of up to 3 years, or up to the point when the total property tax cancellation equals the total value of work done under eligible program costs.
5. **Downtown Hamilton – West Harbourfront Remediation Loan (LOAN) Program** – a low-interest rate loan equal to 80% of the cost of remediating a property to a maximum loan of \$400,000 per property/project, with the loan amortized over a maximum 10 year period and the loan repaid by grant payments under the ERG Program .
6. **ERASE Municipal Acquisition, Investment and Partnership Program (MAPP)** – a general program of City acquisition, investment and involvement in public/private partnerships to remediate and redevelop brownfield properties.
7. **ERASE Marketing and Opportunities Program (MOP)** – a general program to aggressively and regularly communicate and explain the ERASE Programs to brownfield market makers and advertise and market publicly and privately owned brownfield redevelopment opportunities.

³ Subject to approval from the Minister of Finance.

4.0 REVIEW OF HAMILTON'S ERASE PROGRAMS

4.1 Methodology

4.1.1 Staff Interviews

A comprehensive review of Hamilton's ERASE Programs was conducted to identify program and administrative issues that need to be addressed and recommendations for revisions to the ERASE programs designed to address these issues.

First, interviews and discussions were conducted with City staff currently and previously responsible for administering the ERASE incentive programs. Based on their experience with the current programs and interactions with applicants, staff were asked to identify program gaps, constraints, incidences of eligible cost exceedance, misalignment between program goals and results, future program goals, and any other significant program content issues. Staff were also asked about program administration issues such as compliance with information and study submission requirements, application approval processes and adherence to timelines, economic impact data tracking, and program monitoring.

4.1.2 Quantitative Analysis

City of Hamilton staff responsible for administering the ERASE Programs provided historical data on the types of ERASE applications from the time the first ERASE CIP was approved in late 2001 to the end of 2016. The consultant worked extensively with City staff to review available data, identify data errors and discrepancies, and finalize data spreadsheets.

The available data was then quantitatively analysed to determine patterns and trends in the historical uptake and impact of the ESG and ERG programs. This included an analysis of the status of ESG and ERG applications and approved grant amounts. The estimated and actual economic impacts of proposed projects approved under the ERG Program were also examined, including construction value, new residential units built, new industrial/commercial square footage built, and estimated jobs created. The increase in assessment value, property taxes, development charges and building permit fees generated by completed ERG projects was also analyzed.

4.1.3 Consultation

Based on the above-noted quantitative and qualitative analysis, draft recommendations for revisions to the ERASE programs and administrative processes were developed, presented and discussed with some 30 key brownfield stakeholders at a stakeholder workshop held on May 29, 2017, and at a public meeting held on August 28, 2017. Finally, input received during the stakeholder and public consultation sessions was used by the consultant in consultation with City staff to finalize the ERASE Program recommendations contained in this report.

A summary of the above-noted analysis of the ERASE Programs, administrative processes, and the resulting recommendations is presented in the balance of this section. The full analysis of ERASE Programs best is contained in **Appendix B**. This analysis represents one of the most comprehensive, if not the most comprehensive analysis of the uptake and results of a municipal brownfield incentive program ever completed in the over 50 Ontario municipalities that currently offer brownfield redevelopment incentive programs.

4.2 Staff Identified Program and Administration Issues

Staff indicated that the ERASE programs have been very successful in promoting brownfield redevelopment and achieving the goals of the CIP. The analysis of program uptake and economic impact data contained in this section clearly bears out this claim. Staff indicated that the expansion of the ERASE Project Area in 2005 and the refinements that have been made to the ERASE programs over the years have directly led to the success of the ERASE CIP across the municipality.

A number of program and administrative issues identified by staff are listed below by program type. The recommendations developed to address these issues are included in the balance of Section 4.0 and summarized in Section 5.0 of the report.

4.2.1 ESG Program

- Enquiries have been made by developers to City staff regarding the inclusion of designated substances and hazardous materials surveys as an eligible cost under the ESG Program, particularly for current or former institutional sites and for properties designated under Parts IV or V of the *Ontario Heritage Act*;
- Some applicants are not submitting a minimum of two cost estimates from qualified persons;
- A number of ESG applications are lagging in the system and not proceeding to report submission and payment of the ESG in a timely fashion;
- More stringent environmental study and remediation standards introduced in 2011 by the MOE have resulted in a number of Phase II ESA studies done before 2011 or those lagging in the application process becoming stale dated and therefore unusable for purposes of filing an RSC; and,
- Qualitative and quantitative evidence suggest the ESG Program is being used by some applicants who simply want to fund a Phase II ESA needed for purposes of a property sale, purchase or refinancing, without any real intention of redeveloping the brownfield site.

4.2.2 ERG Program

- Enquiries have been made by developers to City staff regarding the inclusion of the costs of abatement/ removal of designated substances and hazardous materials as an eligible cost under the ERG Program, particularly for current or former institutional sites and for properties designated under Parts IV or V of the *Ontario Heritage Act*;
- Some applicants are not submitting a minimum of two cost estimates from qualified persons;
- Some applicants are not providing detailed invoices to support their eligible cost submissions and some applicants are submitting invoices for costs that are clearly not eligible.
- While there have only been a few instances of cost overruns of estimated eligible costs, these have happened in the last few years, and these cost overruns have been large, necessitating that staff return to Council for authorization to significantly increase already approved grant amounts;
- City staff have implemented a process to allow approved applicants who do not wish to file an RSC for ERG applications in non-RSC mandatory situations use of a peer review option, but disagreements between the applicant's Qualified Person (QP) and the City's QP with regards to risk assessment findings has led to a lengthier ERG approval process than anticipated; and,
- Uptake of the ERG Program in the City's Bayfront Industrial Area has waned in recent years and the City needs to find a way to improve uptake of the ERG program for industrial redevelopment and expansions in the Bayfront Industrial Area.

4.2.3 Loan Program

- With only two loans approved to date, program uptake has been moderate. There was discussion of making the program more attractive by lowering the interest rate to 0%, while changing the term of the loan from 10 years to 5 years, which would match the loan term for the Hamilton TIG Program.

4.3 Data and Monitoring Issues

City of Hamilton staff responsible for administering the ERASE Programs provided historical data on the following types of ERASE applications from the time the first ERASE CIP was approved in late 2001 to the end of 2016:

- ERASE Study Grant (ESG) Program (149 applications);
- ERASE Redevelopment Grant (ERG) Program (51 applications);
- Downtown/West Harbourfront Remediation Loan (LOAN) Program (2 applications); and,
- ERASE Municipal Acquisition and Partnership Program (MAPP) (4 applications).

The list of data variables provided by City staff for the ESG and ERG Program applications is shown in Appendix B (Attachment 2).

The consultant worked extensively with City staff to review the available data, identify data errors and discrepancies, and finalize data spreadsheets. The process of assembling and analyzing the data revealed a number of issues associated with ERASE Program data collection and monitoring, including missing data, which should be addressed via implementation of the following recommendations.

RECOMMENDATIONS:

Based on the above-noted analysis, it is recommended that City staff:

- 1) Check the completeness of data collected for all ESG and ERG applications prior to application processing, ensuring that:
 - a) all requested data and required estimates for all monitoring variables, including estimates of residential units and industrial/commercial space to be constructed, jobs to be created/retained, and estimated construction value, post-project assessment value and property taxes, have been provided by applicants; and,
 - b) the construction value estimates provide by applicants are realistic, e.g., by comparison with recent known construction values per unit/per sq.ft. for similar types of construction.
- 2) Clarify that a minimum of two (2) cost estimates are required from a qualified person for the ERASE Study Grant Program and the ERASE Redevelopment Grant Program to ensure cost-efficient environmental study and remediation approaches.
- 3) Conduct follow up tracking on every ERG application after projects are completed to determine and record accurate actual amounts for:
 - a) the grant amount paid out and how the grant was applied (against development charges, as an annual TIG, or both); and,
 - b) all monitoring variables, including number of residential units constructed, industrial/commercial space (square footage) constructed, number of jobs created/retained, construction value, and post-project assessment value.

- 4) Track and record assessment value and property taxes on all properties participating in the ERG Program year over year from the approval date to at least 10 years out in order to fully capture long-term increases in assessment and property taxes generated by all projects, and especially multi-phase projects that take several years to complete and be captured via property reassessment.
- 5) Formalize the data spreadsheets prepared for this project as a tracking tool for ESG, ERG, LOAN and MAPP applications, and that these spreadsheets be updated as new applications are received, and as current applications are approved and completed.

4.4 ERASE Study Grant (ESG) Program

4.4.1 Program Uptake

Between program inception in late 2001 and the end of 2016, the City of Hamilton received 149 Environmental Study Grant (ESG) program applications. The location of these applications is shown in **Figure 4**. The status of these applications is shown in **Table 1** below.

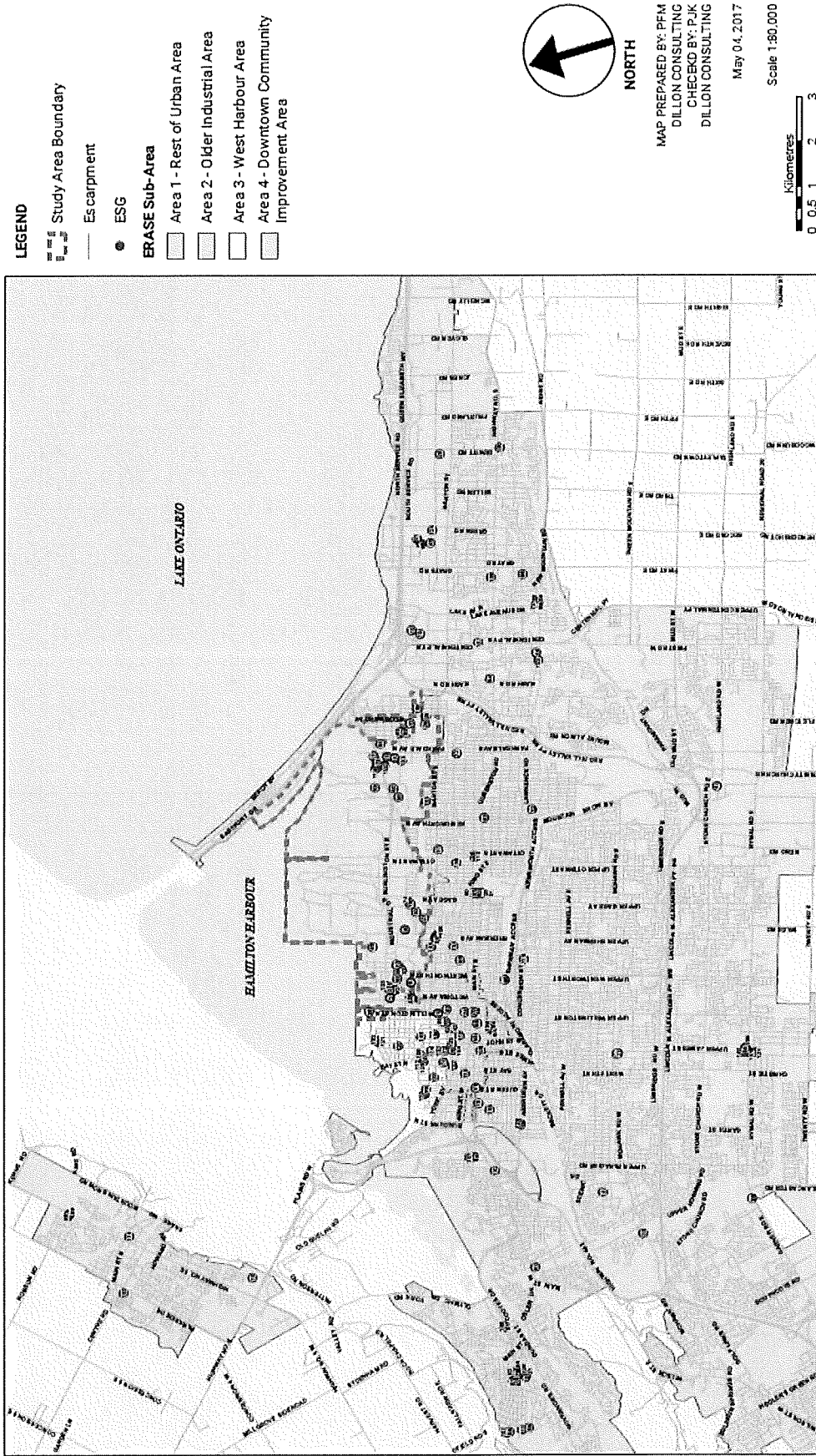
Table 1 Status of ESG Applications 2001-2016

149 Received =	432.5 acres	
3 Not approved =	3.6 acres	
1 Cancelled =	0.3 acres	
145 Sub-Total =	428.6 acres	
143 approved =	425.0 acres	
2 in due diligence =	3.6 acres	
24 (16.5%) were (2nd studies) =	45.7 acres	(double counted)
121 properties =	382.9 acres	to be environmentally studied

The level of uptake of the ESG program has been very high. The relative number of ESG applications not approved or cancelled is very small (less than 3%) and that indicates a good understanding of the program on the part of applicants. The 145 applications approved to the end of 2016 represents a grant commitment from the City of \$1,411,748.67, and an average approved grant amount of \$9,736.20 per application. The cost to the City of the ESG Program per acre studied for all 145 applications approved is \$3,677.39. This represents excellent value for the ESG program in terms of the cost per acre of land studied and the cost per application. The ESG Program has achieved its goal which is to promote the undertaking of environmental studies so that more and better information is available with respect to the type of contamination and potential remediation costs on brownfield properties.

One concerning statistic is that approximately \$500,113 in approved ESG applications has yet to be paid out. Looking further into this issue, 30 (26.5%) of the 113 ESG applications approved from 2001 to 2014 have not proceeded to payment. Virtually all of 30 of these environmental studies should have been submitted by the end of 2016, but for one reason or another, these applicants have not fulfilled the ESG program requirements. This relatively large number of ESG applications lagging in the system and not proceeding to report submission represents a substantial drain on the budget for the ESG program. Therefore, it is imperative that City staff determine why these ESG applications are not being completed, and take steps to remedy this situation and prevent it from occurring in the future. This should include the imposition of realistic deadlines for the completion of approved ESG applications.

Figure 4
BAYFRONT INDUSTRIAL AREA RENEWAL STRATEGY
ERASE ESG APPLICATIONS



The number of ESG applications proceeding to an ERG application is an important indicator of program continuity and success. Therefore, the fact that the City has committed to fund ESG applications on a total of 121 properties to the end of 2016, and ERG applications were filed for only 47 properties during this time period is of concern. It is expected that some percentage of environmental studies funded under the ESG program would conclude a particular brownfield site does not require remediation, and that some percentage of environmental studies would conclude a particular brownfield site cannot be cost-effectively remediated or risk-assessed based on the proposed land use. However, it is also a reasonable expectation that a good number of completed ESG applications would proceed to an ERG application, and ultimately a completed brownfield redevelopment project.

In order to shed some light on this question, the addresses for the 47 sites with ERG applications were compared to the addresses of the 121 properties with ESG applications and it was determined that 29 (62%) of the 47 ERG applications also previously filed ESG applications. This is a positive result and indicates that environmental studies conducted under the ESG program are effective in leading to ERG applications and brownfield redevelopment projects, where that is in fact the intention of the applicant. However, it would appear that the high number of ESG applications versus ERG applications is likely a result of the ESG Program being used by some applicants who simply want the program to fund a Phase II ESA needed for purposes of a property sale, purchase or refinancing. This practice should be strongly discouraged by the City as it does not correspond with the intent of the ESG Program and is an ineffective use of ESG program funding.

City staff indicated that the more stringent environmental study and remediation standards introduced in 2011 by the MOE have resulted in a number of Phase II ESA studies done before 2011 or those lagging in the application process becoming unusable (stale dated) for purposes of filing an RSC. Therefore, it is advisable that approved ESG applicants who completed their environmental studies prior to July 1, 2011 be permitted to re-apply for ESG funding.

Finally, there have been enquiries to City staff by potential applicants regarding the inclusion of the cost of designated substances and hazardous materials surveys in the ESG Program eligible costs, particularly for former institutional sites. As noted in the Best Practices Review, a few other Ontario municipalities include these types of studies as eligible costs in their ESG programs.

RECOMMENDATIONS:

Based on the above-noted analysis, it is recommended that:

- 1) City staff contact all applicants with approved but not paid ESG applications outstanding more than two years from date of approval and advise that all approved studies (except for Risk Assessments) must be submitted within 6 months, or approved ESG funding will be cancelled.**
- 2) City staff contact all applicants with approved but not paid ESG applications outstanding less than two years from date of approval and all applicants in due diligence, and advise that all approved studies (except for Risk Assessments) must be submitted within two years of date of ESG approval, or approved ESG funding will be cancelled.**
- 3) For all new ESG applications on a go forward basis, the City include in the Program Guide and Application Form a statement advising that all ESG funded studies except for Risk Assessments must be completed and submitted to the City within two years of application approval, or approved ESG funding will be cancelled.**

- 4) The City develop and include in the ERASE CIP and the ESG Program Guide and Application Form, enhanced submission requirements to restrict the ESG Program only to applicants who have clearly demonstrated their legitimate intention to redevelop a brownfield site. These requirements should include mandatory submission of a letter of intent to develop the property and a preliminary development plan (if planning applications have not yet been submitted).
- 5) Approved ESG applicants who completed their environmental studies prior to July 1, 2011 be permitted to re-apply for ESG Program funding based on the same rules as applicants applying for the program after July 1, 2011.
- 6) The cost of “designated substances and hazardous materials surveys” be added to the eligible costs of the ESG Program across the ERASE Community Improvement Project Area, but only where such studies are being done on current or former institutional sites or properties designated under Parts IV or V of the *Ontario Heritage Act*.

4.4.2 Historical Trends

As shown in **Figure 5** below, once the ERASE CIP was expanded to the urban area in 2005, the number of ESG applications received by the City increased significantly to around 10 applications per year. This was the intent of the expanded project area.

Since 2010, the City has averaged about 15 ESG applications per year with a high of 21 applications received in 2016. Therefore, it appears that demand for the ESG Program is still very strong. It is reasonable to expect the City will receive an average of 15 to 20 ESG Program applications per year over the next several years.

RECOMMENDATION:

Based on the above-noted analysis, it is recommended that:

If the City plans to continue the ESG program and increase the maximum funding amount for second studies, the annual budget for the ESG Program on a go forward basis should be in the order of approximately \$250,000 per year.

4.4.3 Location

As shown in Figure 4, ESG applications have been spread over the entire urban area. **Figure 6** below displays the geographic breakdown of the 149 ESG applications received between 2001 and 2016.

Figure 5 ESG Applications by Year, 2001 - 2016

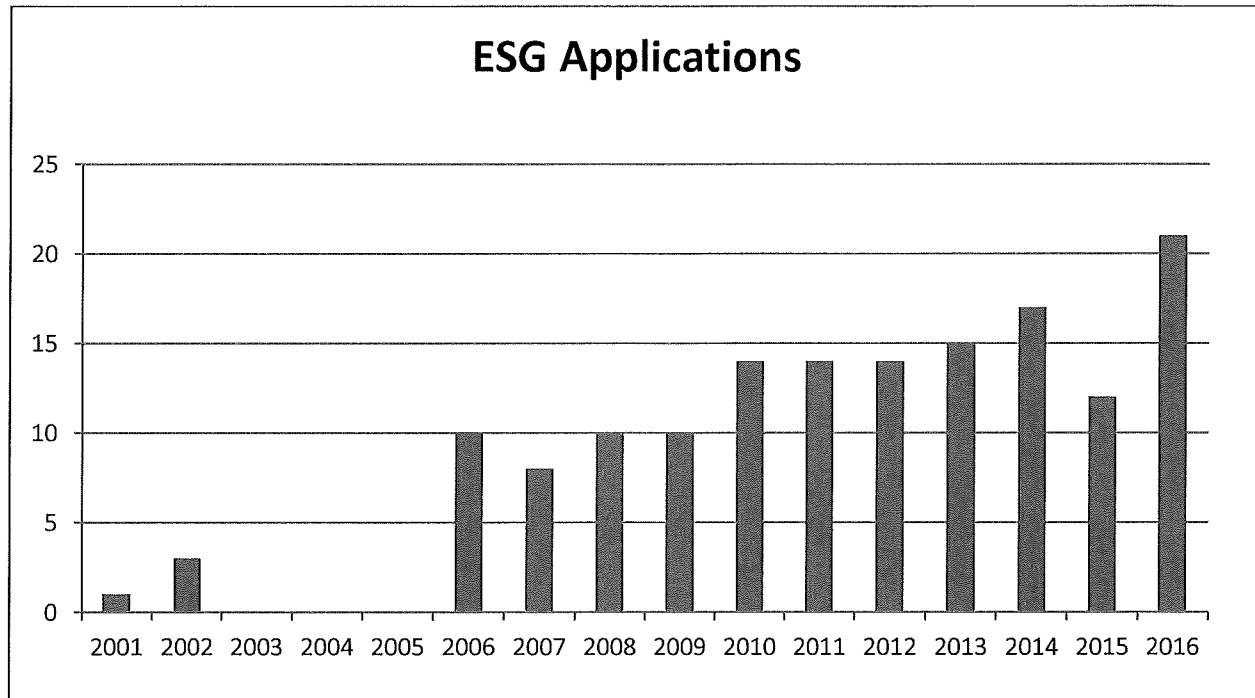
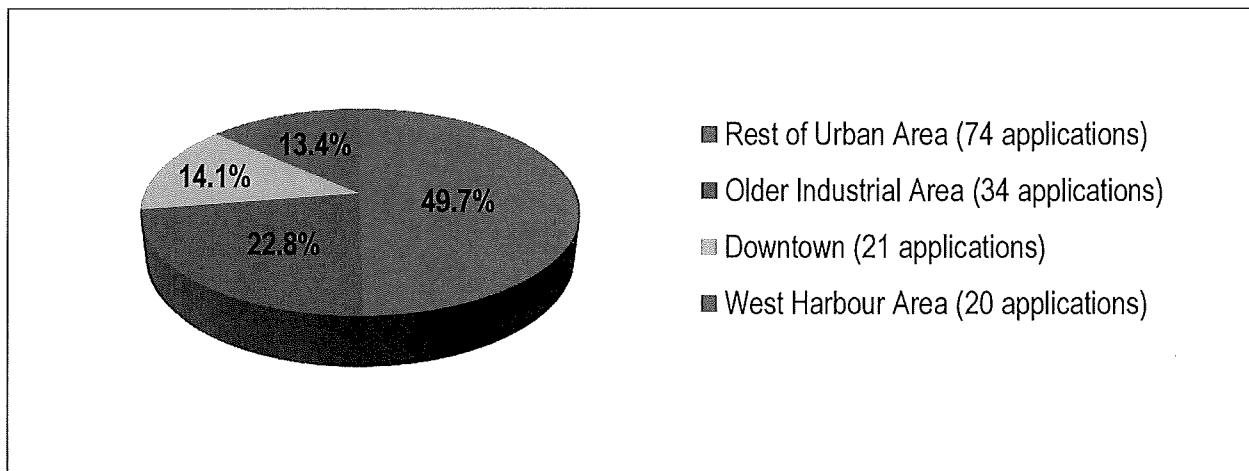
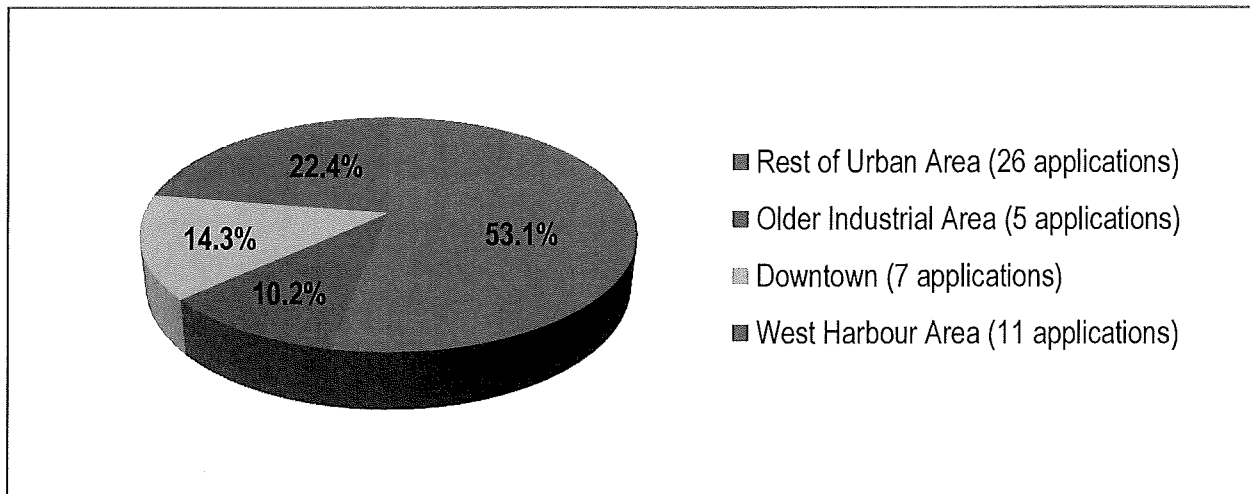


Figure 6 ESG Applications by Location, 2001 - 2016



As shown in **Figure 7** below, if we examine the geographic distribution of the 49 ESG applications submitted in the last three years, i.e., 2014 to 2016, a different pattern emerges. The shift away from using ESG applications for environmental studies in the Older Industrial Area is very noticeable with only 10% of ESG applications over the last three years in the Older Industrial Area compared to 23% over the period 2001 to 2016. In recent years, ESG applications are increasingly being used to conduct environmental studies in the West Harbour Area and the Rest of the Urban Area, while the percentage of ESG applications in the Downtown Area has remained relatively stable. This geographic trend is concerning for the Older Industrial Area which includes the Bayfront Industrial Area and suggests that the City should take steps to encourage the uptake of the ESG Program in the Older Industrial Area.

Figure 7 ESG Applications by Location, 2014 - 2016



RECOMMENDATIONS:

Based on the above-noted analysis, it is recommended that the City enhance the ESG Program in the Older Industrial Area (Area 2) by:

- 1) Adding expanded study types, including designated substances and hazardous materials surveys, and industrial and office reuse feasibility studies, to the list of eligible program costs; and,
- 2) Developing ways to increase awareness of and interest in the ESG Program, including enhanced ERASE Program marketing and assistance to existing business in the Older Industrial Area and business seeking locations in the Older Industrial Area.

4.5 ERASE Redevelopment Grant (ERG) Program

4.5.1 Program Uptake

Between program inception in late 2001 and the end of 2016, the City of Hamilton received 51 ERG applications. The location of these 51 applications is shown in **Figure 8**. Eliminating duplicate applications on the same property and abandoned or lapsed applications from the total results in 44 ERG applications on a total of 213 acres. This is an impressive number of applications and amount of brownfield land that will be remediated, redeveloped or adaptively reused.

The status of these 44 ERG applications is shown in **Table 2**. Of the 44 applications, 38 applications (210 acres) have been approved and 6 applications (3 acres) are still in due diligence. Assuming the 6 applications in due diligence are approved, the total City grant commitment for the ERG Program to the end of 2016 is \$32,100,516.

FIGURE 8
BAYFRONT INDUSTRIAL AREA RENEWAL STRATEGY
ERASE REDEVELOPMENT GRANT APPLICATIONS

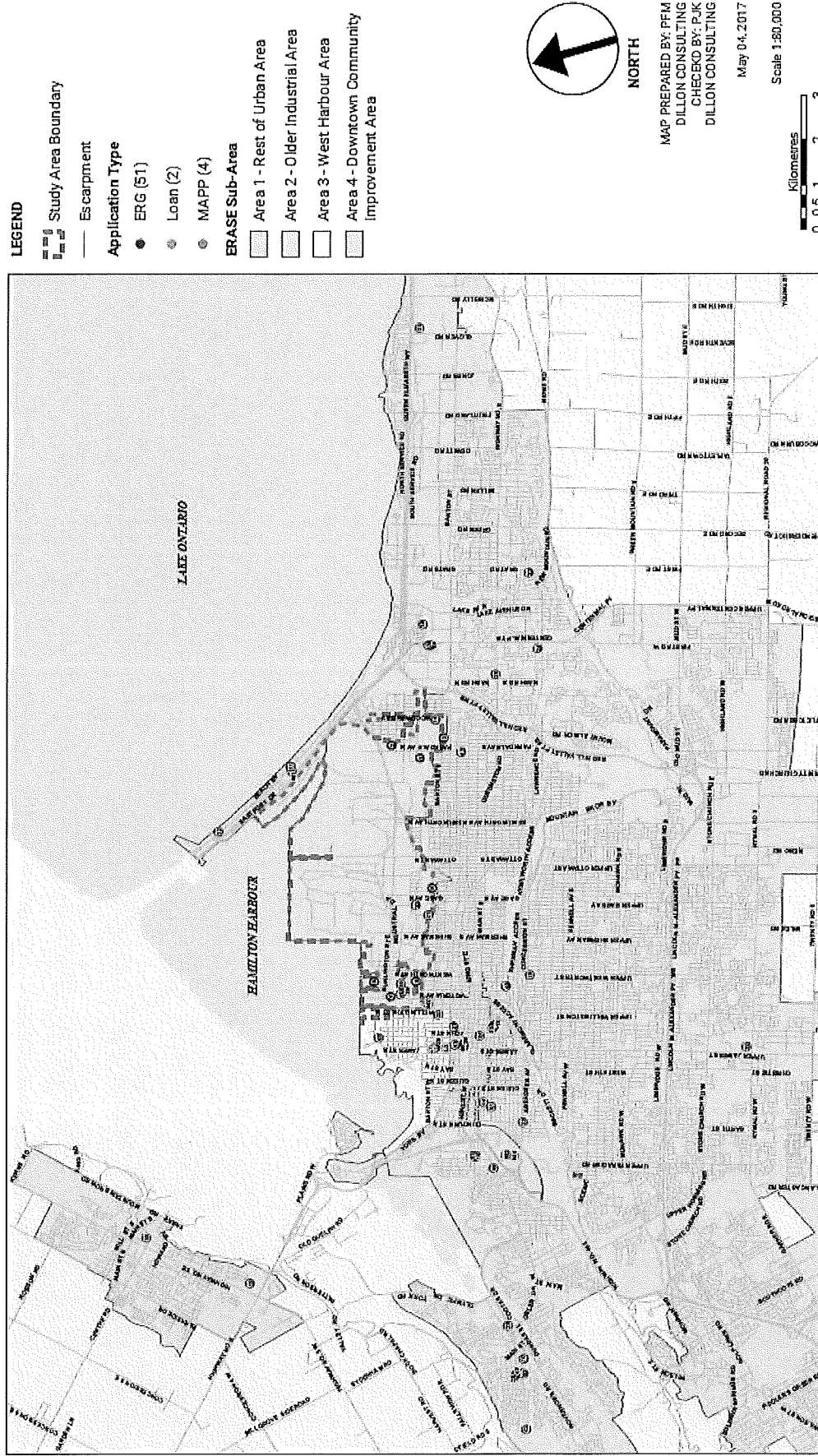


Table 2 Status of ERG Applications 2001-2016

51 Applications Received =	231.0 acres
4 duplicates =	0.0 acres
47 Sites =	231.0 acres
3 abandoned/lapsed =	18.0 acres
44 sites =	213.0 acres to be remediated and redeveloped
38 sites approved to date =	210.0 acres
25 sites remediated to date =	123.0 acres (59% of approved land area)
Construction completed or underway on 24 of 25 remediated sites = 122.0 acres	

Virtually all, i.e., 24 of the 25 sites (96%) where remediation has been completed and an RSC has been filed have been redeveloped or are currently being redeveloped. This is a very positive result and clearly indicates that once a brownfield site is remediated under the ERG Program, it is usually redeveloped immediately. The ERG Program has produced a significant number of applications encompassing a large amount of brownfield land and redevelopment activity has already taken place on most (24 of 38) of the approved application sites. Therefore, the program has met its primary goal which is to encourage environmental remediation, rehabilitation, redevelopment and adaptive re-use of brownfield sites. Moreover, as will be demonstrated later in this section, the economic impact of projects completed under the ERG Program has been substantial.

Of some concern with the ERG Program is that there were at least two approved applications where remediation and redevelopment was completed and payment of the grant was not requested. The owners of these sites should be contacted by City staff to determine why they did not request grant payment, and if these owners qualified for the grant payment, whether or not they still wish to receive the grant payment.

There are concerns with the progress on a number of the 13 ERG applications that have been approved but not yet remediated, especially since these 13 applications represent 87 acres or 41% of the ERG approved land area. A number of these 13 sites have not yet been able to achieve remediation while the few that have been remediated and/or risk assessed have experienced lengthy delays in obtaining an RSC.

In other cases, applicants have indicated that they will not likely be able to cost-effectively obtain an RSC in a timely manner so they are no longer interested in pursuing their approved ERG. This has become an issue on a few applications where the proposed redevelopment is not a change to a more sensitive use and the applicant wishes to use a risk assessment approach. To accommodate these situations, City staff implemented a peer review option to the RSC requirement. While this option has allowed applicants to avoid the MOE's often lengthy RSC process, use of this option has resulted in disagreements between the applicant's consultant and the City's consultant, which has led to a lengthier ERG approval process. Therefore, it is imperative that City staff implement a standardized process to resolve disagreements under its peer review process, and establish a maximum timeframe for the optional peer review process, e.g., 9 months.

It is also important that City staff follow up on all 13 of the approved ERG applications where an RSC has not been completed (acknowledged) to determine the status of the site remediation and the owner's current site redevelopment plans. In cases where the applicant is no longer interested in the ERG, these applications should be formally closed and the ERG cancelled. Where the property has been sold, new owners should be consulted to determine if they wish to pursue the ERG approved project or similar project.

For the 20 ERG projects completed to date, most of the projects spent less or approximately the same on eligible environmental remediation costs as the estimate provided in their application. However, 4 (20%) of the 20 completed projects exceeded their cost estimates. Of these four projects, two only modestly exceeded their eligible cost estimates (7% and 27%), but the other two exceeded their eligible cost estimates by over 100% (104% and 110%). Additionally, City staff indicated that a few ERG projects currently in the remediation phase have also experienced significant cost overruns. While significant cost overruns on brownfield remediation projects can occur, large cost overruns potentially indicate that there has been some deficiency in the environmental studies used to estimate remediation costs, and/or an underestimation of other eligible costs. Therefore, it is important that staff review ERG projects where there have been cost overruns to determine the causes of these cost overruns and address these causes through modifications to the ESG and/or ERG programs. It is also important for staff to discourage eligible cost overruns in the future.

RECOMMENDATIONS:

Based on the above-noted analysis, it is recommended that City staff:

- 1) **Contact the current owners of ERG approved sites where remediation and redevelopment has taken place to determine why these owners did not request grant payment, and if these owners qualified for the grant payment, whether or not they still wish to receive their grant payment.**
- 2) **Follow up on all 13 approved ERG applications where an RSC has not been completed (acknowledged) to determine the status of the site remediation and the owner's current site redevelopment plans. In cases where the applicant has abandoned their redevelopment plans and/or the applicant or new owner is no longer interested in meeting the requirements for the ERG, these applications should be formally closed and the ERG cancelled.**
- 3) **Develop and implement a standardized process to resolve disagreements between the developer's QP and the City's peer review QP regarding submitted environmental studies for approved ERG applications that are not changes to a more sensitive use as per O. reg 153/04 and establish a maximum timeframe for the optional peer review process, e.g., 9 months.**
- 4) **Review ERG projects where there have been cost overruns to determine the causes of these cost overruns and address these causes through modifications to the ESG and/or ERG programs.**
- 5) **Commence utilizing the City's current ability to conduct spot and random audits of eligible expenses on ERG projects.**
- 6) **Develop and distribute to applicants a Guideline that clearly specifies eligible costs for the ERG Program and the level of detail expected in eligible cost invoice submissions and other supporting documentation.**

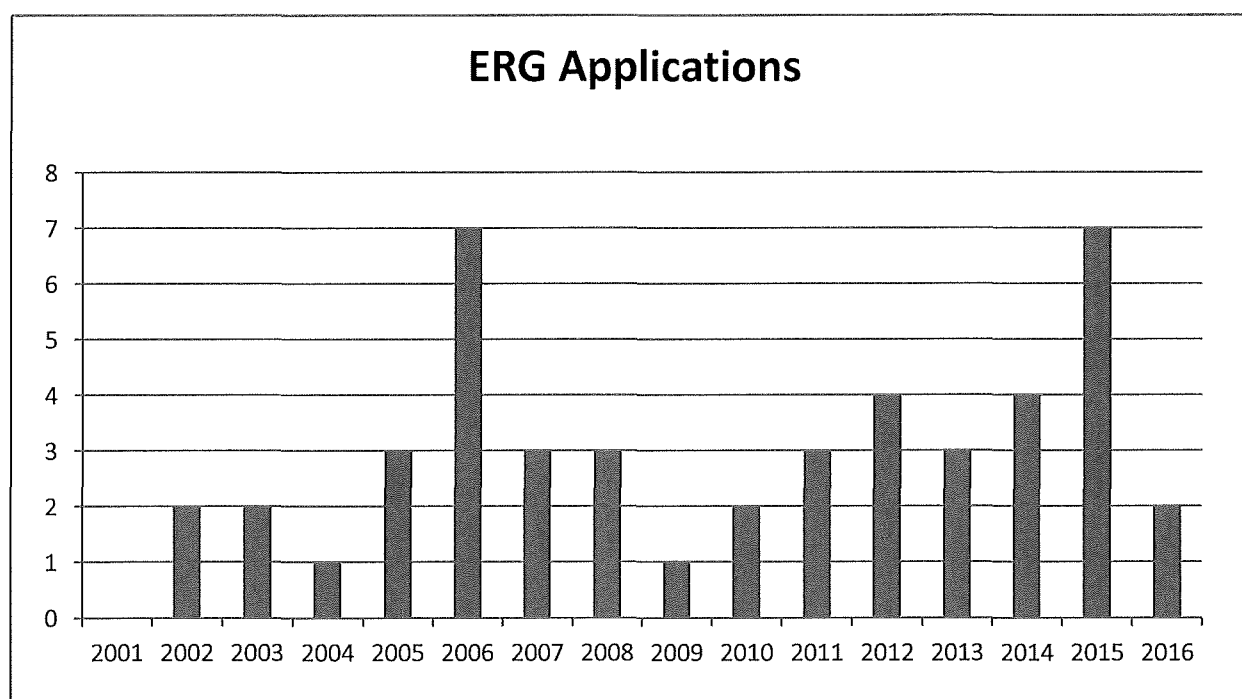
Based on the above-noted analysis, it is recommended that the City:

- 7) **Add "the removal/abatement of designated substances and hazardous materials as identified in a designated substances and hazardous materials survey" as a stand-alone eligible cost for the TIG component of the ERG Program across the ERASE Community Improvement Project Area, but only for brownfield redevelopment projects (including adaptive reuse projects) on current or former institutional sites or properties designated under Parts IV or V of the *Ontario Heritage Act*. N.B. this cost is not eligible for application against City development charges payable.**

4.5.2 Historical Trends

As shown in **Figure 9**, the number of ERG applications varies considerably from year to year, peaking at 7 applications in 2006 and again in 2015. The average number of applications per year over the first 7 years of the ERG program was 3.1 applications per year, while the average number of applications per year over the last 7 years of the ERG program was 3.6 applications per year. While the number of ERG applications received in more recent years has been slightly higher than in earlier years, the same cannot be said for the land area contained in these ERG applications. Of the 44 active site applications, the first 22 applications received between 2002 and 2010 comprised 149 acres (70%) of the 213 acres, while the last 22 applications received between 2011 and 2016 comprised only 64 acres (30%) of the 213 acres. This suggests a clear shift in ERG applications over time from larger industrial and commercial sites to smaller residential, commercial and mixed use sites. This is also borne out by an examination of the location of ERG applications over time contained in Section 4.5.3 below.

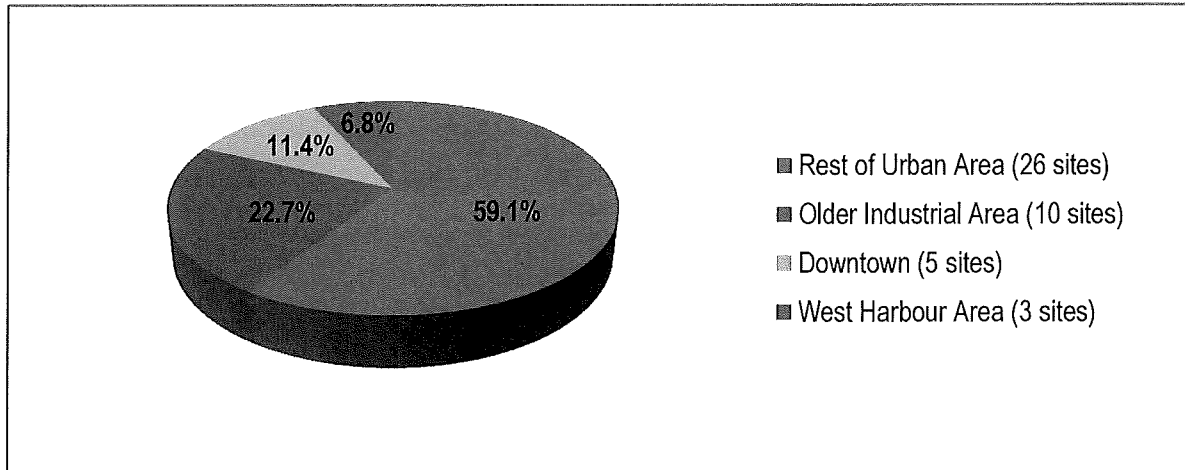
Figure 9 ERG Applications by Year



4.5.3 Location

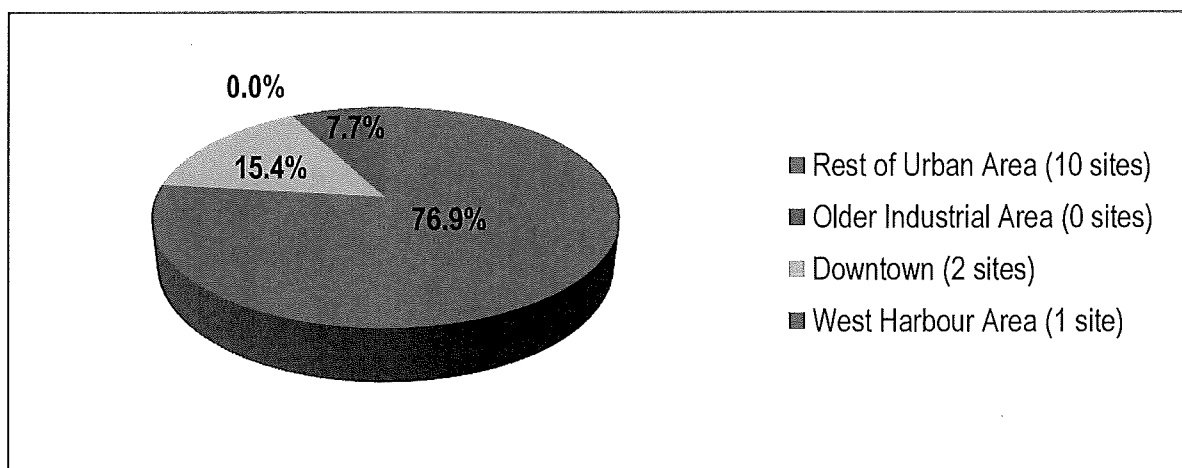
As shown in **Figure 10**, while 23% of the 44 active ERG applications have been for projects in the Older Industrial Area, 11% in the Downtown, and 7% in the West Harbour Area, 59% of ERG applications have been spread over the rest of the urban area, from Flamborough through to Dundas, West Hamilton, Lower Hamilton and Stoney Creek. With almost 60% of the 44 ERG applications located in the rest of the urban area, this is a higher percentage than the 50% of ESG applications located in the rest of the urban area.

Figure 10 ERG Applications by Location, 2001 - 2016



However, if we examine the geographic distribution of the 13 ERG applications submitted in just the last three years, i.e., 2014 to 2016, shown in **Figure 11** below, the trend toward more ERG projects in the rest of the urban area intensifies significantly with 77% of the applications over the last three years in the rest of the urban area. None of the ERG applications submitted in the last 3 years are located in the Older Industrial Area. Two (15%) are in the Downtown and only one (8%) is in the West Harbour. The City has attempted to address the need for brownfield redevelopment in the Downtown and West Harbour Area with the Loan Program available in these areas, but there have been no enhancements to the ERG Program in the Older Industrial Area and no new programs in the Older Industrial Area.

Figure 11 ERG Applications by Location, 2014 - 2016



A significant percentage of ERG applications in the rest of the urban area is expected due to the large size of the rest of the urban area and the spatially extensive industrial history in Hamilton. However, the lack of recent ERG applications in the Older Industrial Area is concerning in regard to the promotion of brownfield redevelopment in the Bayfront Industrial Area. This suggests that the City should take steps to improve the attractiveness of the ERG program in the Older Industrial Area to counter this trend.

RECOMMENDATIONS:

Based on the above-noted analysis, it is recommended that the City encourage more use of its ERG program in the Older Industrial Area (Area 2) by:

- 1) Adding “the removal/ abatement of designated substances and hazardous materials as identified in a designated substances and hazardous materials survey” as a stand-alone eligible cost for the TIG component of the program. N.B. this cost is not eligible for application against City development charges payable; and,
- 2) Enhancing ERASE program marketing and assistance to existing business in the Older Industrial Area and business seeking locations in the Older Industrial Area.

4.5.4 Type of Applications

Of the 44 active ERG applications, the pre-project use for these applications was as follows: 23 (52.3%) were Commercial; 19 (43.2%) were Industrial; 1 (2.3%) was Institutional; and 1 (2.3%) was Residential.

The proposed end use for the 44 active ERG applications is as follows: 21 (47.7%) are Commercial; 18 (40.9%) are Residential; and 5 (11.4%) are Industrial.

Only 11% of the active ERG applications are for a proposed industrial use. The last ERG application for industrial use was in 2014, and before that it was 2005. Conversely, approximately 48 % of ERG applications are for Commercial use and 41% are for residential use, and the residential percentage has been growing, with 52% of the ERG applications from 2012 to 2016 being for residential use. Virtually all of the recent redevelopment projects being proposed and constructed under the ERG Program are for residential and commercial use. The ERG Program is now rarely being used for its original intent, which was to promote redevelopment of industrial lands within the Older Industrial Area, and this is concerning.

4.5.5 Economic Impact**4.5.5.1 Industrial/Commercial Square Footage**

Several large industrial buildings/facilities were approved for the ERG program. Based on the available building size data for completed industrial/ commercial projects and a rough estimate of the square footage of completed industrial/commercial projects where data was not available, it is estimated that approximately 600,000 sq.ft. of industrial and commercial space has been constructed using the ERG Program.

4.5.5.2 Residential Dwelling Units

It is estimated that the 18 residential redevelopment projects with approved ERG applications will create 1,155 new residential units when completed. Seven (7) of the 18 residential ERG projects have been completed or are underway and these 7 projects include 448 (39%) of the projected 1,155 residential units. Most of the large residential redevelopment projects (8 applications containing 790 (68%) of the 1,155 residential units) have been filed in the last 4 years. This indicates that more recent usage of the ERG Program is shifting to residential brownfield redevelopment projects. Also, as previously mentioned, the average ERG site size has decreased in recent years, and this also correlates with a move away from industrial redevelopment projects on larger sites to residential and commercial redevelopment projects on smaller sites.

4.5.5.3 Employment

In terms of employment⁴ estimated to be created by the industrial and commercial redevelopment projects under the ERG Program, applicants estimated that they would create approximately 531 jobs. No follow up was done to determine the actual number of jobs created for each industrial/commercial project. Based on projects completed to date, it is estimated that at least 325 industrial and commercial jobs have been created projects that have participated in the ERG Program.

4.5.5.4 Construction Value

Total construction cost for the 44 active ERG sites was estimated by applicants at approximately \$572,488,925 (an average of \$13 million per project), while total construction cost for the 20 ERG projects that have been completed to date was estimated by applicants at approximately \$169,936,325. Actual construction values for these 20 completed projects taken from building permit data indicate that the total actual construction value of these 20 projects was \$116,145,820, or 31.7% less than estimated by the applicants. If this rate of construction value overestimation carries over to the remaining 24 active projects, then the \$572,488,925 in estimated construction costs for all 44 ERG projects will translate into an actual construction cost of approximately \$391,277,120. While this is certainly still an impressive construction value, averaging just under \$8.9 million per project, it is significantly less than what is being estimated by applicants at the time of application.

Comparing the total City grant commitment for the 20 completed ERG projects to date of \$9,598,969 with the actual construction cost for these 20 completed projects of \$116,145,820 produces an ERG program leverage ratio of 11.1. Therefore, every \$1 that the City has contributed toward completed ERG projects to date (via development charge reductions and tax increment grants), has generated approximately \$11.10 in private sector construction. This is an impressive leverage ratio and speaks to the demonstrated ability of the City's ERG Program to consistently and significantly leverage municipal funding to generate high value construction projects on remediated brownfield sites in Hamilton.

It appears that the construction costs of a number of the larger projects applying for the ERG were significantly overestimated by applicants. This practice should be discouraged by additional vetting of the construction cost estimates provided by applicants. This can be done by comparing construction cost estimates provided by applicants to a sample of actual construction cost estimates (from building permit values) for similar type projects, with this sample periodically updated to keep it current. Where construction cost estimates provided by applicants appear to be inflated, these should be adjusted using the sample of actual construction cost estimates for similar type projects.

RECOMMENDATIONS:

Based on the above-noted analysis, it is recommended that City staff compare construction cost estimates provided by applicants to a sample of actual construction costs (from building permit values) for similar type projects, with this sample periodically updated to keep it current. Where construction cost estimates provided by applicants appear to be inflated, these should be adjusted using the sample of actual construction costs for similar type projects.

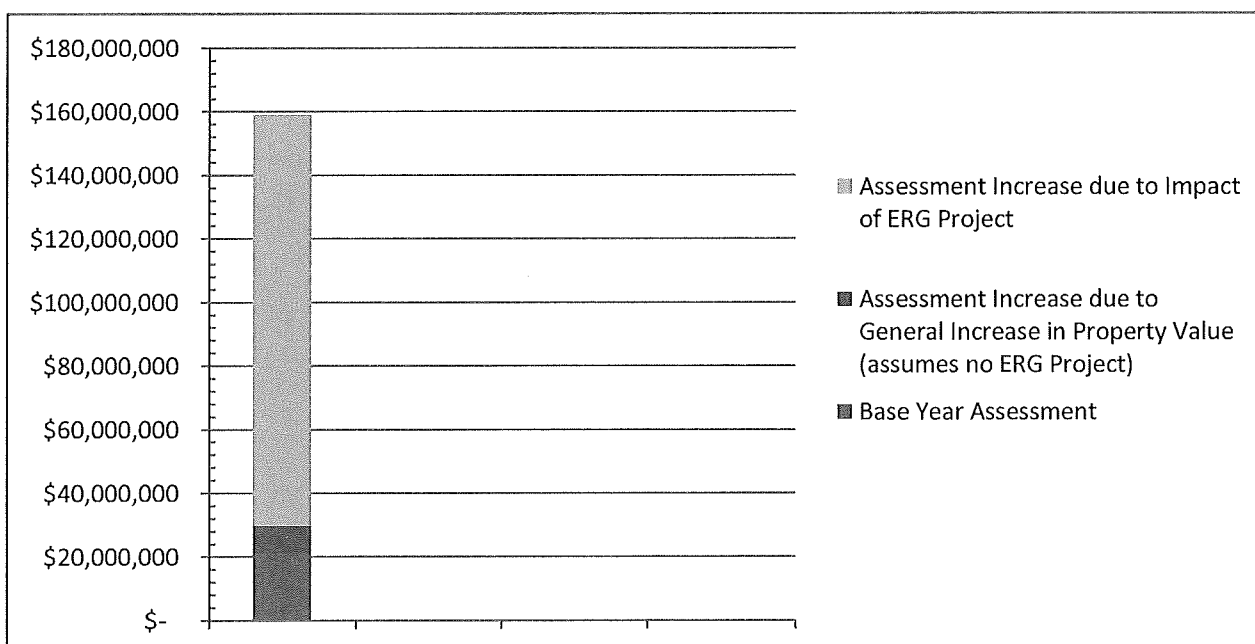
⁴ Includes only permanent jobs created by the business occupying the industrial/commercial projects. Does not include jobs created during construction.

4.5.5.5 Assessment Value and Property Taxes

The total assessment value and property taxes for the 20 ERG projects that have been completed and fully reassessed and 2 of the ERG projects under construction that are substantially complete was compared between the year of each application, ranging from 2002 to 2014, and 2016. As shown in **Figure 12**, the total assessment value of these 22 properties in the year of application was approximately \$21.4M. The total assessment value of these 22 properties in 2016 was approximately \$159.0M, an increase of \$137.6M or 6.9 times the original assessment value.

However, part of this very large \$137.6M assessment increase would have been due to general increases in property values from the year of application to 2016 for the 22 properties. i.e., the assessment value of these brownfield properties likely would have increased somewhat even if they were left in their unimproved state. In order to determine the portion of the total \$137.6M increase in assessment attributable to general increases, a multiplier was calculated (see Appendix B) and applied to determine that only \$8.6M (6%) of the assessment value increase was attributable to general assessment value increase. Therefore, approximately \$129.0M (94%) of the \$137.6M increase in assessment value on these 22 properties can be directly attributed to their remediation and redevelopment under the ERG Program. This is an impressive finding and speaks to the ability of the ERG Program to create significant long-term assessment value increases in participating properties.

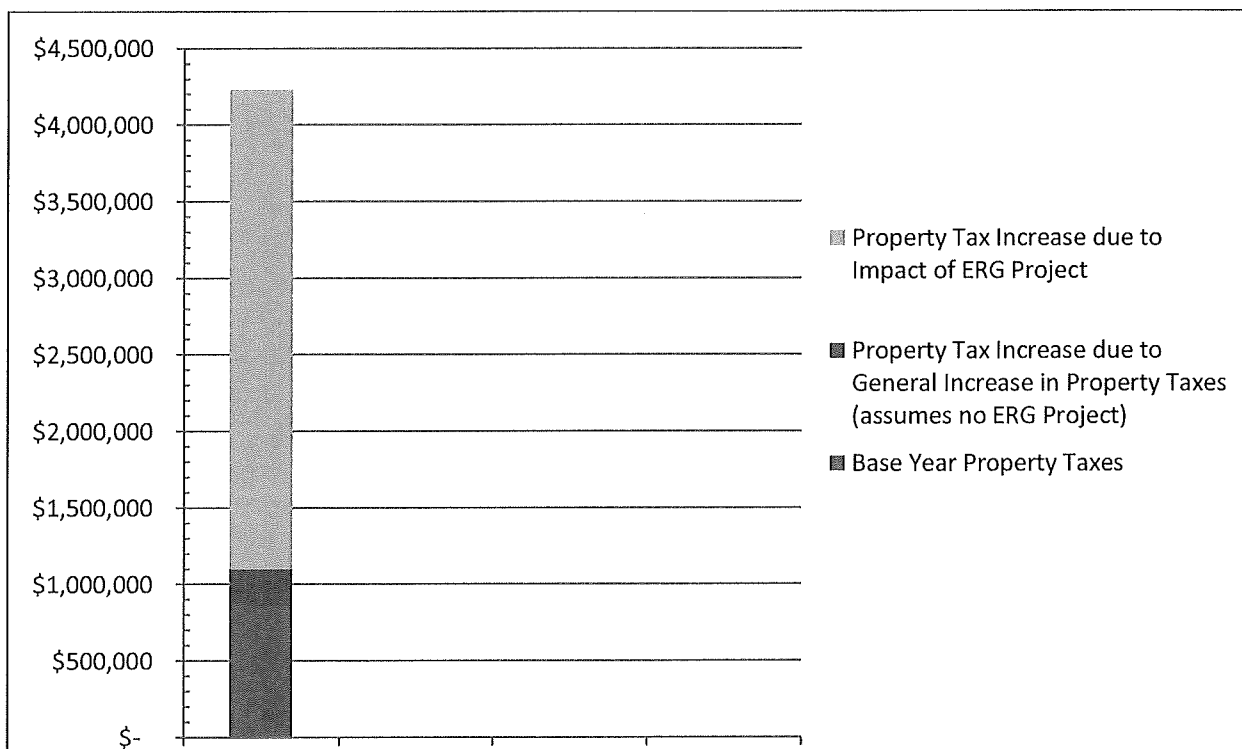
Figure 12 Total Assessment Value of Completed and Substantially Completed ERG Applications



A similar exercise was conducted on the 22 properties to determine the increase in property taxes (City and Education) between the year of each application and 2016. As shown in **Figure 13**, total property taxes for the 22 properties in the year of application was approximately \$865,020. The total property taxes on these 22 properties in 2016 was approximately \$4,229,825, an increase of \$3,364,805 or 4.9 times the original property taxes. As with assessment value, part of this large increase in property taxes would have been due to general increases in property taxes from the year of application to 2016 if the properties had been left in their unimproved state.

Two methodologies were used to estimate this impact of general property tax increases on the 22 ERG projects (see Appendix B). Even using the more conservative methodology, it was estimated that approximately \$3.13M (93%) of the \$3.36M increase in property taxes on these 22 properties can be directly attributed to their remediation and redevelopment under the ERG Program. Again, this is an impressive finding and speaks to the ability of the ERG Program to create significant long-term property tax revenue increases in participating properties.

Figure 13 Total Property Taxes on Completed and Substantially Completed ERG Applications



While the City's total ERG commitment on these 22 properties totals approximately \$12.3M, it is important to remember that the City and Province collect an extra \$3.1M in property taxes **annually, year after year** on these properties as a result of their remediation and redevelopment under the City's ERG Program. Based on the split of 2016 property taxes on these 22 properties (73.4% City versus 26.6% Education), the City's share of this \$3.1M is approximately \$2.3M. This means that just the annual increase in property taxes collected by the City for these 22 ERG projects will pay for the City grant commitment on these projects in only 5.5 years. This impressive statistic demonstrates the ability of the ERG Program to generate significant long-term property tax revenues for the City of Hamilton. Assuming that all or even most of these brownfield redevelopment projects would not have occurred without the ERG Program, the program essentially pays for itself in a very short period of time through increased City property tax revenues.

4.5.5.6 Development Charges and Building Permit Fees

As per City of Hamilton Development Charges By-law 14-153, applicants with approved ERG applications have the option of applying environmental remediation costs approved under their ERG application against City Development Charges (DCs) payable. Many of the applicants with approved ERG applications have taken advantage of this DC exemption option. Data was not available on how much of the approved ERASE Redevelopment Grants for projects that have been constructed or are underway was applied against City DCs

payable. However, it is known that 11 approved ERG projects paid a total of approximately \$5.5M in City DCs over and above any ERG approved remediation costs applied against City DCs payable.

Building permit fee data was also examined, and it was determined that 19 approved ERG projects have paid a total of approximately \$1.4M in building permit fees to the City of Hamilton.

Taking into consideration the almost \$7M in City development charges and building permit fees paid by brownfield redevelopment projects participating in the ERG Program further demonstrates the ability of this exceptional program to generate both long-term assessment base increases and property tax revenues, as well as significant development charge and building permit fee revenues for the City of Hamilton.

4.6 ERASE Tax Assistance Program (TAP)

As in most other Ontario municipalities that offer a tax assistance program that includes the Province's education component of property taxes on brownfield sites, the City of Hamilton's TAP has been little used since it was introduced in 2005. This finding is no doubt directly related to the complicated and time consuming process that the Province of Ontario has put in place for municipalities and applicants seeking to access the Province's education property tax assistance for brownfield redevelopment projects. Notwithstanding that this difficulty is likely to remain, based on discussions with City staff and best practices, a number of minor enhancements to the City's ERASE TAP are recommended.

RECOMMENDATIONS:

It is recommended that the City add the following eligible costs to the ERASE TAP:

- a) **Clean fill, grading and compaction to replace contaminated soils";**
- b) **Filing a Record of Site Condition (RSC) and a Certificate of Property Use (CPU);**
- c) **Environmental insurance premiums; and,**
- d) **"removal/abatement of designated substances and hazardous materials as identified in a designated substances and hazardous materials survey".**

4.7 Downtown Hamilton – West Harbour Remediation Loan (LOAN) Program

The LOAN Program offers a low interest loan (1% below prime) equal to 80% of the cost of remediating a property to a maximum of \$400,000 per property/project for the remediation and redevelopment of brownfields for residential or residential/commercial use within Downtown Hamilton and the West Harbourfront. This program is designed to help finance remediation by acting as bridge financing until property owners receive their ERG payments, at which time, the applicant has the option of repaying the loan through the assignment of their annual ERG payments. This is an innovative approach to repayment of the loan.

While the LOAN Program does provide an extra up-front incentive to redevelop brownfield properties in the Downtown Hamilton and the West Harbourfront area, uptake of the program has been moderate to date with only two applications approved under this loan program by the City of Hamilton over the seven year period that it has been in existence. Both of these applications were on James Street North in the West Harbour Area.

Based on the \$400,000 program cap, the real benefit of the program likely lies in promoting smaller brownfield redevelopment projects in Downtown Hamilton and the West Harbourfront Area. While the City should retain the LOAN Program in the short to medium term, it is not clear that this program will be necessary in the long-

term based on the large scale of development (including brownfield redevelopment) being witnessed and planned for in Downtown Hamilton, and especially in the West Harbourfront Area.

City staff noted that the ERASE LOAN Program has an interest rate of 1% below prime and an amortization period of 10 years, while the Downtown LOAN Program has a 0% interest rate and an amortization period of 5 years. Staff indicated that 10 years is a long time for the City to have a LOAN outstanding and that the amortization period of the ERASE LOAN Program should be shorter. Therefore, in order to bring the two programs into line, it was determined that the ERASE Loan Program should adopt the Downtown LOAN Program structure, i.e., 0% interest rate and a 5 year amortization period. This will also make the administration of both programs more consistent and easier.

RECOMMENDATIONS:

Based on the above-noted analysis, it is recommended that the City modify the ERASE LOAN Program to include a 0% annual interest rate and a 5 year amortization period, with all other program details and requirements remaining the same.

4.8 ERASE Municipal Acquisition and Partnership Program (MAPP)

The purpose of the MAPP as specified in the 2010 ERASE CIP is to create awareness of brownfield redevelopment by having the City remediate its own brownfield sites, acquire and remediate key strategic brownfield sites, and engage in pilot projects with the private sector to showcase innovative brownfield remediation tools and approaches. Four (4) projects have been approved under the MAPP since 2001 (see Appendix B) and all of these projects were very significant and successful brownfield redevelopment projects.

4.9 ERASE Marketing and Opportunities Program (MOP)

The purpose of the ERASE MOP is to aggressively and regularly communicate and explain the ERASE Programs to brownfield market makers. Another purpose of the MOP is to advertise and market publicly and privately owned brownfield redevelopment opportunities throughout the municipality.

The ERASE MOP specified that a number of methods should be used by the City to market the ERASE incentive programs and brownfield redevelopment opportunities. These include:

- a) A marketing brochure;
- b) Program guides and application forms;
- c) Program information available on the City's website;
- d) Presentation to brownfield market makers including the development industry, real estate professionals, environmental consultants, planning consultants, lawyers, accountants and other support professionals;
- e) Targeted mailings to property owner in the Project Area; and,
- f) The use of RFPs on City owned brownfield properties.

With the possible exception of item e) above, the City has utilized all of the marketing and education methods outlined above. However, with the revisions to the ERASE CIP that will result out of this report, this presents an excellent opportunity for City staff to review, revise and augment the components of its ERASE MOP to coincide with and support the revised ERASE CIP programs. As previously noted, particular emphasis should be placed on marketing the ERASE Programs and available brownfield redevelopment and adaptive reuse opportunities to existing business in the Older Industrial Area and business seeking locations in the Older Industrial Area.

RECOMMENDATIONS:

Based on the above-noted analysis, it is recommended that the City:

- a) review, revise and augment the components of its ERASE MOP to support and coincide with the launch of the City's revised ERASE CIP, including the revised ERASE incentive programs; and,**
- b) better document marketing initiatives and resources to better track program strategies and outcomes.**

5.0 SUMMARY OF RECOMMENDATIONS

Based on the results of the best practices review and the analysis of the ERASE Programs, the recommendations on ERASE Program content, administration and monitoring identified in the previous sections of the report are summarized below.

5.1 ERASE Program Administration and Monitoring

It is recommended that City staff:

- a) Check the completeness of data collected for all ESG and ERG applications prior to application processing, ensuring that:
 - i) all requested data and required estimates for all monitoring variables, including estimates of residential units and industrial/commercial space to be constructed, jobs to be created/retained, and estimated construction cost, post-project assessment value and property taxes, have been provided by applicants;
 - ii) the construction cost estimates provide by applicants are realistic by comparing these construction cost estimates to a sample of actual construction cost estimates (from building permit values) for similar type projects, with this sample periodically updated to keep it current; and,
 - iii) where construction cost estimates provided by applicants appear to be inflated, these should be adjusted using the sample of actual construction cost estimates for similar type projects
- b) Clarify that a minimum of two (2) cost estimates are required from a qualified person for the ERASE Study Grant Program and the ERASE Redevelopment Grant Program to ensure cost-efficient environmental study and remediation approaches.
- c) Conduct follow up tracking on every ERG application after projects are completed to determine and record accurate actual amounts for:
 - i) the grant amount paid out and how the grant was applied (against Development Charges, as an annual TIG, or both); and,
 - ii) all monitoring variables, including number of residential units constructed, industrial/ commercial space (square footage) constructed, number of jobs created/retained, construction value, and post-project assessment value and property taxes.
- d) Track and record assessment value and property taxes on all properties participating in the ERG Program year over year from the approval date to at least 10 years out in order to fully capture long-term increases in assessment and property taxes generated by all projects, and especially multi-phase projects that take several years to complete and be captured via property reassessment.
- e) Formalize the data spreadsheets prepared for this project as a tracking tool for ESG, ERG, LOAN and MAPP applications, and that these spreadsheets be updated as new applications are received, and as current applications are approved and completed.

5.2 ERASE Study Grant (ESG) Program

It is recommended that the City:

- a) Increase the maximum grant level for two environmental studies from its current level of \$25,000 to \$35,000;

- b) Add the cost of “designated substances and hazardous materials surveys” to the eligible costs of the ESG Program across the ERASE Community Improvement Project Area, but only where such studies are being done on current or former institutional sites or on properties designated under Parts IV or V of the *Ontario Heritage Act*;
- c) Enhance the ESG Program in the Older Industrial Area (Area 2) by:
 - i) adding expanded study types, including “designated substances and hazardous materials surveys”, and “industrial and office reuse feasibility studies”, to the list of eligible program costs; and,
 - ii) developing and implementing ways to increase awareness of and interest in the ESG Program in this area, including enhanced ERASE Program marketing and assistance to existing business in the Older Industrial Area and business seeking locations in the Older Industrial Area.
- d) Develop and include in the ERASE CIP and the ESG Program Guide and Application Form, enhanced submission requirements to restrict the ESG Program only to applicants who have clearly demonstrated their legitimate intention to redevelop a brownfield site. These requirements should include mandatory submission of a letter of intent to develop the property and a preliminary development plan (if planning applications have not yet been submitted).
- e) Contact all applicants with approved but not paid ESG applications outstanding more than two years from date of approval and advise that all approved studies (except for Risk Assessments) must be submitted within 6 months, or approved ESG funding will be cancelled.
- f) Contact all applicants with approved but not paid ESG applications outstanding less than two years from date of approval and all applicants in due diligence, and advise that all approved studies (except for Risk Assessments) must be submitted within two years of date of ESG approval, or approved ESG funding will be cancelled.
- g) For all new ESG applications on a go forward basis, include in the Program Guide and Application Form a statement advising that all ESG funded studies except for Risk Assessments must be completed and submitted to the City within two years of application approval, or approved ESG funding will be cancelled.
- h) Permit approved ESG applicants who completed their environmental studies prior to July 1, 2011 to re-apply for ESG Program funding based on the same rules as applicants applying for the program after July 1, 2011.
- i) Increase the annual budget for the ESG Program on a go forward basis to approximately \$250,000 per year, especially if it plans to implement recommendations a), b), and h) above.

5.3 ERASE Redevelopment Grant (ERG) Program

It is recommended that the City:

- a) Add “the removal/abatement of designated substances and hazardous materials as identified in a designated substances and hazardous materials survey” as a stand-alone eligible cost for the TIG component of the ERG program across the ERASE Community Improvement Project Area, but only for brownfield redevelopment projects (including adaptive reuse projects) on current or former institutional sites or properties designated under Parts IV or V of the *Ontario Heritage Act*. *N.B. this cost is not eligible for application against City development charges payable*;

- b) Encourage more use of its ERG program in the Older Industrial Area (Area 2) by:
 - i) adding “the removal/abatement of designated substances and hazardous materials as identified in a designated substances and hazardous materials survey” as a stand-alone eligible cost for the TIG component of the ERG program. *N.B. this cost is not eligible for application against City development charges payable*; and,
 - ii) developing and implementing ways to increase awareness of and interest in the ERG Program in this area, including enhanced ERASE Program marketing and assistance to existing business in the Older Industrial Area and business seeking locations in the Older Industrial Area.
- c) Contact the current owners of ERG approved sites where remediation and redevelopment has taken place to determine why these owners did not request grant payment, and if these owners qualified for the grant payment, whether or not they still wish to receive their grant payment.
- d) Follow up on all 13 approved ERG applications where an RSC has not been completed (acknowledged) to determine the status of the site remediation and the owner’s current site redevelopment plans. In cases where the applicant has abandoned their redevelopment plans and/or the applicant or new owner is no longer interested in meeting the requirements for the ERG, these applications should be formally closed and the ERG cancelled.
- e) Develop and implement a standardized process to resolve disagreements between the developer’s QP and the City’s peer review QP regarding submitted environmental studies for approved ERG applications that are not changes to a more sensitive use as per O. reg 153/04 and establish a maximum timeframe for the optional peer review process, e.g., 9 months.
- f) Review ERG projects where there have been cost overruns to determine the causes of these cost overruns and address these causes through modifications to the ESG and/or ERG programs.
- g) Commence utilizing the City’s current ability to conduct spot and random audits of eligible expenses on ERG projects.
- h) Develop and distribute to applicants a Guideline that clearly specifies eligible costs for the ERG Program and the level of detail expected in eligible cost invoice submissions and other supporting documentation.

5.4 ERASE Tax Assistance Program (TAP)

It is recommended that the City:

- a) Add the following to the eligible costs for the ERASE TAP:
 - i) clean fill, grading and compaction to replace contaminated soils;
 - ii) filing a Record of Site Condition (RSC) and a Certificate of Property Use (CPU);
 - iii) environmental insurance premiums; and,
 - iv) “the removal/abatement of designated substances and hazardous materials as identified in a designated substances and hazardous materials survey”.

5.5 Downtown Hamilton/West Harbourfront Remediation Loan (LOAN) Program

It is recommended that the City:

- a) Modify the ERASE LOAN Program to include a 0% annual interest rate and a 5 year amortization period, with all other program details and requirements remaining the same.

5.6 ERASE Marketing and Opportunities Program (MOP)

It is recommended that the City:

- a) Review, revise and augment the components of its ERASE MOP to support and coincide with the launch of the City's revised ERASE CIP, including the revised ERASE incentive programs; and,
- b) Better document marketing initiatives and resources to better track program strategies and outcomes.

APPENDIX A

Review of Benchmark Municipal Brownfield Redevelopment Incentive Programs

A REVIEW OF BENCHMARK MUNICIPAL BROWNFIELD REDEVELOPMENT INCENTIVE PROGRAMS

A1 Introduction

In order to help inform the development and consideration of ERASE incentive program improvements, a scoped best practices review of incentive programs used by other municipalities in Ontario was conducted. In consultation with City of Hamilton staff, a number of Ontario municipalities with well-established brownfield incentive programs were selected. Very few municipalities in Canada outside of Ontario offer municipal incentives for the redevelopment of privately owned brownfield sites. This is in part due to restrictive legislative regimes in other parts of Canada. The City of Edmonton, AB. is one of the few good examples of a municipality outside of Ontario that offers a package of brownfield incentive programs, so it was also included in the best practices review.

While a plethora of incentive programs designed to promote brownfield remediation and redevelopment are available in many U.S. municipalities, most of these programs are in fact federal⁵ and state⁶ funded brownfield incentive programs that are simply administered by local municipalities or local economic development agencies. Local municipalities and economic development agencies sometimes augment this federal and state funding with local grants or tax abatements and incentives such as participating with the state in tax increment financing (TIF), but most of the government funding for brownfield redevelopment in the United States comes from the federal and state governments. Therefore, locally administered state and federal brownfield redevelopment incentive programs in the U.S. are not directly comparable to municipally funded brownfield redevelopment incentive programs in Ontario or the rest of Canada.

It should also be noted that many US municipalities offer a broad range of tax abatement/incentives, and grant and loan incentive programs designed to promote downtown revitalization/redevelopment, e.g., enterprise zones, and industrial/commercial property revitalization and reutilization that can be applied to brownfield redevelopment projects. Nevertheless, two U.S. municipalities (Cuyahoga County and) that offer USEPA sponsored incentive programs to promote brownfield redevelopment are highlighted at the end of this best practices review. Because of the availability of federal and state funding, and in part out of necessity due to the blighted state of some of their brownfield sites, many U.S. municipalities also take a much more active direct role in brownfield site assessment, remediation and redevelopment than their Canadian counterparts.

A2 Methodology

Numerous municipalities in Ontario offer incentives to promote brownfield redevelopment, in their older industrial areas, downtowns, and often municipality wide. **Figure A1** below highlights the most recent statistics (2012) collected by the Ontario Ministry of Municipal Affairs and Housing (MMAH) on municipalities in Ontario that offer brownfield redevelopment incentive programs. Figure 1 shows that 52 municipalities in Ontario offer a variety of brownfield redevelopment incentive programs.

⁵ Includes USEPA Targeted Brownfield Assessment Grants, Brownfield Cleanup Revolving Loan Fund Grants, Cleanup Grants and Superfund Program Grants.

⁶ Includes tax increment financing (TIF), and site assessment, remediation and redevelopment grants and loans. Incentive programs vary by state.

Figure A1 Municipal Brownfield Redevelopment Incentive Programs in Ontario

Type of Financial Incentive Program	Number of Municipalities	% of all Municipalities (52) with Brownfield CIPs
Tax Increment Grant	50	96%
Tax Assistance	40	77%
Environmental Study Grant	30	58%
Planning/Building Fees Grant	28	54%
Development Charge Reduction/Exemption	27	52%
Rehabilitation and Redevelopment Grant/Loan	2	4%

Source: Ontario MMAH, 2012

Of these 52 municipalities:

- 96% offer pay-as-you-go tax increment grants;
- 77% offer combined municipal and education property tax assistance through the Province's Brownfields Financial Tax Incentive Programs (BFTIP);
- 58% offer environmental site assessment (ESA) grants;
- 54% offer planning and building permit fee rebates/grants;
- 52% offer partial or total development charge reduction; and,
- Only 4% (2 municipalities including Hamilton) offer a direct remediation grant or loan.

A number of the municipalities in Ontario with long-standing brownfield redevelopment CIPs/incentive programs were chosen for this best practices review. These include: Brantford, Cornwall, Guelph, Kingston, Kitchener/ Cambridge/Waterloo/Waterloo Region, Hamilton, Niagara Falls/Niagara Region, Ottawa, and Windsor. Edmonton, AB was also added as it has one of the best benchmark brownfield incentive programs outside of Ontario. Two of the Ontario municipalities, Niagara Falls and the Waterloo lower-tier municipalities are in two-tier jurisdictions. For these municipalities, brownfield incentive programs offered by the upper tier municipality, either matching the lower tier brownfield incentive programs, or as separate programs, were also reviewed. Therefore, brownfield redevelopment incentive programs in 10 Canadian municipalities were reviewed.

The Brownfield CIPs (and development charge by-laws, as applicable) in each municipality were reviewed and the web sites of each municipality were examined to determine which brownfield incentive programs are currently being offered by each municipality. The details of the brownfield incentive programs being offered by each municipality are provided in **Attachment 1**, and the types of brownfield incentive programs offered by each municipality are summarized in **Figure A2** below.

This review of best practices is not intended as an exhaustive analysis. It was conducted to compare eligible costs and the characteristics of different types of municipal incentive programs used to promote brownfield redevelopment on private sector lands by a number of benchmark municipalities to those used by the City of Hamilton.

Figure A2 Comparison of Municipal Brownfield Redevelopment Incentive Programs

Type of Program	Municipality									
	Brantford	Cornwall	Guelph	Hamilton	Kingston	Kitchener, Cambridge, Waterloo/ Waterloo Region	Niagara Falls/ Niagara Region	Ottawa	Windsor	Edmonton
1) Project Feasibility Study Grant		X						X	X	
2) Environmental Study Grant		X	X	X	X	X	X	X	X	X
3) Property Tax Assistance (Freeze/ Cancellation)	X	X	X	X	X	X	X	X	X	
4) Tax Increment Grant (TIG)	X	X	X	X	X	X	X	X	X	X
5) Development Charge Reduction	X			X		X	X	X	X	
6) Remediation Loan				X						
7) Municipal Tipping Fees Grant		X								
8) Planning/ Building Permit Fees Grant		X						X	X	
9) Payment-in-Lieu of Parkland Dedication Grant		X								

A3 Overview of Incentive Programs

Taken as a whole, the 10 municipalities in this comparison offer nine different types of financial incentive programs to promote private sector brownfield redevelopment. The types of incentive programs that are most commonly offered include the environmental study grant, brownfields property tax assistance, tax increment grant, and to a slightly lesser degree, the development charge reduction. The types of incentive programs that are offered by only a few or even just one of the municipalities includes the project feasibility study grant, planning/building permit fees grant, remediation loan, municipal tipping fees grant, and payment-in-lieu of parkland dedication grant. It should be noted that many of the municipalities in this best practices review also engage in municipal leadership activities on publicly and privately owned brownfields, including the maintenance of brownfield/historical land use inventories, and brownfield redevelopment supportive planning, data base, marketing and monitoring programs.

Three (3) of the 10 municipalities in this comparison offer a project feasibility study grant which typically assist with the cost of design drawings and/or studies required to determine the feasibility of the proposed project, including adaptive building reuse type studies.

All ten of the municipalities in this comparison offer assistance with the cost of environmental studies such as Phase II Environmental Site Assessments (ESAs) and Remedial Work Plans. The range of environmental studies funded varies somewhat from municipality to municipality.

All of the Ontario municipalities in this comparison offer a program to freeze, or in some cases, even cancel the municipal and education property taxes on a brownfield property undergoing or that has undergone remediation and redevelopment for up to 3 years. The inclusion of the education property taxes in this freeze or cancellation requires approval from the Province (Minister of Finance) on a case by case basis. Some of the municipalities will consider increasing the duration of the municipal property tax freeze/cancellation to 5 years.

All of the municipalities in this comparison offer grants to help offset the costs of environmental remediation during the redevelopment of brownfield properties. In Ontario, these remediation grants take the form of pay-as-you-go tax increment grants (TIGs). The developer front-ends the costs of remediating and redeveloping the brownfield site, and these grants are paid out to the developer after the brownfield site is remediated and redeveloped in the form of an annual grant based on the property tax increase or "tax increment" (TI) generated by the brownfield redevelopment project. In Ontario, these TIGs are typically paid out over a period of 10 years, although Brantford will consider up to a 20 year TIG period on a case by case basis. In Edmonton, AB., the developer has the option of receiving a TI grant for 6 years or a lump sum payment at the time of remediation with the lump sum payment capped at \$200,000.

Six (6) of the 10 municipalities in the comparison also offer development charge reductions or deferrals. Typically, this is done by allowing an applicant with an approved TIG to apply their remediation expenses against the municipal development charges payable. The TIG is then typically reduced (or "offset") by the amount of remediation expenses applied against the municipal development charges. Both of the upper tier governments in Niagara and Waterloo have separate development charge reduction programs for brownfield redevelopment.

Only 3 of the 10 municipalities in the comparison offer a grant to reduce planning/building permit fees, although Windsor offers theirs as part of their TIG.

The City of Hamilton is the only municipality in the comparison that offers a remediation loan, while the City of Cornwall is the only municipality in the comparison that also offers a municipal tipping fee grant and a grant to help offset the payment of parkland dedication fees on brownfield sites that are being redeveloped.

A4 Geographic Approach

Ontario municipalities that have prepared and adopted community improvement plans for the promotion of brownfield redevelopment have done so both on an area specific and urban area wide basis. Municipalities such as Kingston, have designated a community improvement project area for brownfields that corresponds to a specific geographic area that contains the greatest number of potential brownfield sites. This is usually an older industrial area(s), older urban areas of the municipality, and/or older downtown areas. However, most municipalities have tended to designate the entire urban area as a community improvement project area for their CIP, especially if their brownfield sites are in several parts of the urban area or spread out across the urban area. A number of municipalities, such as Hamilton and Guelph, originally started by designating only their older industrial areas or older parts of the City, and then expanding their community improvement project area to the entire urban area.

Of the 10 municipalities in the comparison, 7 offer their brownfield redevelopment incentive programs (Brownfield CIPs) across their entire urban area, and Cornwall's Brownfield CIP covers most of its urban area. Kingston's Brownfield CIP covers its downtown and older industrial areas, but it should be noted that the City of Kingston has had to twice expand its brownfield community improvement project area since inception of its Brownfields CIP.

The City of Ottawa Brownfields Redevelopment CIP designates the Urban Area and the designated Villages as shown in the Official Plan as the Community Improvement Project Area because even though brownfield sites in Ottawa are scattered throughout the urban and rural area, the Official Plan directs growth in the rural area to the 26 designated villages. A number of municipalities, such as Niagara Falls, have designated "the entire urban area as amended from time to time" as the community improvement project area for its Brownfield CIP. This use of a text reference to the urban area as amended from time to time rather than a map avoids having to amend the CIP if there is a change to the urban area boundary in the future.

Clearly, the choice of a community improvement project area depends on the location of brownfield sites in a municipality, which in turn depends in part on the historic industrialization and growth pattern of the municipality. While occurring more naturally in older industrial areas, brownfields can be found across most municipalities in the form of former uses such as gasoline stations, dry cleaners, printers, manufacturers, blacksmiths, textile mills, asphalt plants, petroleum storage and automobile wrecking yards.

It should be noted that a number of the municipalities in the comparison, including Hamilton, Niagara Falls and Ottawa have chosen to combine the urban area wide and area specific geographic approaches, i.e., a "hybrid approach". These municipalities have done this by designating community improvement project areas for their Brownfield CIPs that are urban area wide, but have then identified "sub-areas" or "priority areas" within their larger community improvement project areas, e.g., areas that contain legacy brownfield sites and/or downtown areas. The brownfield incentive programs in these municipalities have then been tailored to provide more generous incentives and/or accomplish specific planning and economic development goals in these priority areas.

Best Practice Considerations for the ERASE CIP:

The ERASE CIP utilizes the hybrid approach to designation of a brownfields community improvement project area as described above. This geographic approach is utilized by a number of municipalities. Based on the broad geographic distribution of approved brownfield incentive program applications in Hamilton since inception of the ERASE Program, this approach appears to be appropriate based on need, and has served and will continue to serve the municipality well.

A5 Project Feasibility Study Grant Programs

Cornwall, Ottawa and Windsor offer matching grants that cover 50% of the cost of studies to determine project feasibility. Eligible studies typically include market analyses, concept plans, design drawings, structural analyses, evaluation of existing mechanical and HVAC systems, etc... Cornwall and Windsor offer a 50% grant to a maximum grant of \$7,500 per property, while Ottawa offers a maximum matching grant of \$5,000 per property. In Ottawa this grant is actually offered as part of the tax increment based grant. Based on experience to date with project feasibility study grants, it does not appear that they are particularly highly utilized and they are not nearly as significant in leading to brownfield redevelopment, as environmental study grant programs.

Best Practice Considerations for the ERASE CIP:

This type of incentive program would likely add little value to the ERASE Programs which already include a broad and well-established package of brownfield incentive programs. Therefore, project feasibility study grants are not considered necessary for inclusion in the ERASE CIP.

A6 Environmental Study Grant Programs

All of the municipalities in the comparison except for Brantford offer an environmental study grant program. These are also referred to as environmental site assessment (ESA) grant programs. In the case of the Ontario municipalities, a Phase I ESA is not covered as an eligible cost. In Edmonton, a Phase I ESA is an eligible cost for their grant program.

Environmental study grant programs in Ontario typically provide a matching grant that covers 50% of the cost of a Phase II Environmental Site Assessments (ESA), Risk Assessment and/or Risk Management Plan, and Remedial Work Plan (RWP). Two of the 9 municipalities in Ontario, Guelph and Windsor, also allow Designated Substance and Hazardous Materials Surveys as an eligible cost under their ESA Programs. This provides flexibility to include studies that determine the cost of removal of hazardous substances such as asbestos and lead paint in former industrial and institutional buildings, which in turn helps facilitate the redevelopment or adaptive reuse of these buildings.

All the Ontario municipalities offer a Phase II ESA Grant for 50% of the cost of the environmental study, with the maximum grant for a single environmental study typically in the \$12,000 to \$20,000 range. However, the Region of Waterloo offers the most generous maximum ESA Grant among Ontario municipalities at \$40,000. Many of the Ontario municipalities allow for two environmental studies, e.g., a Phase II ESA and Risk Assessment, or a Phase II ESA and RWP. In this case, the maximum grant amount is usually increased if there is more than one environmental study approved under the program, with the maximum for two environmental study grants typically ranging from \$20,000 to \$30,000. It should be noted that Ottawa's ESA grant is paid as part of the tax increment based grant, not as a payment once the environmental study is completed. The City of Edmonton offers a very generous grant for Phase I and Phase II ESAs. Grants for a

Phase I ESA equal 80% of the cost of the Phase I ESA to a maximum grant of \$5,000. Grants for a Phase II ESA equal 80% of the cost of the Phase II ESA to a maximum grant of \$80,000. This is much higher both in terms of percentage covered and maximum grant amount than any of the municipalities in Ontario.

It should be noted that while many of the above-noted environmental study grant programs have been in place for ten years or more, the maximum grant levels of these programs have never been increased, or have not been increased for many years. Yet, the cost of Phase II ESAs, Remedial Work Plan and Risk Assessments has increased significantly since the Ministry of Environment (MOE) site condition standards and environmental site assessment requirements were strengthened as a result of O.Reg 511/09, taking effect in 2011. As a result, Ontario municipalities should review their maximum environmental study grant amounts to determine if they are adequate in the face of these increased costs for the undertaking of environmental studies. In this regard, it should be noted that the City of Hamilton is one of only a few municipalities that has consistently increased its maximum environmental study grant amount, from \$10,000 in 2001, to \$15,000 in 2005, to the current \$20,000 in 2010. While Hamilton's maximum single grant amount is higher than most other municipalities, except for Waterloo and Edmonton, Hamilton's maximum grant amount for two studies (\$25,000) is similar to most of the other municipalities in Ontario, and actually less than Guelph and Waterloo. This could prove limiting where an applicant wishes to conduct multiple environmental studies on a site, e.g., Phase II ESA and a Risk Assessment.

Most municipalities require submission of a copy of the completed environmental study and verification that the environmental consultant has been paid prior to issuing an environmental study grant. Hamilton and Guelph will not typically release environmental studies funded using an environmental assessment study grant to a prospective purchaser or the public. Some municipalities, on the other hand, specify in their application materials that they are free to provide the environmental study to prospective purchaser(s). This practice is not advisable as it will dissuade owners from conducting environmental studies and permitting environmental studies to be conducted on their properties.

In order to facilitate the transfer of brownfield sites to parties who wish to remediate and rehabilitate these sites, most municipalities will provide the environmental study grant program to the property owner or a prospective purchaser (with consent from the property owner). It is important from a municipal perspective to ensure that environmental study grants are provided to owners or purchasers of properties that will actually be cleaned up and redeveloped, and where there will be an increase in assessment value, and therefore property taxes. One way to do this is to require planning applications or a redevelopment plan be submitted prior to submission of the environmental study grant application. However, in practice, this requirement can be problematic. First, it is not realistic to expect an owner or prospective purchaser to submit detailed redevelopment plans for a property they are not certain can be feasibly cleaned up. This determination can be made only once the environmental studies are complete. Second, even if redevelopment plans are submitted, this is no guarantee that the property will be redeveloped. Again, actual development on a brownfield site usually hinges in large part on the results of the environmental studies. Therefore, while inquiries regarding redevelopment plans should be made by the municipality in the application for an environmental study grant, and the veracity of the responses should be evaluated by municipal staff, the submission of detailed redevelopment plans as a required condition for environmental study grants is not recommended.

There is the question of whether or not environmental study grants should be given to polluting owners. Again, the issue is not a simple one because it is often difficult to determine which owner(s) actually polluted the site. Because the detailed environmental site information is so crucial to initiating brownfield redevelopment, consideration should be given to providing a study grant to a polluting owner only where there is potentially a bona fide arm's length purchaser wishing to redevelop the site.

A number of municipalities in the comparison, including Hamilton and Guelph, utilize a “roll-over” budget mechanism to ensure that any environmental study grant monies not used in a given year are rolled over into the next year. Hamilton puts the monies into a capital budget fund. Guelph rolls any leftover funds from the annual operating budget for environmental assessment grants into a reserve fund that pays for environmental site assessments of city-owned and/or strategically located privately owned parcels. This rollover flexibility is advisable as these programs are sometimes not fully utilized in certain years. Also, flexibility with respect to the uses of the environmental assessment funds (assessments of private and/or public property) is advisable to maximize use of funds available for this purpose.

Best Practice Considerations for the ERASE CIP:

The ERASE Study Grant Program offers a level of funding that is currently competitive with most Ontario municipalities that offer environmental study grants. The Program has been well utilized and has produced good results to date. However, the following enhancements to the ERASE Study Grant should be considered:

- 1) Increase the maximum grant level for two studies from \$25,000 to \$35,000; and,***
- 2) Consider permitting designated substance and hazardous materials surveys as an eligible cost.***

A7 Brownfields Property Tax Assistance Programs

The *Municipal Act, 2001* allows a municipality to pass a by-law providing tax assistance to an eligible property in the form of cancellation of all or a portion of the taxes levied on that property for municipal and education purposes during the “rehabilitation period” and the “development period” of the property, as defined in Section 365.1 of the *Municipal Act, 2001*. The matching education tax assistance is subject to approval by the Province (Minister of Finance) through its Brownfields Financial Tax Incentive Program (BFTIP) on a case by case basis. The municipality must make application to the Province for the matching education tax assistance. This process is complicated and time consuming, often taking more than six months to obtain approval from the Province. This is one of the main reasons that the Province’s BFTIP Program has not been well utilized since its introduction in 2004.

For a brownfield property to benefit from this tax assistance, it must be within a community improvement project area for which a CIP is in effect. The CIP must contain provisions with respect to said tax assistance. Safeguards must also be put in place in the CIP to ensure that the tax assistance provided does not exceed the cost of any action taken to reduce the concentration of contaminants on, in or under the property to permit an RSC to be filed in the Environmental Site Registry, and that the total grant made under Section 28(7) of the *Planning Act* and the tax assistance provided under Section 365.1 of the *Municipal Act, 2001* does not exceed the eligible cost of the community improvement plan with respect to those lands and buildings.

A municipal by-law is then required for properties where this tax assistance is provided and the municipality must make application to the Province for the education property tax assistance through the BFTIP. Certain provincial requirements must be built into these municipal by-laws. These requirements include restricting:

- the amount of tax assistance to the costs of reducing contaminants to permit filing of a record of site condition (RSC); and,
- the amount of matching education property tax assistance to a maximum of three (3) years, except in exceptional circumstances.

In two-tier municipalities, if upper tier tax assistance is to be provided, the upper tier must also approve its participation in the brownfields property tax assistance. For municipalities that offer both brownfields property tax assistance and a tax increment based grant, the tax assistance is provided first, and then the annual tax increment based grant starts to be paid out when the tax assistance ends. The tax assistance is not portable from one landowner to another and it cannot be assigned. Therefore, the tax assistance (both municipal and education) terminates at the date of sale, conveyance, severance or registration of plan of subdivision, whichever comes first. The municipality can convert the municipal tax assistance to a grant program at this time (and some municipalities do this), but the lack of portability of the education tax assistance component, along with the general three year maximum on education property tax assistance, restricts the potential effectiveness of the education tax assistance tool. Still, a tax assistance program may offer benefits for properties which increase substantially in assessed value after remediation/redevelopment, or properties which already have a high value prior to remediation/redevelopment if the municipality is financially willing to cancel existing property taxes on these properties.

All of the Ontario municipalities in the comparison offer a Brownfields Property Tax Assistance Program. Eligible costs include the cost of any action taken to reduce the concentration of contaminants on, in or under the property to permit an RSC to be filed. This typically includes the cost of environmental studies not covered by environmental study grants, environmental remediation including clean fill, grading and compaction to replace contaminated soils, installation, operation and maintenance of site monitoring and risk management works, filing of an RSC and Certificate of Property Use (CPU), and environmental insurance premiums. The City of Brantford Brownfields Property Tax Assistance Program specifically includes the cost to remove designated substances and hazardous materials as an eligible cost.

The City of Hamilton ERASE Tax Assistance Program includes the following eligible costs:

- i) environmental remediation, i.e., the cost of any action taken to reduce the concentration of contaminants on, in or under the eligible property to permit an RSC to be filed for the proposed use by a qualified person, including costs of preparing the RSC;
- ii) Phase II ESAs, risk assessments and remedial work plans not covered by the Study Grant Program;
- iii) installing environmental and/or engineering controls/works, as specified in the Remedial Work Plan and/or Risk Assessment and/or CPU;
- iv) monitoring, maintaining and operating environmental and/or engineering controls/works, as specified in the Remedial Work Plan and/or Risk Assessment and/or CPU.

It should be noted that this is very similar to the eligible costs for other tax assistance programs in Ontario, however the Hamilton ERASE Property Tax Assistance program does not include environmental insurance premiums and is not clear on whether or not the costs of filing an RSC and Certificate of Property Use are included.

While most of the Ontario municipalities typically match the 3 years of property tax assistance provided by the Province, some, such as Cornwall, Niagara Falls and the municipalities in Waterloo extend the municipal share of the property tax assistance to 5 years. Most Ontario municipalities that have a brownfields property tax assistance program just freeze property taxes on a brownfield site at the pre-development amount for the 3/5 years, and continue to collect the pre-development property taxes for this period. However, a number of municipalities, such as Brantford, Cornwall, Guelph and Kingston will actually cancel all property taxes for the 3 year period. While most brownfield sites do not generate substantial property taxes, this approach can be

beneficial on large brownfield sites that have existing buildings where existing property taxes are a significant impediment to redevelopment.

However, the complicated and time consuming process of applying for the Province's BFTIP Program and the general 3 year time limit on the education portion of the property tax is a mitigating factor. With no more than a dozen provincial BFTIP applications approved province-wide since the program was introduced over 12 years ago, it is not clear that the cancellation of all municipal and education property taxes on a brownfield site rather than just the property tax increase would have a significant positive impact for anything other than very large brownfield sites where current property taxes are considerable, e.g., brownfield sites with a large building(s). Furthermore, this property tax burden on brownfield sites with large buildings can be partially mitigated through the vacant building property tax rebate available in all Ontario municipalities.

Best Practice Considerations for the ERASE CIP:

The following revisions to the ERASE Tax Assistance Program should be considered:

- 1) Clarify that the cost of environmental remediation includes the cost of clean fill, grading and compaction to replace contaminated soils and the costs of filing a Record of Site Condition and Certificate of Property Use;***
- 2) Add environmental insurance premiums as an eligible cost;***
- 3) Add the "removal of designated substances and hazardous materials" as an eligible cost.***

A8 Tax Increment Grant (TIG) Programs

Numerous U.S. municipalities have successfully used tax increment financing (TIF) to promote the redevelopment of brownfield properties. Simply defined, TIF utilizes the difference between the total future tax payable and current tax payable, i.e., the tax increment generated by the redevelopment, to pay for the specific costs associated with the redevelopment.

In Ontario, municipalities utilize a variation of TIF known as tax increment based grants or tax increment grant (TIG). Instead of the municipality retaining the future tax increase when a brownfield property is remediated and redeveloped, it returns part or all of that increase to the owner/developer in the form of an annual "pay-as-you-go" grant for a specified period of time after the property has been remediated and redeveloped. This annual grant is based on a percentage of the tax increment generated by the project. This grant can include simply the cost of environmental assessment and remediation as eligible costs, or it can include other costs such as demolition, building rehabilitation, infrastructure upgrading, or even new construction.

The underlying principle of a TIG is that without offering the program, the brownfield redevelopment project would not take place. Therefore, the municipality is generating a property tax increase that would not otherwise take place, and simply returning part or all of that property tax increase to the developer in the form of a grant. Consequently, there is no net impact on the general property tax levy for a TIG program and the TIG is simply a flow-through item for budgeting purposes, but, the municipality may wish to include the increased property tax revenues and grant expenditures for accounting purposes.

Most of the municipalities in the comparison offer their annual TIG programs for up to 10 years, i.e., 10 annual grant payments or equivalent. Brantford offers up to a 20 year TIG with the duration of the TIG determined on a case by case basis, while Edmonton offers their TIG for 6 years and Ottawa for only 5 years.

In terms of the level of the TIG, virtually all of the municipalities use a constant percentage rate rather than a sliding scale. Cornwall is the only municipality that uses a sliding scale with the annual grant equal to 80% of the tax increment (TI) in years 1 and 2, 70% of the TI in years 3 and 4, 60% of the TI in years 5 and 6, 50% of the TI in years 7 and 8, and 40% of the TI in years 9 and 10. Brantford offers the most competitive TI based grant at 100% of the TIF for up to 20 years. Waterloo municipalities are next with a TI based grant at 100% of the TI for 10 years. Ottawa offers an 85% TI Grant but only for 5 years. This is a recent change from their previous 50% TIG for 10 years. Guelph, Hamilton, Kingston, Niagara Falls and Windsor offer their TIG at 80% of the TI for 10 years. However, the City of Niagara Falls offers its 80% TIG for 10 years only in its highest priority brownfield area (Area 1), which is a 200+ acre area of brownfields just north of its historic downtown. This TIG is offered for only 7 years in the rest of the urban area. It should also be noted that Niagara Falls is the only municipality that offers a TIG for properties that do not require brownfield remediation, sometimes referred to as "greyfields". However, the 80% TIG for greyfields in Niagara Falls is offered only for 5 years, and only in the two highest priority brownfield areas.

In terms of eligible brownfield costs permitted under the TIG programs, virtually all of the municipalities include the full suite of remediation related expenses. This includes the costs of: environmental studies not covered by environmental study grants, remediation, including costs to excavate, haul and dispose of contaminated soils, and/or in-situ or ex-situ treatment of contaminated soils, groundwater treatment, the supply, grading and compaction of clean fill to replace contaminated soils removed from the site, site monitoring and management measures, environmental insurance, and the preparation and filing of an RSC and CPU.

The City of Brantford explicitly includes the cost of removal/abatement of designated substances and hazardous materials in the eligible costs for its TIG program. A number of other municipalities include the removal/abatement of designated substances and hazardous materials as an eligible cost under the category of environmental remediation and/or under the category of building demolition, or under the category of building rehabilitation and retrofit works in the case of an adaptive reuse. Therefore, the City of Hamilton may wish to consider adding the cost of removal/abatement of designated substances and hazardous materials as an eligible cost to its TIG Program.

All 9 of the Ontario municipalities also include part or all of the non-environmental costs typically associated with the redevelopment of brownfield sites. This includes the cost of building demolition, building rehabilitation, and the cost of upgrading or replacing on-site and off-site public infrastructure. However, the eligible non-environmental costs and the percentage of those costs included in their TIGs by the Ontario municipalities vary significantly. For example, demolition is a 100% TIG eligible expense in all 9 of the Ontario municipalities, except in Ottawa where it is only 50% eligible, and in Hamilton where it is not an eligible expense in Area 1. However, Waterloo requires that the applicant demonstrate that the building demolition (part or all) is required to permit remediation. Five of the 9 Ontario municipalities include building rehabilitation and retrofitting as a TIG eligible expense with building rehabilitation and retrofitting a 100% TIG eligible expense in Brantford, Niagara Falls and Windsor, and a 50% TIG eligible expense in Guelph and Ottawa.

Removal, upgrading and construction of on-site infrastructure works (water service, sanitary and storm sewers) are a TIG eligible expense in 7 of the 9 Ontario municipalities. Kingston even includes gas, hydro and communication utilities. In Brantford, Cornwall, Niagara Falls and Windsor, 100% of on-site infrastructure works are TIG eligible, but in Cornwall, the on-site infrastructure works must be triggered by the existence of contamination and requirement for remediation and TIG eligibility is at the discretion of Council. In Kingston and Ottawa, 50% of on-site infrastructure works are TIG eligible. In Hamilton, only the costs of removing on-site infrastructure are TIG eligible, but these costs are limited to 25% of on-site infrastructure costs.

Upgrading and construction of off-site infrastructure works is a 100% TIG eligible expense in only 3 of the 9 Ontario municipalities. In Cornwall, off-site infrastructure works (water service, sanitary and storm sewers) are 100% TIG eligible at council's discretion. In Niagara Falls and Windsor, off-site infrastructure works include water service, sanitary and storm sewers, and electrical and gas utilities.

A number of municipalities in Ontario have reduced their allowance (percentage) for demolition and allowable on-site and off-site infrastructure upgrading eligible costs in recent years, because in some applications, these costs have begun to form a large percentage of approved brownfield TIGs, i.e., the demolition, on site and off site infrastructure upgrading costs have been larger (sometimes significantly) than the remediation costs. This is what led the City of Ottawa to specify that demolition, building rehabilitation and on-site infrastructure upgrading costs all together cannot exceed 15% of the total TIG eligible costs. Hamilton's restriction of TIG eligible infrastructure costs only to infrastructure removal and 25% of total on-site infrastructure costs and non-eligibility of demolition costs in Area 1 appears to satisfactorily address this issue.

Six (6) of the 10 municipalities in the comparison also include LEED certification and increase material/construction costs required to achieve LEED certification as TIG eligible costs. These municipalities include Guelph, Hamilton, Kingston, Ottawa, Windsor and Edmonton. Again, the particulars of the LEED related expenses included as TIG eligible vary from municipality to municipality. All six municipalities include base plan review, working drawings, energy modelling and certification expenses. Guelph, Hamilton, Windsor and Edmonton also include the material and construction costs required to achieve LEED certification. However, Hamilton caps eligible LEED costs at 50% of LEED costs and Windsor caps eligible LEED costs at 10% of total construction costs.

A few Ontario municipalities have included other costs associated with brownfield redevelopment such as planning fees, legal fees, and financing fees for environmental remediation as TIG eligible costs. For example, in Waterloo, the Joint Lower-Tier/Region TIG includes an allowance for such indirect remediation costs of 10% of eligible remediation costs. These indirect costs include planning fees, legal fees, and financing fees associated with remediation. The indirect cost allowance is an automatic 10% of remediation costs and is not tied to the actual cost of indirect expenses such as planning fees, legal fees, and financing fees.

Finally, 3 of the 9 Ontario municipalities, including Hamilton, Cornwall, and Windsor, formally dedicate the retained portion of the annual TI generated by the brownfield redevelopment project to a special brownfield reserve account for use by the municipality for environmental study and brownfield redevelopment on its own properties or to fund pilot brownfield remediation/redevelopment projects or public-private brownfield redevelopment partnerships. In municipalities where there has been approval of a number of TIG applications, such as Hamilton, it has been demonstrated that the retained portion of the TI can generate significant funds over time as more and more brownfield properties participate in the TIG program. However, as also noted in Hamilton, as these brownfield TIG programs mature, the retained portion of the TI may eventually be redirected to general revenues or used for other purposes instead of being used for brownfield redevelopment purposes. This defeats the original purpose and benefit of retaining the portion of the annual TI generated by participating brownfield redevelopment projects, which is to spur further brownfield redevelopment on publicly and privately owned brownfield sites. If a municipality, such as Hamilton, that initially intended to do so is not going to utilize the retained portion of the TI for environmental study and brownfield redevelopment on its own properties or to fund pilot brownfield remediation/redevelopment projects or public-private brownfield redevelopment partnerships, then it is preferable for that municipality to simply offer a 100% TIG instead of lower percentage TIG.

As per section 168.3.1 of the Environmental Protection Act and O. Reg 153/04, filing of an RSC is mandatory in Ontario when there is a "change to a more sensitive land use". The purpose of this RSC requirement is to help ensure that the site is environmentally suitable for the proposed use. An MOE acknowledged RSC is regarded by municipalities in Ontario as a proxy sign-off that a site has been assessed and remediated (as and where necessary) in accordance with MOE standards. This system of reliance on the RSC has worked well and continues to be used by most all Ontario municipalities in making decisions on planning applications and brownfield incentive program applications.

With the exception of Brantford and Hamilton, all of the Ontario municipalities in the comparison currently require submission of an RSC when applicants are accessing environmental remediation funding as part of a TIG, regardless of whether or not a mandatory change of use RSC is required as per O. Reg 153/04. Where a change of use RSC is not required by O. Reg 153/04, Brantford allows an applicant to provide an affidavit stating that the property is environmentally suitable for the proposed use, and Hamilton allows a risk assessment to be peer reviewed by a consultant selected by the municipality. Ostensibly, this practice of providing an affidavit or peer review alternative to the RSC in non-mandatory RSC situations has been adopted by a few municipalities in response to complaints from incentive program applicants of increasing delays and complexities in the Province of Ontario's RSC review and acknowledgement process, especially as it relates to risk assessments.

When municipalities are providing funding for environmental remediation or risk assessment through a TIG and/or a development charge reduction, there are three alternatives for ensuring that the brownfield site is or has been made environmentally suitable for the proposed use:

- i) Rely on a submitted and MOE acknowledged RSC, the approach used by most municipalities;
- ii) Rely on an affidavit from the qualified person that states that the site is environmentally suitable for the proposed use; or,
- iii) In-house review or external consultant peer review of all environmental study reports on the property.

The practice of not requiring an RSC when municipal funds are being utilized to remediate or risk assess a property where the proposed development does not represent a change to a more sensitive use as per O. Reg 153/04 raises a number of issues and questions for a municipality. First, it is highly unlikely in the current legislative and regulatory environment that any qualified person (QP) in Ontario would sign an affidavit that attests that a property is environmentally suitable for the proposed use. With regard to peer reviews, few municipalities, with the exception of the City of Toronto which utilizes in-house peer review, have the in-house staff resources to review environmental reports. Furthermore, this practice may actually attract environmental liability to the municipality should the in-house reviewer miss something or make an error.

Municipalities relying on external peer reviews have found that this process is not without issues regarding the time required for external peer reviews and inevitable disagreements between the external peer reviewer and the applicant's qualified person. Furthermore, the use of an external peer reviewer may also attract environmental liability to the municipality should the external peer reviewer miss something or make an error. It is instructive to note that most municipalities in Ontario require an RSC when providing TIG funding and DC reduction funding, regardless of whether or not the development is a change to a more sensitive use. In fact, most municipalities that offer DC reduction funding for brownfields in their DC bylaws write this RSC requirement right into the DC By-law. Finally, it is instructive that the Province's BFTIP program requires mandatory submission of an RSC even in cases where there is not a change to a more sensitive use, and even when a risk assessment is used to achieve that RSC. The established advantages and safeguards of relying on an RSC to demonstrate that a brownfield site has been assessed and remediated (as and where

necessary) in accordance with MOE standards generally tend to outweigh any time and cost savings and the liability risks associated with the currently available alternatives, i.e., QP affidavit, in-house or peer review.

While some of the municipalities in the comparison may not initially have utilized formal agreements to govern their TIGs, all the municipalities now require the applicant to enter into an agreement with the municipality specifying the terms of the funding assistance, obligations of the municipality and the owner, and defaults and remedies. The development and use of these agreements between the municipality and the applicant is critical to the success of the TIG programs and is needed to minimize financial and legal risks to the municipality. Furthermore, review of the standard TIG agreements utilized by several of the municipalities in the comparison show these agreements to be similar. These agreements should only be modified to suit the particulars of each application, e.g., a multi-phase brownfield redevelopment project versus a smaller single phase project.

Municipalities providing financial incentives to promote brownfield redevelopment must eventually address the issue of whether or not to provide funding to polluting owners. The “polluter pays” principle suggests that polluting owners should pay for the cleanup. An extension of this principle to financial incentives suggests that polluting owners should not be permitted to access any government funding for the purpose of environmental remediation. Most Ontario municipalities in fact follow this principle and do not provide TIGs or other major funding to polluting owners of brownfield sites. This is also the case in most U.S. jurisdictions (state and municipal). It is preferable from an environmental justice perspective for municipalities not to provide grants or other major remediation funding to polluting owners. However, in certain situations where the benefits of the brownfield redevelopment project are very significant and there is no alternative, municipal councils may wish to reserve the right to provide financial incentives to polluting owners. For this purpose, municipalities may wish to differentiate between polluting owners who knowingly contaminated their properties and polluting owners who were merely operating under the environmental standards in place at the time.

Best Practice Considerations for the ERASE CIP:

The ERASE Redevelopment Grant Program (RGP) offers a level of funding that is currently competitive with most Ontario municipalities that offer tax increment grants to promote brownfield redevelopment. The ERASE RGP has been well utilized and has produced good results to date. However, the following revisions to the ERASE RGP should be considered:

- 1) Add the “removal of designated substances and hazardous materials” as an eligible cost, but with consideration of a hard cap on these costs. Cap options include a fixed dollar amount, or capping these costs at no more than or some pre-determined percentage of the environmental remediation costs.***

A9 Development Charge Reduction Programs

Five (5) of the 9 municipalities in the comparison (Brantford, Hamilton, Niagara Falls/Niagara Region, Waterloo Region, and Windsor) offer a development charge (DC) reduction on contaminated sites that are remediated and redeveloped, while Ottawa offers a DC deferral. Brantford, Hamilton, Niagara Falls and Windsor allows the eligible costs of environmental studies, remediation and LEED certification (where applicable) approved under their TIG program to be applied against City development charges for the brownfield redevelopment project. If the applicant elects this option, all eligible costs approved under the TIG that are applied against DCs payable are deducted from the TIG to be paid. In Brantford, Hamilton, and Windsor, 100% of the DC payable can be wiped out by the application of eligible costs approved under the TIG, whereas in Niagara Falls up to 75% of the City DC payable can be wiped out by the application of eligible costs approved under the TIG. Ottawa offers a two year deferral of the DC payable based on eligible environmental study, remediation and

LEED certification costs up to a 50% deferral in priority brownfield areas and a 25% deferral in non-priority brownfield areas. Again, this change in Ottawa from a DC reduction to a DC deferral took place in late 2015 and was in response to escalating development charge reductions associated with approved brownfield rehabilitation grants. Development charge reductions on larger brownfield redevelopment projects can often be into the millions of dollars.

It should be noted that both the Region of Niagara and Region of Waterloo offer their own Brownfield DC Reduction Programs. In Niagara, if the brownfield project is located within a Central Area Community Improvement Project Area, e.g., Downtown Niagara Falls, there is an automatic 75% Regional DC Reduction. If the brownfield project is located outside a Central Area Community Improvement Project Area, there is an automatic 50% Regional DC Reduction. An additional 25% or 50% Regional DC Reduction can be obtained (depending on location) if the applicant can demonstrate the inclusion of the requisite number of Niagara Smart Growth Design principles into the proposed development. Separate application has to be made for this Smart Growth component of the Regional DC Reduction to the Region of Niagara. The initial 75% or 50% Regional DC reduction (depending on location) is applied at the time of building permit issuance, with the developer paying the balance of Regional DCs payable at that time. The Region then inspects the as-built project to determine if the applicant has complied with the requisite Smart Growth Design Criteria and if so, then provides a grant equal to the additional 25% or 50% Regional Smart Growth DC Reduction. In Niagara, the Regional DC Reduction amount was not traditionally deducted from the Joint TIG offered by Niagara and its local municipalities. However, the Region of Niagara has now revised its administration of this program and has indicated that if the local municipality deducts its DC reduction from its share of the TIG, the Region will do the same.

In Waterloo, the Region's DC Reduction (Exemption) Program allows the direct remediation costs (plus a pre-determined 20% indirect remediation costs) to be applied against Regional DCs payable, up to 100% of the Regional DCs payable. This makes the Region of Waterloo's DC Reduction program one of the most generous in Ontario. This Regional DC reduction can be applied at the time of building permit issuance if the applicant has filed an RSC and provides their remediation expense invoices well in advance of the building permit issuance to allow time for review and approval of the expenses. Otherwise, Regional DCs must be paid in full at the time of building permit issuance and then a grant will be provided once the remediation expense invoices have been audited and approved. The joint Local Municipality/Waterloo Region TIG is then reduced by the amount of any Regional DC Reduction.

The use of a DC Reduction Program is the most powerful incentive tool for promoting brownfield redevelopment and a number of Ontario municipalities leading the way on brownfield redevelopment (both lower and upper tier) offer some form of DC reduction. Representatives from several of the municipalities using the DC reduction tool such as the Region of Waterloo and Hamilton, along with a number of major developers of brownfield sites have consistently indicated that this particular incentive is the single most attractive and effective incentive program to promote brownfield redevelopment. As opposed to TIGs, which are paid out over a number of years after project completion, a DC reduction offers an up-front cost savings to the developer because development charges are paid at the building permit stage, or at the latest, upon project completion. Development charge deferral programs, while they can save significant financing costs on large brownfield redevelopment projects, are not nearly as effective as DC reduction programs.

Furthermore, most of the municipalities with DC Reduction Programs have chosen to address the fiscal challenge of providing DC reductions by deducting the amount of the DC reduction from any TIG provided to the applicant. Therefore, over time, the municipality will eventually collect the amount of the DC reduction in the form of increased property taxes rather than returning this increase in property taxes to the developer in

the form of a TIG. This increase in property taxes collected and retained by the municipality can be used to help offset or eliminate the shortfall in capital cost recovery from the DC reduction for brownfields.

A10 Remediation Loan

The only municipality in the comparison that offers a loan for remediation is the City of Hamilton. This program was introduced by the City of Hamilton as a pilot program in 2010 through an amendment to its ERASE CIP. This program offers a low interest loan (1% below prime) for the remediation of brownfield properties being developed/redeveloped for residential or residential/commercial use within Downtown Hamilton and the West Harbourfront. The low interest loan is equal to 80% of the cost of remediating a property to a maximum of \$400,000 per property/project. The original maximum amount was \$100,000, but this was increased to \$400,000 because it was found that \$100,000 was too low to complete most remediation projects in this area.

This program is obviously designed to provide some financial assistance early in the brownfield redevelopment process, i.e., to help finance the remediation and act as a bridge until property owners receive their ERASE Redevelopment Grant payments. The loan is provided to the successful applicant in progress payments based on 80% of the actual qualifying remediation costs incurred. Such progress payments will be advanced within 30 days of submission of the property owner's request for a loan draw. There is a limit of six draws, spaced no less than 30 days apart. The annual interest rate on the loan is 1% below the prime rate as established by the Royal Bank of Canada. Such rate shall be established at the time the first instalment of the loan is advanced by the City and reset annually on the anniversary date of the first advance.

The applicant has the option of repaying the loan through the assignment of TIG payments under the City's ERASE Redevelopment Grant Program against the loan. This is a positive and innovative approach to repayment of the loan. In the event that the full 10 year grant amount is not sufficient to repay the loan in its entirety, supplemental payments from the applicant will be required. The loan, together with interest can be prepaid in full by the owner without notice, penalty or bonus at any time. To date, only two applications have been approved under this loan program by the City of Hamilton over the six year period that it has been in existence.

While the addition of this program to the ERASE Programs provides an extra up-front incentive to redevelop brownfield properties in the Downtown Hamilton and the West Harbourfront area, uptake of the program has been moderate to date. Furthermore, based on the \$400,000 program cap, the real benefit of the program likely lies in promoting smaller brownfield redevelopment projects in the Downtown Hamilton and the West Harbourfront Area. It is not clear that this program will be necessary in the long-term based on the large scale of development (including brownfield redevelopment) being planned for and anticipated in Downtown Hamilton and especially in the West Harbourfront Area. Increases in demand and market value in Downtown Hamilton, and eventually in the West Harbourfront Area, combined with the other ERASE Incentive Programs and the Downtown Incentive Programs available from the City of Hamilton, may be sufficient to spur all but the smaller brownfield redevelopment projects in both Downtown Hamilton and the West Harbourfront Area.

Best Practice Considerations for the ERASE CIP:

The following revisions to the Downtown/West Harbourfront Remediation Loan Program (RLP) should be considered:

- 1) Sunsetting the program at the end of 2020; and/or,***
- 2) Restricting the program to smaller and medium sized brownfield redevelopment projects where the cost of remediation represents a significant component of total project costs.***

A11 Municipal Tipping Fees Grant

Cornwall is the only municipality in the comparison that offers a discounted tipping fee at its own landfill. This is not a common practice and only a handful of municipalities in Ontario, e.g., Welland, offer discounted tipping fees at their municipally owned landfills for contaminated soils. Rather, most municipalities in Ontario simply include the cost of tipping fees as an eligible cost of environmental remediation in their tax increment based grant programs.

A12 Planning and Building Permit Fees Grant Programs

Only 3 of the 9 Ontario municipalities in the comparison offer planning and building permit fee grants or rebates to promote brownfield redevelopment. The City of Cornwall offers a grant equal to 100% of the planning and building permit fees paid on a brownfield redevelopment project. The City of Windsor also offers a grant equal to 100% of the planning and building permit fees paid on a brownfield redevelopment project, but this grant is paid as part of the TIG rather than as a stand along grant at the end of the project. The City of Ottawa offers a grant equal to 30% of the building permit fee, but only for brownfield redevelopment projects in its priority brownfield area.

Planning and building permit fee grants or rebates by themselves do not appear to be significant inducements for brownfield redevelopment, and that is likely why most municipalities do not offer them to promote brownfield redevelopment. The building permit fee component is likely the only significant incentive on large brownfield redevelopment projects. However, the municipality should keep in mind that even if the building permit fee is waived or granted back, the building department must still conduct the review of the application and inspections. While intended as an “extra” inducement on brownfield sites, with the exception of building permit fees on large projects, planning fee rebates become virtually an afterthought when compared to potential remediation and demolition costs. Fee rebate programs can also be cumbersome to administer. Therefore, planning and building permit fee grants/rebates are not considered a necessary incentive to promote brownfield redevelopment.

A13 Payment in Lieu of Parkland Dedication Grant Program

Only one municipality in the comparison offers a Payment in Lieu of Parkland Dedication Grant. The City of Cornwall offers a grant at the subdivision stage that is equal to the parkland dedication fees paid by the applicant on a brownfield redevelopment project. However, this grant is offered only on brownfield sites where land dedication is not feasible, and the grant is entirely at the discretion of Council. Preference is given to key brownfield sites identified by the City of Cornwall. The City of Hamilton's Parkland Dedication By-law (By-Law No. 09-214) contains a provision that provides a favourable calculation of the payment in lieu of parkland dedication for higher density brownfield redevelopment projects in the older industrial area and West Harbourfront Area of the City.

On some large brownfield sites, the payment in lieu of parkland dedication can be very significant. Therefore, in theory, this type of grant could be very attractive to a developer considering a brownfield site. On the other hand, this type of grant really has no relationship to the remediation or other brownfield related costs of a brownfield redevelopment. Providing this type of grant could also directly impact the ability of the municipality to provide much needed parkland. This is a particularly important consideration where the brownfield redevelopment project is increasing the residential density of the site, e.g., conversion or redevelopment of a former industrial use to a residential use. Therefore, the provision of a payment in lieu of parkland dedication grant is not considered a necessary incentive to promote brownfield redevelopment.

A14 U.S. Municipal Brownfield Incentive Programs

Cuyahoga County (upper tier) in Ohio has a Brownfield Community Assessment Initiative that provides professional services to conduct Phase I and Phase II environmental site assessments on Brownfield contaminated with hazardous substances and/or petroleum products. The County contracts directly with experienced environmental consulting firms to conduct the assessment work. The most appropriate consultants will be assigned to a selected project. Eligible applicants are public entities (including lower tier municipalities), non-profit organizations, businesses, and developers located in the County. Funds are not available to any parties that caused or contributed to the contamination of the site. Through June 2015, the Cuyahoga Brownfield Community Assessment Initiative had funded over \$4 million for the assessment of 165 sites comprised of over 4,200 acres.

Cuyahoga County also has a Brownfield Redevelopment Fund (BRF) which provides low interest loans of up to \$1,000,000 per project to pay for land acquisition, environmental studies, site clearance and demolition (Cuyahoga County of Ohio). This program is available to private developers and lower tier municipalities within Cuyahoga County. Projects are selected using the successful criterion that has been established through the County's BRF program on a first come first serve basis. BRF dollars are focused on cleanup activities associated with hazardous substance contamination at brownfield sites. Cleanup activities must be done under the Ohio EPA Voluntary Action Program (VAP) and be issued a "No Further Action" (NFA) letter which is similar to but more definitive than Ontario's RSC. Borrowers cannot be potentially responsible parties (PRPs) or responsible parties. County staff prepare and submit competitive grant applications to the U.S. EPA Revolving Loan Fund (RLF) and the State of Ohio (Clean Ohio Funds) in order to receive the funds needed for the BRF. As of September 2014, the County had participated in funding the cleanup of 34 of these sites through its BRF resulting in the remediation of over 130 acres, creation or retention of over 2,200 jobs, and leveraging of over \$450 million in development. An additional 86 of the 159 sites moved forward with private funding at an approximate investment estimated to exceed \$550 million. Source: www.cuyahogacounty.us website.

The City of Milwaukee in Wisconsin, offers a Brownfields Site Assessment Matching Grant Program through its City Redevelopment Authority (RACM), to encourage the investigation and redevelopment of industrial and commercial properties. Grants of up to \$25,000 (or one-half of the cost, whichever is less) are available to assist with Phase II Site Assessments and related work such as remedial action plans and confirmatory sampling.

Similar to environmental study grant requirements in Ontario municipalities:

- the Applicant has completed an Phase I ESA to document potential environmental concerns and to focus further investigation;
- the Applicant must own or intends to buy the property;
- the site is to be redeveloped;
- the applicant agrees to report on results of testing and redevelopment plan;
- competitive bids for covered services must be obtained from at least two qualified providers; and,
- the applicant must be current on all property taxes and free from code violations.

Similar to Cuyahoga County, the City of Milwaukee RACM has a remediation loan fund that provides low interest loans to pay for land acquisition, environmental studies, site clearance and demolition. The City's Economic Development Authority (MEDA) manages the remediation loan fund for the RACM. Since 1990, Milwaukee has been actively involved in the redevelopment of at least 87 brownfield redevelopment projects. Successful redevelopment projects have included manufacturing, residential, retail, and commercial projects.

The City of Milwaukee has invested over \$21.7 million in the testing and clean-up of these properties. To date, \$766.1 million of redevelopment investment and 3,384 jobs have been created/retained as a result of these redevelopment projects.

Source: www.city.milwaukee.gov/BrownfieldRedevelopment#.WHk9MdQrLX6 web site.

ATTACHMENT 1

Summary of Municipal Brownfield Redevelopment Incentive Programs

City of Brantford, Ontario

Brownfields CIP Adopted: 2006.

Geographic Coverage: The Community Improvement Project Area includes the Downtown and the older part of the urban area including older employment areas and residential neighbourhoods.



Incentive Programs Offered:

Program Name	Eligible Costs	Type and Amount	Program Notes
1) Brownfields Property Tax Assistance Program (BFTIP)	Phase I ESA, Phase II ESA, Risk Assessment, RWP, environmental remediation (includes removal of designated substances and hazardous materials)	Cancellation of 100% of municipal and education property taxes. No duration limit specified, but generally 3 to 5 years. Actual duration to be determined on a case by case basis.	
2) Brownfield Performance Tax Grant Back Program	As in 2) above, plus costs associated with building and property rehabilitation, and construction/removal of on-site infrastructure works, e.g., water, sanitary and storm services, roads.	Tax Increment (TI) Based Grant. Annual Grant = 100% of TI for up to 20 years or repayment of eligible costs. Actual duration determined on a case by case basis.	
3) Brownfields Development Charge Reduction	Phase I ESA, Phase II ESA, Risk Assessment, RWP, environmental remediation (includes removal of designated substances and hazardous materials) for the issuance of an affidavit that the lands are suitable for the proposed use, or the filing of an RSC, or the cost of complying with any Certificate of Property Use (CPU) issued under the Environment Protection Act (EPA).	Up to 100% DC Reduction. Offsets the Tax Grant Back program. The DC Reduction is net of any other grant provided by the City for eligible work.	

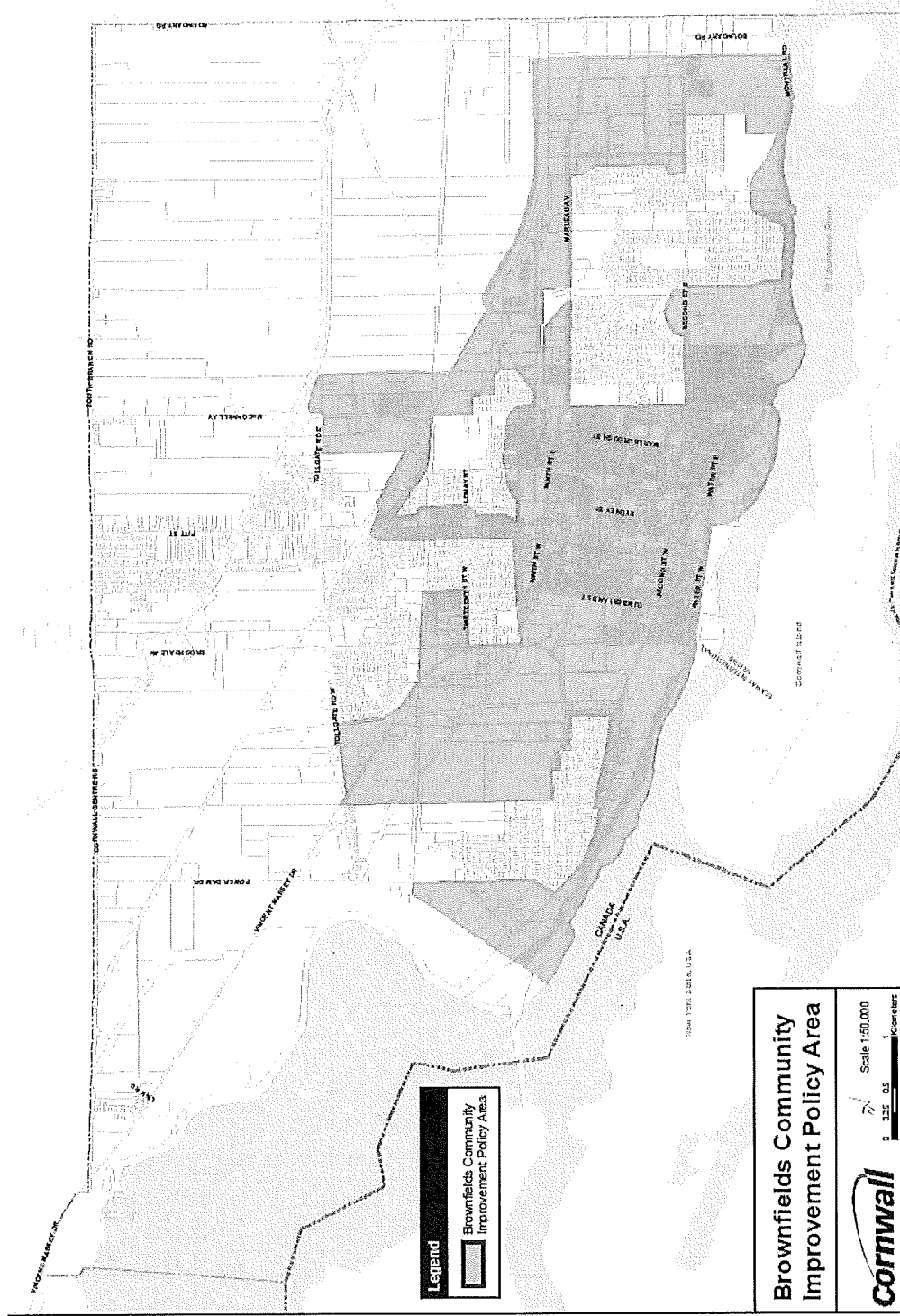
General Comments:

Applications for the BFTIP are evaluated by the Brownfield Technical Advisory Committee (made up of staff members) and the Community Advisory Committee (2 councilors and 7 citizens). The applicant must attend a meeting with the Community Advisory Committee. The joint decision of the Brownfield Technical Advisory Committee and the Community Advisory Committee is then forwarded to Council. This multi-layered approval process appears to have the potential to be cumbersome, time consuming and overly onerous. While the Brownfield CIP did contain an Environmental Study Grant Program, it was never actually offered. Only a few Brownfield Performance Tax Grant Back Program applications have been approved since inception of the CIP. Since the Brownfield CIP was approved, the City of Brantford has vested a number of brownfield sites and paid for environmental site assessments and remediation on these sites.

City of Cornwall, Ontario

Brownfields CIP Adopted: 2005, revised several times since 2005.

Geographic Coverage: Brownfields Strategy Community Improvement Policy Area – captures most of the City’s “urban” land, with the exception of a number of stable residential neighbourhoods and future development areas within the City’s new Industrial Park.



Incentive Programs Offered:

Program Name	Eligible Costs	Type and Amount	Program Notes
1) Project Design Study Grant Program	Development Feasibility Study and Design Work – available only to recipients of ESA Grant	Grant = 50% of cost of feasibility study to maximum grant of \$7,500. Maximum grant assistance to individual applicant (all sites) = \$42,500.	Preference given to key brownfield sites identified by City.
2) Environmental Site Assessment (ESA) Grant Program	Phase II ESA, Risk Assessment, Remedial Work Plan (RWP)	Grant = 50% of cost of study to maximum grant of \$15,000. Maximum grant assistance to individual applicant (all sites) = \$45,000.	
3) Brownfields Property Tax Cancellation Assistance Program	As in 2) above, plus: i) environmental remediation; ii) clean fill, grading and compaction to replace contaminated soils; iii) filing of RSC and Certificate of Property Use (CPU); iv) site monitoring, and risk management measures; v) environmental insurance; and, vi) At discretion of Council, demolition, and on-site infrastructure works triggered by existence of contamination and requirement for remediation (only for municipal portion of tax assistance).	Cancellation of 100% of municipal and education property tax increase up to maximum 3 years for education portion and 5 years for City portion.	
4) Brownfield Rehabilitation Grant (Tax Based) Program	As in 2i) to 2v) above, plus: i) At the discretion of Council, demolition, and improvement or reconstruction of off-site infrastructure works (water, sanitary and storm).	Tax Increment (TI) Based Grant. For residential development, Annual Grant = 100% of TI for up to 10 years or up to repayment of eligible costs. For non-residential development, Annual Grant = sliding scale with 80% of TI in years 1 and 2, 70% of TI in years 3 and 4, 60% of TI in years 5 and 6, 50% of TI in years 7 and 8, and 40% of TI in years 9 and 10, or up to repayment of eligible costs.	Portion of TI retained by City used to fund other brownfield initiatives. Focus of this grant program is on key brownfield sites identified by City.
5) Discretionary Municipal Tipping Fees Grant Program	Tipping fees for non-hazardous material at the municipal landfill. Other non-hazardous soil treatment facilities or non-hazardous landfill sites may also be considered.	Grant at discretion of Council. Grant = up to 50% of cost of tipping fees. No maximum specified.	A Guideline for delivery of soils to Landfill Site is provided by the City.

Program Name	Eligible Costs	Type and Amount	Program Notes
6) Municipal Planning/Development Fees Grant Program	Official Plan Amendment (OPA), Zoning By-Law Amendment (ZBA), Site Plan, Consent/Minor Variance, Plan of Subdivision/Condominium, Building Permit Fee	No maximum specified.	
7) Payment-in-Lieu of Parkland Dedication Program	Parkland dedication fees of 2% for industrial/commercial and 5% for residential and other.	Grant at discretion of Council. Grant of fees paid at subdivision approval stage.	Preference given to key brownfield sites identified by City.

General Comments:

Applications are evaluated by the Cornwall Brownfields Strategy Evaluation Committee (made up of general managers of several departments (Planning, Public Works, Finance, Economic Development), one member of Council and three community group members. Projects are required to demonstrate a “significant leveraging” of private sector investment as a result of public sector assistance, but this is not defined in the application materials. The Cornwall Program is very robust and Council has a significant amount of discretion with respect to eligible costs and grant amounts approved. The Rehabilitation Grant Program has been used to approve a few very large brownfield redevelopment projects with grants provided by the municipality in the millions of dollars to these projects.

City of Guelph, Ontario

Brownfields CIP Adopted: 2004, updated in 2012.

Geographic Coverage: All land within the municipal boundaries of the City of Guelph.

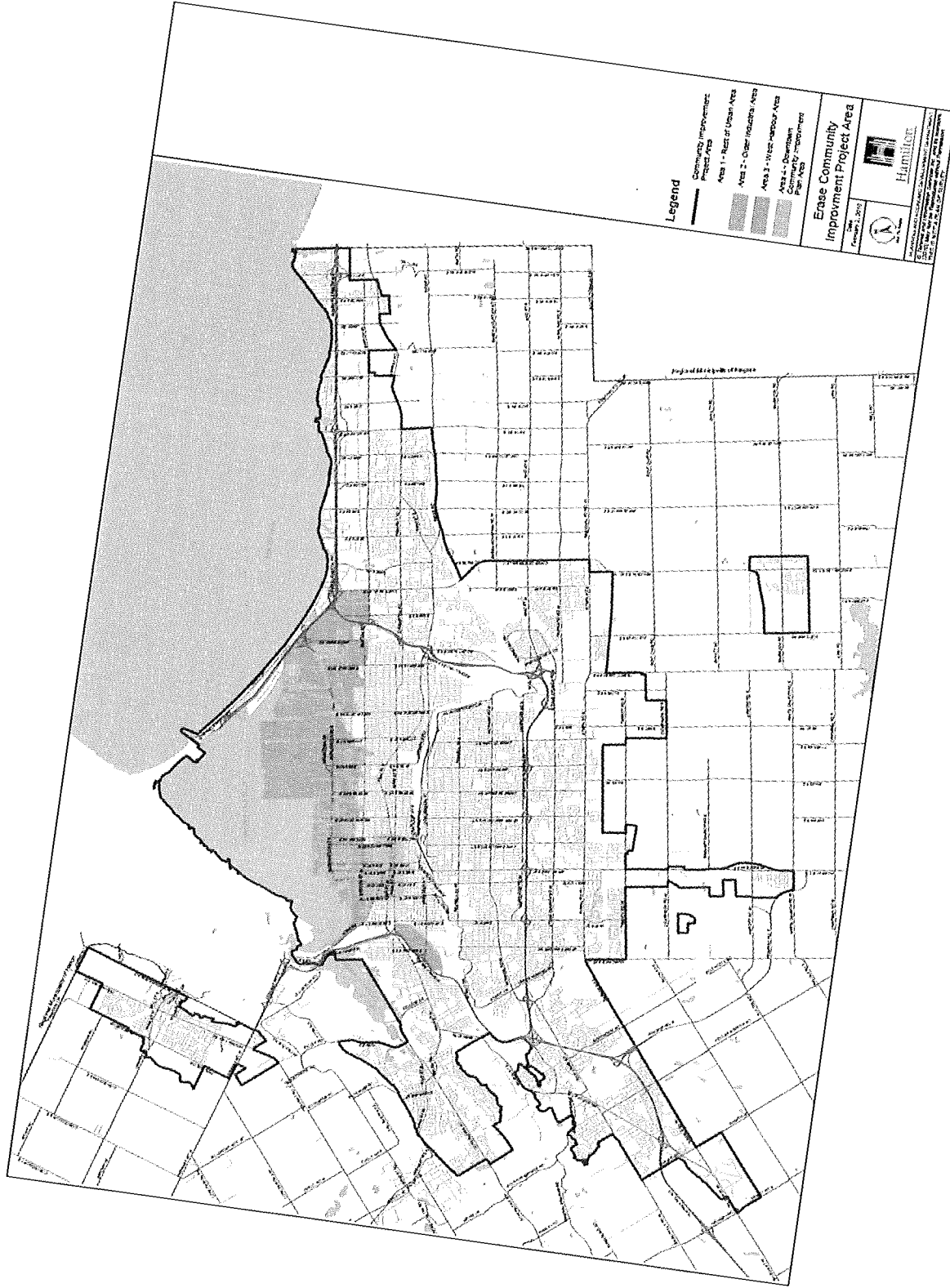
Incentive Programs Offered:

Program Name	Eligible Costs	Type and Amount	Program Notes
1) Environmental Study Grant Program	Phase II ESA, RWP, Designated Substances and Hazardous Materials Survey, Risk Assessment and Risk Management Plan	Grant = 50% of cost of study to maximum grant of \$15,000. Maximum of 2 studies per property/project and maximum grant of \$30,000 per property/project.	
2) Brownfields Property Tax Assistance Program	As in 1) above, plus: i) environmental remediation; ii) clean fill, grading and compaction to replace contaminated soils; iii) filing of RSC and CPU iv) site monitoring and risk management measures; v) environmental insurance.	Cancellation of municipal and education property tax increase for up to 3 years.	
3) Tax Increment Based Grant (TIBG) Program	As in 2) above, plus: i) demolishing buildings; ii) 50% of building rehabilitation works; and, iii) achieving any level of LEED Certification including: a) base plan review by certified LEED accredited professional; b) preparing working drawings to LEED standard; c) submitting and administering constructed element testing and certification used to determine LEED designation; d) increase in material/construction cost of LEED components over standard building code or City requirements.	TI Based Annual Grant = 80% of TI for up to 10 years or up to repayment of eligible costs.	

City of Hamilton, Ontario

ERASE Brownfields CIP Adopted: 2001, revised in 2004 and 2010. Community improvement project area expanded from older industrial area (2001) to the entire urban area in 2004. Program additions and minor modifications made in 2012.

Geographic Coverage: The municipality's entire urban area with four distinct sub-areas, including 1 Rest of Urban Area, 2 Older Industrial Area, 3 West Harbour Area, and 4 Downtown CIP Area.



RCI Consulting

Review of City of Hamilton ERASE CIP Programs

Incentive Programs Offered:

Program Name	Eligible Costs	Type and Amount	Program Notes
1) Environmental Study Grant Program (SGP)	Phase II ESA, RWP, Risk Assessment.	Grant = 50% of cost of study to maximum grant of \$12,000 per study. Maximum of 2 studies per property/project and maximum grant of \$25,000 per property/project.	
2) ERASE Tax Assistance Program	As in 1) above, plus: i) environmental remediation; ii) filing of RSC; iii) site monitoring and risk management measures.	Cancellation of 80% of the municipal and education property tax increase for up to 3 years.	Portion of Tax Assistance retained by City is used to fund the ERASE Municipal Acquisition and Partnership Program (MAPP).
3) ERASE Redevelopment Grant Program (RGP)	As in 2) above, plus: i) 50% of costs of achieving any level of LEED Certification including: a) consultation costs; b) energy modelling; c) certification fees; d) increase in material/construction cost of LEED components over standard building code or City requirements; ii) demolition costs (Areas 2 and 3 only); iii) removal of existing on-site infrastructure prior to replacement up to a maximum of 25% of construction/improvement costs for of on-site public works (water services, sanitary sewers and storm sewers) (Areas 2 and 3 only); iv) Certain relocation/removal costs for existing and operating industrial manufacturing and transportation uses, where such costs relate to or contribute directly to the actual remediation and rehabilitation of the site (Area 3 only).	TI Based Grant Annual Grant = 80% of TI for up to 10 years or up to repayment of eligible costs.	Portion of TI retained by City is used to fund the ERASE MAPP.

Program Name	Eligible Costs	Type and Amount	Program Notes
4) ERASE Development Charge Reduction	The applicant with an approved ERASE RGP will have the option of applying the eligible costs in 2) and 3i) above against development charges payable (after any demolition charge credits are applied). If applicant chooses to exercise this option, eligible costs in 2) and 3i) applied against development charges payable will be deducted from eligible costs under the ERASE RGP. Residential development in Area 2 is not eligible for this program unless it is a conversion from a former industrial/commercial use. Industrial development in Area 3 is not eligible for this program.	Eligible environmental study, remediation and LEED certification costs as per RGP can be deducted from City development charges payable up to 100% DC reduction. Offsets the Redevelopment Grant.	Program provides option to developer to take certain eligible costs as a DC reduction or a TIG.
5) Downtown Hamilton/West Harbourfront Remediation Loan Program	As in 2) above.	Low interest rate loan (1% below prime) = 80% of cost of remediation of properties being developed or redeveloped for residential or commercial use only in Area 4. Maximum loan = \$400,000 per property/project. Loan can be repaid through assignment by applicant of grant payments under the ERASE RGP back to City.	Loan acts as a bridge until the property owner receives their ERASE RGP or Hamilton Downtown Property Improvement Grant.

General Comments:

This program has been very successful since inception and continues to be well utilized. A total of 145 Study Grant applications have been approved⁷ since 2001 for a total Study Grant amount approved of approximately \$1,411,750 allowing the environmental study of approximately 383 acres (155.1 ha.) of land.

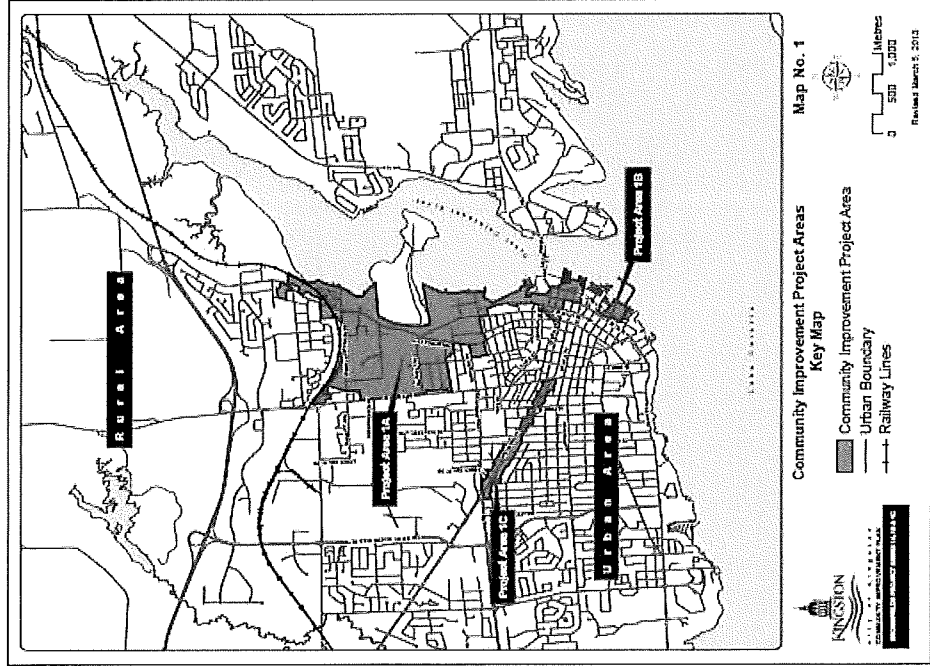
A total of 44 Redevelopment Grant Applications have been approved since 2001 for a total Redevelopment Grant amount of approximately \$32,100,156. These projects will result in the remediation and redevelopment of 213.0 acres (86.2 ha.) of land. To date, 25 sites totaling 123.0 acres (49.8 ha) have been completely remediated. Construction has been completed on 16 of these 25 sites and total construction expenditures on these 16 sites is \$116,145,820 including the construction of approximately 500 new residential units, 600,000 sq.ft. of industrial/commercial space, and the creation of 325 jobs. The ERASE Program is currently being reviewed by the City of Hamilton.

⁷ Includes 2 applications in due diligence.

City of Kingston, Ontario

Brownfields CIP Adopted: 2005, revised in 2006 and 2013. Revisions twice expanded the project area and included some housekeeping amendments.

Geographic Coverage: Three distinct project areas. Project Area 1A comprises the Old Industrial Area of the former City of Kingston, the lands along the Inner Harbour of the Great Cataraqui River, and a portion of the downtown, including a four-and-a-half block area known as the North Block Central Business District. Project Area 1B includes the property between Lake Ontario and Ontario Street known as Block 'D', as well as a few other parcels of land to the north-west of Ontario Street. Project Area 1C comprises the Williamsville Main Street Area along both sides of Princess Street between Division Street and the Bath Road/Concession Street intersection.



Incentive Programs Offered:

Program Name	Eligible Costs	Type and Amount	Program Notes
1) Initial Study Grant Program	Phase II ESA, Risk Assessment, RWP	Grant = 50% of cost of study to a maximum of 2 studies per property and maximum grant of \$20,000 per property.	
2) Brownfields Financial Tax Incentive (BFTIP) – same as Tax Assistance	As in 1) above, plus: i) environmental remediation; ii) clean fill, grading and compaction to replace contaminated soils; iii) filing of RSC and CPU; iv) environmental insurance; v) cost of financing (interest charges) of preparing the studies and undertaking the environmental remediation.	Cancellation of municipal and education property taxes (not just the increase) for up to 3 years.	
3) Tax Increment Based Rehabilitation Grant (TIBRG) Program	As in 2) above, plus cost of: i) Building demolition; ii) Environmental monitoring and management measures; iii) 50% of constructing/improving on-site infrastructure (water, sanitary, storm, gas, hydro and communication utilities); iv) Legal costs for brownfield related agreements and the RSC; v) MPAC estimate of assessment value; vi) Achieving any level of LEED Certification including: a) base plan review by certified LEED accredited professional; b) preparing working drawings to LEED standard; c) submitting and administering constructed element testing and certification used to determine LEED designation;	TI Based Annual Grant = 80% of TI for up to 10 years or up to repayment of eligible costs.	

General Comments:

The City of Kingston is currently reviewing its brownfield incentive programs.

Waterloo - Cities of Kitchener, Cambridge and Waterloo, and Region of Waterloo

Brownfields CIP Adopted: Kitchener – 2003, amended in 2008; Cambridge – 2010; Waterloo - 2013.

Geographic Coverage: The entire Urban Area of each municipality.

The three municipalities in Waterloo partner with the Region of Waterloo to offer brownfield redevelopment incentive programs.

Incentive Programs Offered:

Program Name	Eligible Costs	Type and Amount	Program Notes
1) Phase II ESA Study Grant Program	Phase II ESA, Risk Assessment and Risk Management Plans.	Grant = 50% of cost of study to maximum grant of \$40,000 per site.	Program is offered and administered by the Region of Waterloo.
2) Brownfields Tax Assistance Program	Direct remediation costs as in 1) above, plus: i) environmental remediation; ii) clean fill, grading and compaction to replace contaminated soils; iii) site monitoring and risk management measures.	Cancellation of 100% of municipal and education property tax increase up to maximum 3 years for education portion and 5 years for City portion.	
3) Joint Tax Increment Grant (TIG) Program	Direct remediation costs as in 2) above, plus: i) building demolition only if related to remediation; plus, Indirect remediation costs to a maximum of 10 % of above-noted eligible direct remediation costs (i.e. planning and legal fees, financing costs associated with remediation, insurance premiums, assessment estimates, preparation and filing of RSC).	TI Based Annual Grant = 100% of municipal TI (includes City and Regional portion) for up to 10 years or up to repayment of eligible costs.	Separate approval of the applications is required from the lower-tier municipality and the Region.
4) Development Charge Exemption	Direct remediation costs as in 2) above, plus: i) building demolition only if related to remediation, plus, Indirect remediation costs to a maximum of 20 % of above-noted eligible direct remediation costs (i.e. planning and legal fees, financing costs associated with remediation, insurance premiums, assessment estimates, preparation and filing of RSC, audit of invoices).	Up to 100% Regional DC Reduction. Offsets the Joint TIG.	Program is offered and administered by the Region of Waterloo.

General Comments:

The Region of Waterloo assists the lower tier municipalities with administration of the Joint TIG Program. The brownfield redevelopment incentive programs in Waterloo are “back-end” programs, i.e., applicants apply after the remediation has been completed. This aspect has created a number of issues with applicants around documentation and verification of eligible costs. Otherwise, the programs have been well utilized for a number of projects, particularly in Kitchener and Cambridge. The Region of Waterloo is currently reviewing its brownfield redevelopment incentive programs.

Niagara Falls - City of Niagara Falls, and Region of Niagara

Brownfields CIP Adopted: 2006.

N.B. Several of the lower-tier municipalities in Niagara have Brownfield CIPs similar to Niagara Falls and partner with the Region of Niagara to offer brownfield redevelopment incentive programs.

Geographic Coverage: The municipality's entire urban area, with three distinct sub-areas, including Area 1 - Pilot Project Area, Area 2 - Other General Areas for Community Improvement, and Area 3 - Rest of Urban Area.



- Area 1 - Pilot Project Area
- Area 2 - General Areas for Community Improvement
- Area 3 - Rest of Urban Area

Incentive Programs Offered:

Program Name	Eligible Costs	Type and Amount	Program Notes
1) Environmental Study Grant Program	Phase II ESA, RWP, Risk Assessment/Risk Management Plans.	Grant = 50% of cost of study to maximum grant of \$12,500 per study. Maximum of 2 studies per property/project and maximum grant of \$20,000 per property/project.	
2) Brownfields Tax Assistance Program	As in 1) above, plus: i) environmental remediation; ii) clean fill, grading and compaction to replace contaminated soils; iii) filing of RSC; iv) site monitoring and risk management measures; v) environmental insurance.	Cancellation of 100% of municipal and education property tax increase up to maximum 3 years for education portion and 5 years for City portion.	
3) Brownfields Rehabilitation Grant Program	As in 2) above, plus: i) demolishing buildings; ii) building rehabilitation and retrofit works; iii) upgrading on-site infrastructure (water, sanitary and stormwater management facilities); iv) constructing/upgrading off-site infrastructure including roads, water services, sanitary sewers, stormwater management facilities, electrical and gas utilities, where required to permit remediation, rehabilitation and/or adaptive reuse of the property.	<p>TI Based Annual Grant = 80% of municipal TI (includes City and Regional portion) for up to 10 years or up to repayment of eligible costs. Eligible costs and duration of Grant depends on sub-area where project is located and whether or not the property requires environmental remediation.</p> <p>If property requires environmental remediation, all costs as per 2) and 3) are eligible, and duration of grant is as follows: Area 1 = up to 10 years; Area 2 = up to 7 years; Area 3 = up to 7 years.</p> <p>If property does not require environmental remediation, only 3i) - 3iv) are eligible, and duration of grant is as follows: Area 1 = up to 5 years; Area 2 = up to 5 years; Area 3 = No grant available.</p>	Region's TI component matches the lower tier municipality on a percentage basis.

Program Name	Eligible Costs	Type and Amount	Program Notes
4) Development Charge Reduction	<p>The applicant with an approved Brownfields Rehabilitation Grant will have the option of applying the eligible costs in 2) above against development charges payable (after any demolition charge credits are applied) up to 75% of the City development charge payable. If applicant chooses to exercise this option, eligible costs in 2) applied against development charges payable will be deducted from eligible costs under the Brownfields Rehabilitation Grant. An additional 25% City development charge reduction will be provided if the applicant can demonstrate the inclusion of the requisite number of Regional Smart Growth Design principles into the proposed development.</p>	<p>Eligible environmental study and remediation certification costs as per the Brownfields Rehabilitation Grant can be deducted from City development charges payable. Offsets the Redevelopment Grant.</p> <p>The Region of Niagara also offers a Development Charge Reduction Program for Brownfields. If the brownfield project is located within a Central Area Community Improvement Project Area, there is an automatic 75% Regional DC Reduction. If the brownfield project is located outside a Central Area Community Improvement Project Area, there is an automatic 50% Regional DC Reduction.</p> <p>An additional 25% or 50% Regional DC Reduction can be obtained if the applicant can demonstrate the inclusion of the requisite number of Smart Growth Design principles into the proposed development.</p>	<p>The Region of Niagara reviews and evaluates the Smart Growth Design applications.</p> <p>The Region of Niagara has developed Smart Growth Design Criteria for several different types of land uses. For example, for the Smart Growth Design Criteria for Development of Five or More Storeys, brownfield redevelopment projects must include at least 5 of the 8 Smart Growth Design Criteria in order to obtain the additional 25% or 50% Regional DC Reduction.</p>

General Comments:

The Region of Niagara implemented its Smarter Niagara Incentive Programs in 2003 updated the programs in 2012, and introduced enhanced Smart Growth Design Criteria for their DC Reduction Program in 2015. The Region of Niagara has recently begun a review of both its Smarter Niagara Incentive Programs and DC Reduction Program. Over the last few years, the Region of Niagara has shown an increasing interest in evaluating local brownfield redevelopment incentive and other joint TI applications to ensure they meet Regional goals and interests.

The Region of Niagara very recently made changes to its Development Charge Reduction Program for Brownfields in its new Development Charges By-law. A Development Charge Reduction equal to 100% of eligible remediation costs will now be provided. At the time of preparation of this report, the Region of Niagara's new Development Charges By-law had yet to be adopted. The Region of Niagara will also be reviewing all of its Smarter Niagara Incentive Programs, including its participation in Brownfields Tax Increment Grants, by the end of 2018.

City of Ottawa, Ontario

Brownfields CIP Adopted: 2007, revised in 2010 and in 2015.

Geographic Coverage: The entire Urban Area and the areas designated "Village" in the City of Ottawa Official Plan. The Brownfields CIP places the highest priority for brownfield redevelopment in the Central Area, Mixed Use Centres, along Mainstreets and within 600 metres of existing or planned rapid transit stations. This area is known as the "Priority Area".

Incentive Programs Offered:

Program Name	Eligible Costs	Type and Amount	Program Notes
1) Project Feasibility Study Grant Program	Structural analyses, evaluation of mechanical and electrical systems, concept plans, market analyses, any other feasibility study as approved by the City	Grant = 50% of cost of feasibility study to maximum grant of \$5,000.	
2) Environmental Site Assessment (ESA) Grant Program	Phase II ESA, Risk Assessment, Remedial Work Plan (RWP)	Grant = 50% of cost of study to maximum grant of \$15,000 per study. Maximum of 2 studies per property/project and maximum grant of \$25,000 per property/project.	
3) Property Tax Assistance Program	As in 2) above, plus: i) environmental remediation; ii) clean fill, grading and compaction to replace contaminated soils; iii) filing of RSC; iv) site monitoring, and risk management measures; v) environmental insurance.	Cancellation of 100% of municipal and education property tax increase up to maximum 3 years.	Available only for properties in the Priority Area.
4) Rehabilitation Grant Program	As in 3) above, plus: i) the following LEED Program Components: a) base plan review by certified LEED consultant; b) preparing new working drawings to LEED standard; c) submitting and administering the constructed element testing and certification used to determine LEED designation; ii) 50% of cost of demolishing buildings; iii) 50% of cost of building rehabilitation and retrofit works; iv) 50% of cost of upgrading on-site infrastructure including water services, sanitary sewers and stormwater management.	TI Based Annual Grant = 85% of TI for up to 5 years or up to repayment of eligible costs. Eligible cost items 3ii) to 3iv) cannot exceed 15% of total eligible costs.	Eligible demolition, building rehabilitation and on-site infrastructure costs reduced from 100% to 50% in 2010 and 2015.

Program Name	Eligible Costs	Type and Amount	Program Notes
5) Development Charge Deferral	Tipping fees for non-hazardous material at the municipal landfill. Other non-hazardous soil treatment facilities or non-hazardous landfill sites may also be considered.	Eligible cost items 3 and 4j) can be applied as a deferral against DCs up to 50% DC Deferral for projects in Priority Areas, and up to 25% DC Deferral for projects in Non-Priority Areas. DC deferral for 2 years after issuance of building permit or 3 years after approval, whichever comes first, at which time payment of DC must be made.	DC Reduction Program was changed to a DC Deferral Program in 2015.
6) Building Permit Fee Grant Program	Building Permit Fee	Grant = 30% of building permit fee in Priority Area. Not available in Non-Priority Area.	

General Comments:

The City of Ottawa has approved several very large grants for large brownfield redevelopment projects in and around the Downtown. The City recently made numerous program changes to reduce costs, including limiting the total of all grants, property tax assistance and development charge reduction to 50% of eligible costs and changing the DC Reduction Program to a Deferral Program.

City of Windsor, Ontario

Brownfields CIP Adopted: 2010

Geographic Coverage: The municipality's entire urban area.

Incentive Programs Offered:

Program Name	Eligible Costs	Type and Amount	Program Notes
1) Feasibility Design Study Grant Program	Structural analyses, evaluation of mechanical and electrical systems, concept plans, market analyses, any other feasibility study as approved by the City	Grant = 50% of cost of feasibility study to maximum grant of \$7,500.	
2) Environmental Site Assessment Grant Program	Phase II ESA, Designated Substances and Hazardous Materials Survey, RWP, Risk Assessment.	Grant = 50% of cost of study to maximum grant of \$15,000 per study. Maximum of 2 studies per property/project and maximum grant of \$25,000 per property/project.	
3) Brownfields Property Tax Assistance Program	As in 2) above plus: i) environmental remediation; ii) cost of preparing an RSC; iii) placing clean fill and grading; iv) installing environmental and/or engineering controls/works; v) monitoring, maintaining and operating environmental and engineering controls/works; vi) environmental insurance premiums.	Cancellation of 100% of the municipal and education property tax increase for up to 3 years.	Portion of Tax Assistance retained by City is used to fund the ERASE Municipal Acquisition and Partnership Program (MAPP).
4) Brownfields Rehabilitation Grant Program	As in 1) and 3) above, plus: i) the following Leadership in Energy and Environmental Design (LEED) Program Components: a) base plan review by a certified LEED consultant; b) preparing new working drawings to LEED standard; c) submitting and administering constructed element testing and certification used to determine LEED designation; d) increase in material/construction cost of LEED components over standard building code requirements to maximum 10% of total construction costs;	TI Based Grant Annual Grant = 80% of TI for up to 10 years or up to repayment of eligible costs.	Portion of TI retained by City is used to fund the ERASE MAPP.

<p>5) Brownfields Development Charge Exemption Program</p>	<ul style="list-style-type: none"> ii) demolishing buildings (excluding permit fees); iii) building rehabilitation and retrofit works (excluding permit fees); iv) development application fees and building permit fees v) upgrading on-site infrastructure including water services, sanitary sewers and stormwater management facilities; vi) constructing/upgrading off-site infrastructure including roads, water services, sanitary sewers, stormwater management facilities, electrical and gas utilities, where this is required to permit remediation, rehabilitation and/or adaptive reuse of the property that is subject of the application. 		
	<p>The applicant with an approved Brownfields Rehabilitation Grant program application will have the option of applying the eligible costs as in 3) above against development charges payable (after any demolition charge credits are applied). If applicant chooses to exercise this option, eligible costs in 3) above applied against development charges payable will be deducted from eligible costs under the Brownfields Rehabilitation Grant.</p>	<p>Eligible environmental study, remediation and LEED certification costs as per RGP can be deducted from City development charges payable up to 100% DC reduction. Offsets the Redevelopment Grant.</p>	<p>Program provides option to developer to take certain eligible costs as a DC reduction or a TIG.</p>

City of Edmonton, Alberta

Program initiated as a pilot in 2006 to deal with contaminated gasoline stations, with limited success. Official program launched in 2011 and then retooled in 2014.

Geographic Coverage: The entire Urban Area.

The program includes the following eligible costs:

- Environmental consulting fees;
- Environmental remediation;
- Groundwater management and disposal;
- Excavation and handling of clean soil;
- Landfill tipping fees;
- Backfill and compaction of imported fill;
- LEED Silver Certification expenses and other discretionary costs.

The program offers the following grants:

- Phase I – 80% of the cost of a Phase I ESA to a maximum grant of \$5,000;
- Phase II – 80% of the cost of a Phase II ESA to a maximum grant of \$80,000;
- Phase III – 50% of the cost of remediation (100% if LEED Silver or better) or the net municipal property tax increase (uplift) over 6 years, whichever is less, dispersed in 6 annual grant payments; or,
- Phase IV – 80% of the cost of remediation and exposure control (risk management) to a maximum of \$200,000.

An applicant may apply for one or more grants for different phases but grants will not be issued for both Phase III and Phase IV of any one project. In other words, each project may be eligible for a Phase III or Phase IV Grant but not both.

The amount of the grants provided for Phase I and Phase II ESAs far exceed similar grants provided by the most progressive municipalities in Ontario or anywhere else in Canada. The Phase III Grant is modest in comparison to brownfield tax increment grants offered by municipalities in Ontario, but there is the ability to increase the grant to 100% if the project achieves at least LEED Silver Certification. With a maximum of \$200,000, the Phase IV Grant is likely to benefit smaller and medium sized remediation or risk management projects, but the advantage of this program is that the grant is advanced in installments during the remediation/risk management project instead of the developer having to wait several years to recoup remediation/risk management expenses via an annual tax increment grant payment.

All applications (with the exception of Phase II Grant applications in in Community Revitalization Levy (CRL) Zones are reviewed and approved by the City of Edmonton Brownfield Grant Panel. In CRL Zones, the City of Edmonton Brownfield Grant Panel will recommend either approval or refusal of the application to the City of Edmonton Corporate Leadership Team. Annual grant payments for all grants (including all Phase I, II, III and IV Grants) are limited to \$5,000,000 per year.

The City also supports its Brownfield Redevelopment Grant Program by providing applicants with an Environmental Site Assessment Guidebook which outlines the City's Phase I and Phase II ESA reporting requirements, and a Green Building Checklist which all applicants for new construction must complete and submit with their application.

General Comments:

The program has been well received and used since being retooled in 2014.

APPENDIX B
Review of Hamilton's ERASE Programs

B REVIEW OF HAMILTON'S ERASE PROGRAMS

B1 Staff Identified Program and Administration Issues

Staff indicated that the ERASE programs have been very successful in promoting brownfield redevelopment and achieving the goals of the CIP. Staff indicated that the expansion of the ERASE Project Area in 2005 and the refinements that have been made to the ERASE programs over the years have directly led to the success of the ERASE CIP across the municipality.

City staff currently and previously responsible for administration of the ERASE CIP programs and the revisions to the 2010 ERASE CIP were interviewed as a group and asked a number of questions regarding program content and administration. This was followed up with discussions with individual staff and again as a group.

Based on their experience with the current programs and interactions with applicants, staff were asked to identify any program gaps, constraints, incidences of eligible cost exceedance, misalignment between program goals and results, future program goals, and any other significant program content issues. In response to these questions, staff identified a number of potential enhancements to the ERASE programs and these were further discussed and refined in consultation with staff and also based on best practices in other municipalities.

Staff were also asked about program administration issues such as compliance with information and study submission requirements, application approval processes and adherence to timelines, economic impact data tracking, and program monitoring. Staff did identify a number of program and administrative issues that need to be addressed and methods for addressing these issues were discussed and refined with staff.

The program and administrative issues identified by staff are listed below by program type. Recommendations developed to address these issues are included in the balance of this Appendix.

B1.1 ESG Program

- Prior to and during the consultation with stakeholders, there were enquiries from developers to City staff regarding the inclusion of designated substances and hazardous materials surveys as an eligible cost under the ESG Program, particularly for current or former institutional sites and buildings designated under Parts IV and V of the *Ontario Heritage Act*, where the lack of information on substances such as asbestos and lead paint often make the redevelopment or adaptive reuse of these sites very difficult;
- A number of ESG applications are lagging in the system and not proceeding to report submission and payment of the ESG in a timely fashion;
- The more stringent environmental study and remediation standards introduced in 2011 by the MOE have resulted in a number of Phase II ESA studies done before 2011 or those lagging in the application process becoming stale dated and therefore unusable for purposes of filing an RSC; and,
- There is a much higher number of ESG applications versus ERG applications and this suggests that the ESG Program is being used by some applicants who simply want to fund a Phase II ESA needed for purposes of a property sale, purchase or refinancing, without any real intention of redeveloping the brownfield site.

B1.2 ERG Program

- Prior to and during the consultation with stakeholders, there were enquiries from developers to City staff regarding the inclusion of the costs of abatement/removal of designated substances and hazardous materials as an eligible cost under the ERG Program, particularly for current or former institutional sites and properties designated under Parts IV or V of the *Ontario Heritage Act*, where these costs can be significant and therefore represent a major impediment to redevelopment or adaptive reuse of these sites;
- Some applicants are not providing detailed invoices to support their eligible cost submissions and this makes it difficult for staff to verify eligible costs. Some applicants are submitting invoices for costs that are clearly not eligible. A Guideline that clearly specifies eligible costs and detail requirements for invoice submissions and other supporting documentation could help with this issue;
- While there have only been a few instances of cost overruns of estimated eligible costs, these have happened in the last few years, and these cost overruns have been large, necessitating that staff return to Council for authorization to significantly increase already approved grant amounts;
- City staff are permitting approved applicants who do not wish to file an RSC for ERG applications where there is no change to a more sensitive use the option of submitting their risk assessment studies to the City and have these risk assessments peer reviewed by an environmental consultant (QP) selected by the City, with said peer review paid for by the applicant. This option has allowed applicants to avoid the MOE's lengthy RSC approval process for risk assessments (typically 2 to 3 years). However, use of this option has also resulted in disagreements between the applicant's Qualified Person (QP) and the City's QP with regards to the risk assessment findings, and in turn, this has led to a lengthier ERG approval process than anticipated;
- Uptake of the ERG Program in the City's Bayfront Industrial Area has waned in recent years and the City needs to find a way to improve uptake of the ERG program for industrial redevelopment and expansions in the Bayfront Industrial Area.

B1.3 Loan Program

- With only two loans approved to date, program uptake has been moderate. There was discussion of making the program more attractive by lowering the interest rate to 0%, while changing the term of the loan from 10 years to 5 years, which would match the loan term for the Hamilton TIG Program.

B2 Data and Methodology

City of Hamilton staff responsible for administering the ERASE Programs provided historical data on the following types of ERASE applications from the time the first ERASE CIP was approved in late 2001 to the end of 2016:

- ERASE Study Grant (ESG) Program (149 applications);
- ERASE Redevelopment Grant (ERG) Program (51 applications);
- Downtown/West Harbourfront Remediation Loan (LOAN) Program (2 applications); and,
- ERASE Municipal Acquisition and Partnership Program (MAPP) (4 applications).

The list of data variables provided by City staff for the ESG and ERG Program applications is shown in **Attachment 2**.

The consultant worked extensively with City staff to review the available data, identify data errors and discrepancies, and finalize the data spreadsheets. It should be noted that despite best efforts by City staff to assemble all of the data in Attachment 2 for all of the ESG and ERG applications, some of the data listed in Attachment 2 is missing for a few of the ESG and ERG sites.

The available data was then analysed to determine patterns and trends in the historical uptake and impact of the ESG and ERG programs. This data analysis included an analysis of basic information on the status of the ESG and ERG applications and approved grant amounts. The estimated and actual impacts of proposed projects approved under the ERG Program were also examined, including (where data was available), construction value, new residential units built, new industrial/commercial square footage built, and estimated jobs created. The increase in assessment value, property taxes, development charges and building permit fees generated by completed ERG projects was also analyzed. Again, all of the data analysis was subject to data availability.

The analysis contained in this Appendix is one of the most comprehensive, if not the most comprehensive analysis of the uptake and results of a municipal brownfield incentive program ever completed in the over 50 Ontario municipalities that currently offer brownfield redevelopment incentive programs.

As previously mentioned, there are a few missing data points for the ESG and ERG applications. More specifically, missing data points for the ESG applications include:

- Site Area (9 sites missing) – ESG 02-02, ESG 14-03, ESG 14-13, ESG 15-01, ESG 15-02, ESG 15-03, ESG 15-07, ESG 16-01, and ESG 16-04.
- Date the grant was paid - numerous missing sites.

Missing data points for the ERG applications include:

- Estimated grant amount (4 missing) – ERG 13-02, ERG 14-06, ERG 14-07, and ERG 15-07;
- Estimated industrial/commercial square footage – missing for several large projects that have been completed including ERG-03-02 Tinnerman Palnut, ERG-02-02 Paletta, and ERG 06-05 Lowes;
- Estimated construction costs (5 missing) – ERG 12-03, ERG 13-02, ERG 14-06, ERG 14-07, ERG 15-07);
- Assessment at time of application (Applied Assessment) – numerous missing sites;
- Property Tax at time of application (Applied Tax) – numerous missing sites;

Also, there does not appear to have been any regular follow up on the actual number of residential units constructed, actual amount of industrial/commercial space constructed, or jobs created.

The above-noted issues made detailed analysis of the actual economic impacts of completed projects and expected economic impacts of approved project somewhat more difficult. The process of assembling and analyzing the data revealed a number of issues associated with data collection and monitoring, including missing data, which should be addressed via implementation of the following recommendations.

RECOMMENDATIONS:

It is recommended that City staff:

- 1) **Check the completeness of data collected for all ESG and ERG applications prior to application processing, ensuring that:**
 - a) **all requested data and required estimates for all monitoring variables, including estimates of residential units and industrial/commercial space to be constructed, jobs to be created/retained, and estimated construction value, post-project assessment value and property taxes, have been provided by applicants; and,**
 - b) **the construction value estimates provide by applicants are realistic, e.g., by comparison with recent known construction values per unit/per sq.ft. for similar types of construction.**

- 2) Conduct follow up tracking on every ERG application after projects are completed to determine and record accurate actual amounts for:
 - iii) the grant amount paid out and how the grant was applied (against development charges, as an annual TIG, or both); and,
 - iv) all monitoring variables, including number of residential units constructed, industrial/ commercial space (square footage) constructed, number of jobs created/retained, construction value, and post-project assessment value.

- 3) Track and record assessment value and property taxes on all properties participating in the ERG Program year over year from the approval date to at least 10 years out in order to fully capture long-term increases in assessment and property taxes generated by all projects, and especially multi-phase projects that take several years to complete and be captured via property reassessment.

- 4) Formalize the data spreadsheets prepared for this project as a tracking tool for ESG, ERG, LOAN and MAPP applications, and that these spreadsheets be updated as new applications are received, and as current applications are approved and completed.

B3 ERASE Study Grant (ESG) Program

B3.1 Program Uptake

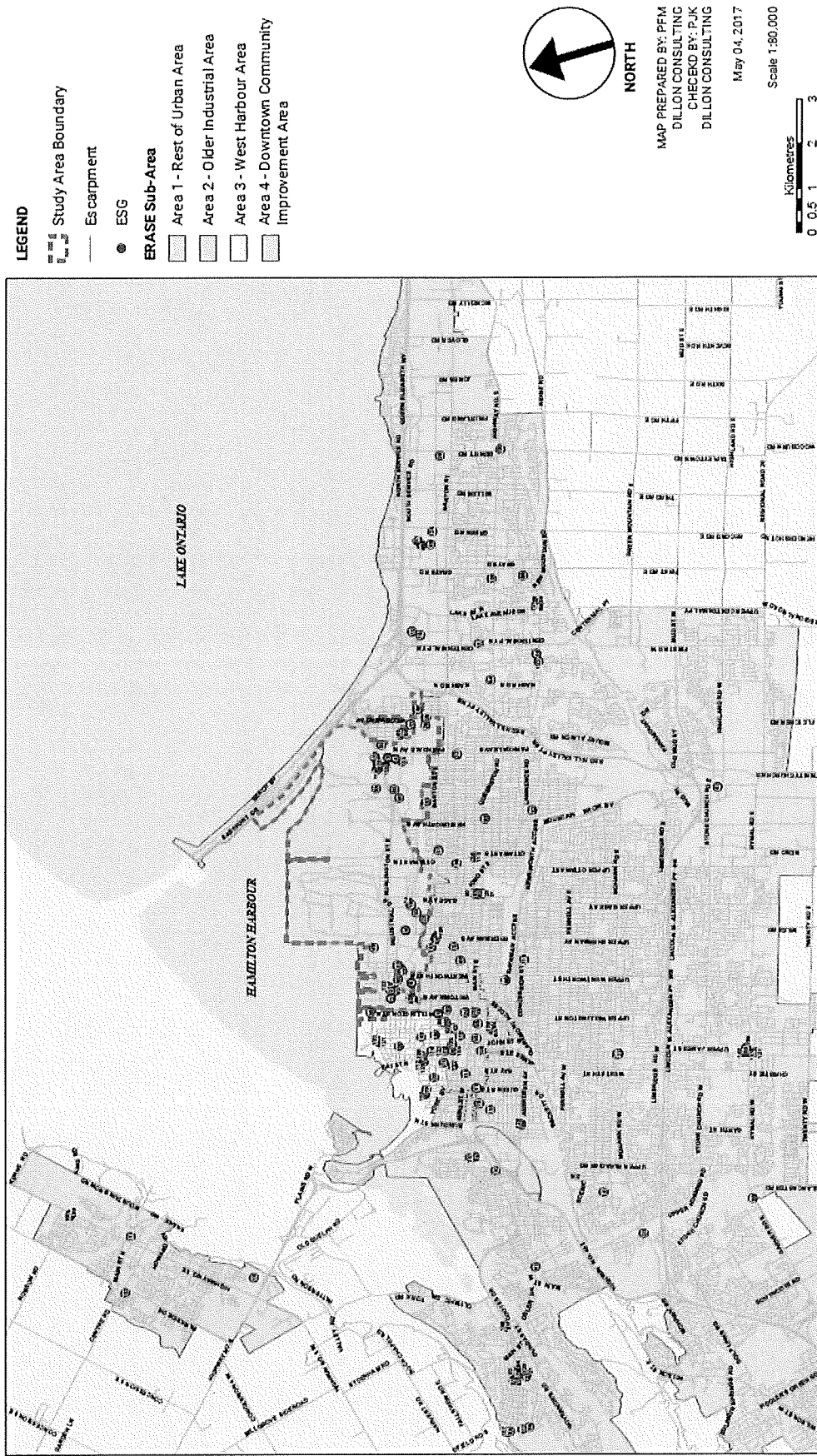
Between program inception in late 2001 and the end of 2016, the City of Hamilton received 149 Environmental Study Grant (ESG) program applications. The location of these applications is shown in **Figure B1**. The status of these applications is shown in **Table 1** below.

Table 1 Status of ESG Applications 2001-2016

149 Received =	432.5 acres	
3 Not approved =	3.6 acres	
1 Cancelled =	0.3 acres	
145 Sub-Total =	428.6 acres	
143 approved =	425.0 acres	
2 in due diligence =	3.6 acres	
24 (16.5%) were (2nd studies) =	45.7 acres	(double counted)
121 properties =	382.9 acres	to be environmentally studied

The level of uptake of the ESG program has been very high. The relative number of ESG applications not approved or cancelled is very small (less than 3%) and that indicates a good understanding of the program on the part of applicants. The 145 applications approved (including 2 in due diligence) to the end of 2016 represents a grant commitment from the City of \$1,411,748.67, and an average approved grant amount of \$9,736.20 per application. To the end of 2016, the City had paid out \$886,385.42 on 92 applications on 78 properties, an average payout of \$9,634.62 per application.

Figure B1
BAYFRONT INDUSTRIAL AREA RENEWAL STRATEGY
ERASE ESG APPLICATIONS



Approximately 16% of ESG applications to date have applied for a second study in the form of a Supplemental Phase II ESA, Risk Assessment (RA) or a Remedial Work Plan (RWP). The cost to the City of the ESG Program per acre studied for all 145 applications approved is \$3,677.39. This represents excellent value for the ESG program in terms of the cost per acre of land studied and the cost per application. The ESG Program has achieved its goal which is to promote the undertaking of environmental studies so that more and better information is available with respect to the type of contamination and potential remediation costs on brownfield properties.

One concerning statistic is that approximately \$500,113 in approved ESG applications has yet to be paid out. Looking further into this issue, 30 (26.5%) of the 113 ESG applications approved from 2001 to 2014 have not proceeded to payment. For one reason or another, these applicants have not fulfilled the ESG program requirements. These applications should have all been completed and the environmental studies submitted by the end of 2016. Therefore, a relatively large number of ESG applications are lagging in the system and not proceeding to report submission and payment of the ESG in a timely fashion. This represents a substantial drain on the current and future budget for the ESG program, and this may also indicate that there is a tendency on the part of some ESG applicants to either delay or not undertake environmental studies approved under the ESG Program. Therefore, it is imperative that the City determine why these ESG applications are not being completed, and take steps to remedy this situation and prevent it from occurring in the future. This should include the imposition of realistic deadlines for the completion of approved ESG applications.

The number of ESG applications proceeding to an ERG application is an important indicator of program continuity and success. It should be expected that some percentage of environmental studies funded under the ESG program would conclude that a particular brownfield site does not require remediation, and this certainly was the case with a number of the ESG applications. It should also be expected that some percentage of environmental studies would conclude that a particular brownfield site cannot be cost-effectively remediated or risk-assessed based on the proposed land use. However, a reasonable expectation is that a good number of completed ESG applications (where the study has been completed and the ESG paid out) would proceed to an ERG application, and ultimately a completed brownfield redevelopment project

The fact that the City has committed to fund ESG applications on a total of 121 properties to the end of 2016, and ERG applications were filed for only 47 properties during this time period is of concern. To have over 2.5 times the number of ESG application sites versus ERG applications sites suggests that one of two things is occurring:

- i) A very high percentage of the sites being studied under the ESG program either require no remediation or are too heavily contaminated to be cost-effectively redeveloped; or,
- ii) Some applicants are taking advantage of the ESG program to fund environmental studies that are not truly intended for the purposes of determining redevelopment potential of a site, but rather these studies are being done simply for purposes of transacting a land sale, transfer, or for bank financing/re-financing, where there is in fact no real intent on the part of the ESG Program applicant to redevelop the site.

In order to shed some light on this question, the addresses for the 47 sites with ERG applications were compared to the addresses of the 121 properties with ESG applications and it was determined that 29 (62%) of the 47 ERG applications also previously filed ESG applications. This is a positive result and indicates that almost two-thirds of the ERG applications followed on sites that were studied using an ESG application. Looking just at the more recent data, between 2012 and 2016, 17 (85%) of the 20 ERG applications submitted had also filed an ESG application. This makes sense as earlier applications to the ERG program may have already completed their environmental studies prior to the start of the ESG program in 2001.

These findings indicate that studies conducted under the ESG program are effective in leading to ERG applications and brownfield redevelopment projects, where that is in fact the intention of the applicant. Therefore, it would appear that the high number of ESG applications versus ERG applications is very likely a result of the ESG Program being used by some applicants who simply want the program to fund a Phase II ESA needed for purposes of a property sale, purchase or refinancing. This practice should be strongly discouraged by the City as it does not correspond with the intent of the ESG Program and is an ineffective use of ESG program funding.

City staff indicated that the more stringent environmental study and remediation standards introduced in 2011 by the MOE have resulted in a number of Phase II ESA studies done before 2011 or those lagging in the application process becoming unusable (stale dated) for purposes of filing an RSC. Therefore, it is advisable that approved ESG applicants who completed their environmental studies prior to July 1, 2011 be permitted to re-apply for ESG funding.

Finally, there have been enquiries to City staff by potential applicants regarding the inclusion of the cost of designated substances and hazardous materials surveys in the ESG Program eligible costs, particularly for former institutional sites. As noted in the Best Practices Review in Appendix A, a few other Ontario municipalities include these types of studies as eligible costs in their ESG programs.

RECOMMENDATIONS:

Based on the above-noted analysis, it is recommended that:

- 1) City staff contact all applicants with approved but not paid ESG applications outstanding more than two years from date of approval and advise that all approved studies (except for Risk Assessments) must be submitted within 6 months, or approved ESG funding will be cancelled.**
- 2) City staff contact all applicants with approved but not paid ESG applications outstanding less than two years from date of approval and all applicants in due diligence, and advise that all approved studies (except for Risk Assessments) must be submitted within two years of date of ESG approval, or approved ESG funding will be cancelled.**
- 3) For all new ESG applications on a go forward basis, the City include in the Program Guide and Application Form a statement advising that all ESG funded studies except for Risk Assessments must be completed and submitted to the City within two years of application approval, or approved ESG funding will be cancelled.**
- 4) The City develop and include in the ERASE CIP and the ESG Program Guide and Application Form, enhanced submission requirements to restrict the ESG Program only to applicants who have clearly demonstrated their legitimate intention to redevelop a brownfield site. These requirements should include mandatory submission of a letter of intent to develop the property and a preliminary development plan (if planning applications have not yet been submitted).**
- 5) Approved ESG applicants who completed their environmental studies prior to July 1, 2011 be permitted to re-apply for ESG Program funding based on the same rules as applicants applying for the program after July 1, 2011.**

- 6) The cost of designated substances and hazardous materials surveys be added to the eligible costs of the ESG Program across the ERASE Community Improvement Project Area, but only where such studies are being done on current or former institutional sites.

B3.2 Historical Trends

As shown in **Figure B2** below, considering the CIP was originally restricted to the Older Industrial Area, uptake of the ESG Program naturally started slowly when the CIP launched in late 2001 with only a few applications per year in 2001 and 2002 and no ESG applications received from 2003 to 2005. Once the ERASE CIP was expanded to the urban area in 2005, the number of ESG applications received by the City increased significantly to around 10 applications per year and that was the intent of the expanded project area.

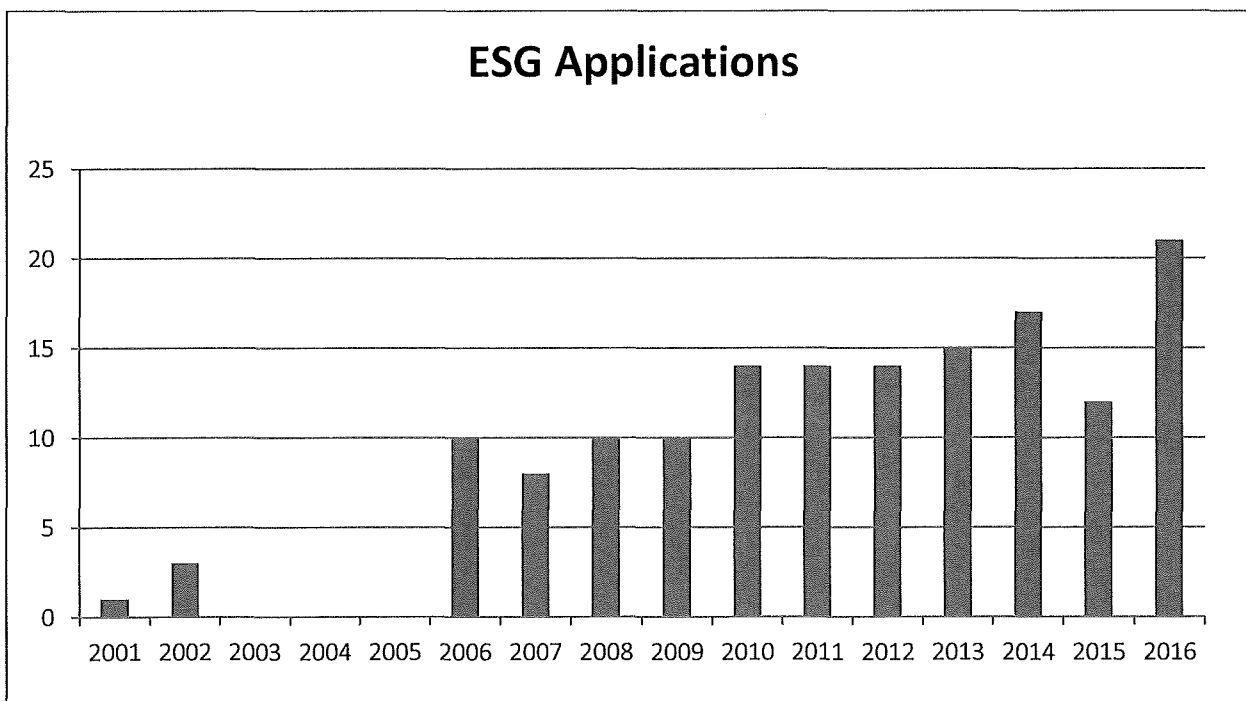
Since 2010, the City has averaged about 15 ESG applications per year with a high of 21 applications received in 2016. Therefore, it appears that demand for the ESG Program is still very strong. It is not unreasonable to expect that the City will receive an average of 15 to 20 ESG Program applications per year over the next several years.

RECOMMENDATION:

Based on the analysis of historical ESG Program uptake, it is recommended that:

If the City plans to continue the ESG program and increase the maximum funding amount for second studies, the annual budget for the ESG Program on a go forward basis should be in the order of approximately \$250,000 per year.

Figure B2 ESG Applications by Year, 2001 - 2016

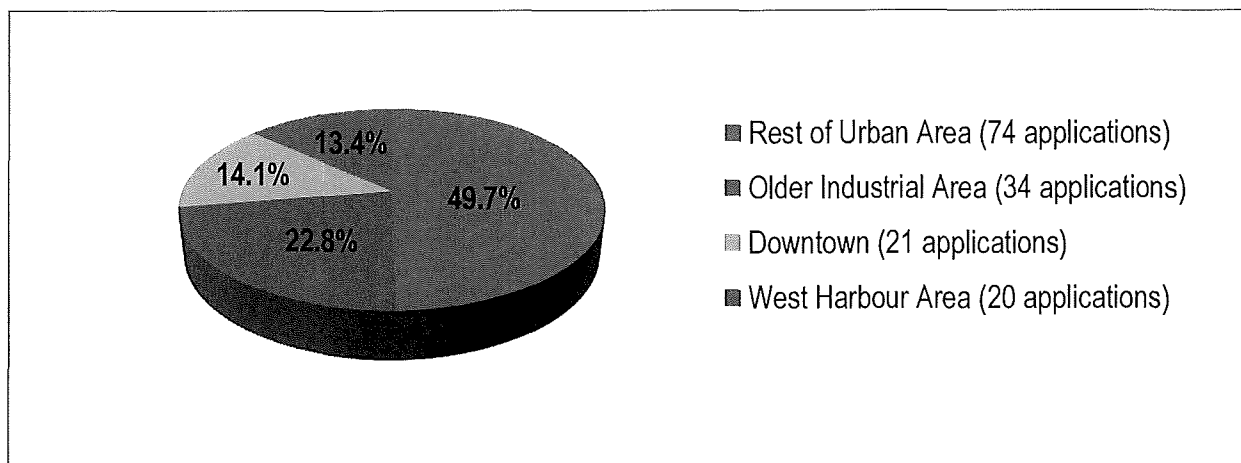


B3.3 Location

As shown in Figure 4, ESG applications have been spread over the entire urban area. **Figure B3** below displays the geographic breakdown of the 149 ESG applications received between 2001 and 2016:

- Area 1 – Rest of Urban Area = 74 applications (49.7%);
- Area 2 – Older Industrial Area = 34 applications (22.8%)
- Area 3 – West Harbour Area = 20 applications (13.4%)
- Area 4 – Downtown = 21 applications (14.1%)

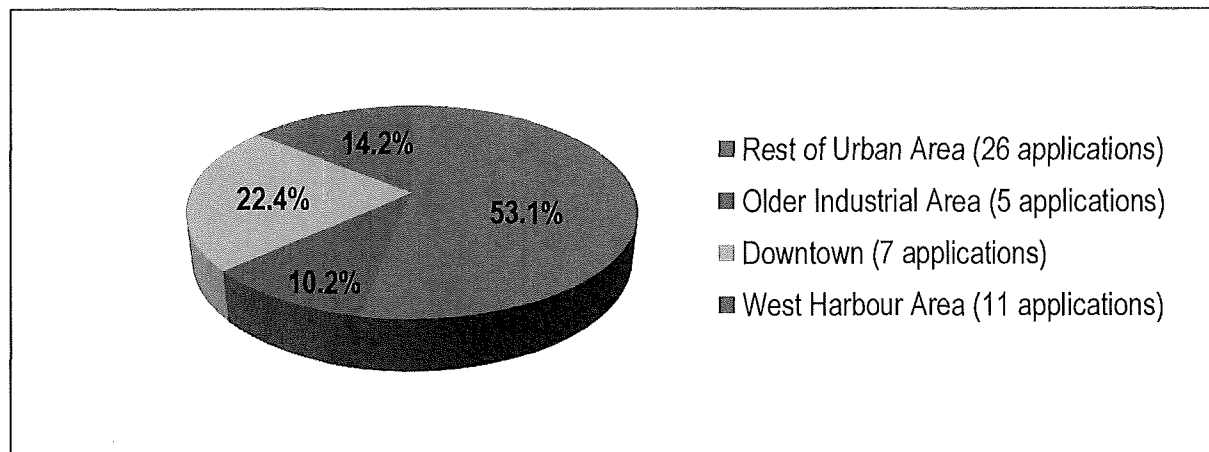
Figure B3 ESG Applications by Location, 2001 - 2016



However, if we examine the geographic distribution of the 49 ESG applications submitted in the last three years, i.e., 2014 to 2016, a different pattern emerges, as shown in **Figure B4** below.

- Area 1 – Rest of Urban Area = 26 applications (53.1%);
- Area 2 – Older Industrial Area = 5 applications (10.2%)
- Area 3 – West Harbour Area = 11 applications (22.4%)
- Area 4 – Downtown = 7 applications (14.2%)

Figure B4 ESG Applications by Location, 2014 - 2016



Comparing the location of ESG applications over the last three years to the entire 16 year period of ESG applications, the shift away from using ESG applications for environmental studies in the Older Industrial Area is very noticeable. Only 10% of ESG applications over the last three years have been for environmental studies in the Older Industrial Area. In recent years, ESG applications are increasingly being used to conduct environmental studies in the West Harbour Area and the rest of the urban area, while the percentage of ESG applications in the Downtown Area has remained relatively stable.

This geographic trend is concerning for the Older Industrial Area which includes the Bayfront Industrial Area. There may be a number of reasons behind this trend, including but not limited to: relatively decreased interest in remediating and redeveloping industrial land in the Older Industrial Area (Area 2), or interest only in reoccupying vacant and underutilized industrial land in the Older Industrial Area without remediating these sites, combined with accelerated interest in redeveloping brownfield sites in other parts of the city, including the West Harbour Area and the rest of the Urban Area.

RECOMMENDATIONS:

In light of the above-noted findings, it is recommended that the City enhance the ESG Program in the Older Industrial Area (Area 2) by:

- 1) Adding expanded study types, including designated substances and hazardous materials surveys, and industrial and office reuse feasibility studies, to the list of eligible program costs; and,**
- 2) Developing ways to increase awareness of and interest in the ESG Program, including enhanced ERASE Program marketing and assistance to existing business in the Older Industrial Area and business seeking locations in the Older Industrial Area.**

B4 ERASE Redevelopment Grant (ERG) Program

B4.1 Program Uptake

Between program inception in late 2001 and the end of 2016, the City of Hamilton received 51 ERG applications. The location of these applications is shown in **Figure B5**. Some of these 51 applications were submitted in parts on the same property and one application was withdrawn and resubmitted. Eliminating these duplicate applications, there were ERG applications received for 47 sites totaling 231 acres. Two (2) of these 47 applications were abandoned by the applicants before the applications were approved, and a third application has lapsed because the applicant has not undertaken remediation within the 5 year timeframe allotted in the approved ERG Agreement. In this case, the property was sold and the new owners were not interested in undertaking remediation and redevelopment of the property. Removing these abandoned and lapsed applications from the total results in 44 ERG applications on a total of 213 acres. The status of these applications is shown in **Table 2**. Of these 44 ERG applications, 38 applications (210 acres) have been approved and 6 applications (3 acres) are still in due diligence. Assuming the 6 applications in due diligence are approved, the total City grant commitment for the ERG Program to the end of 2016 is \$32,100,516.

Table 2 shows that only 2 of 47 ERG applications were abandoned by the applicants, and only one (1) approved ERG application lapsed as a result of the applicant not completing remediation within the specified timeframe. This small percentage of abandoned and lapsed applications is acceptable and inevitable as applicant's business plans can change and/or properties are sometimes sold to new owners who do not have plans to remediate and redevelop the brownfield property.

FIGURE B5
BAYFRONT INDUSTRIAL AREA RENEWAL STRATEGY
ERASE REDEVELOPMENT GRANT APPLICATIONS

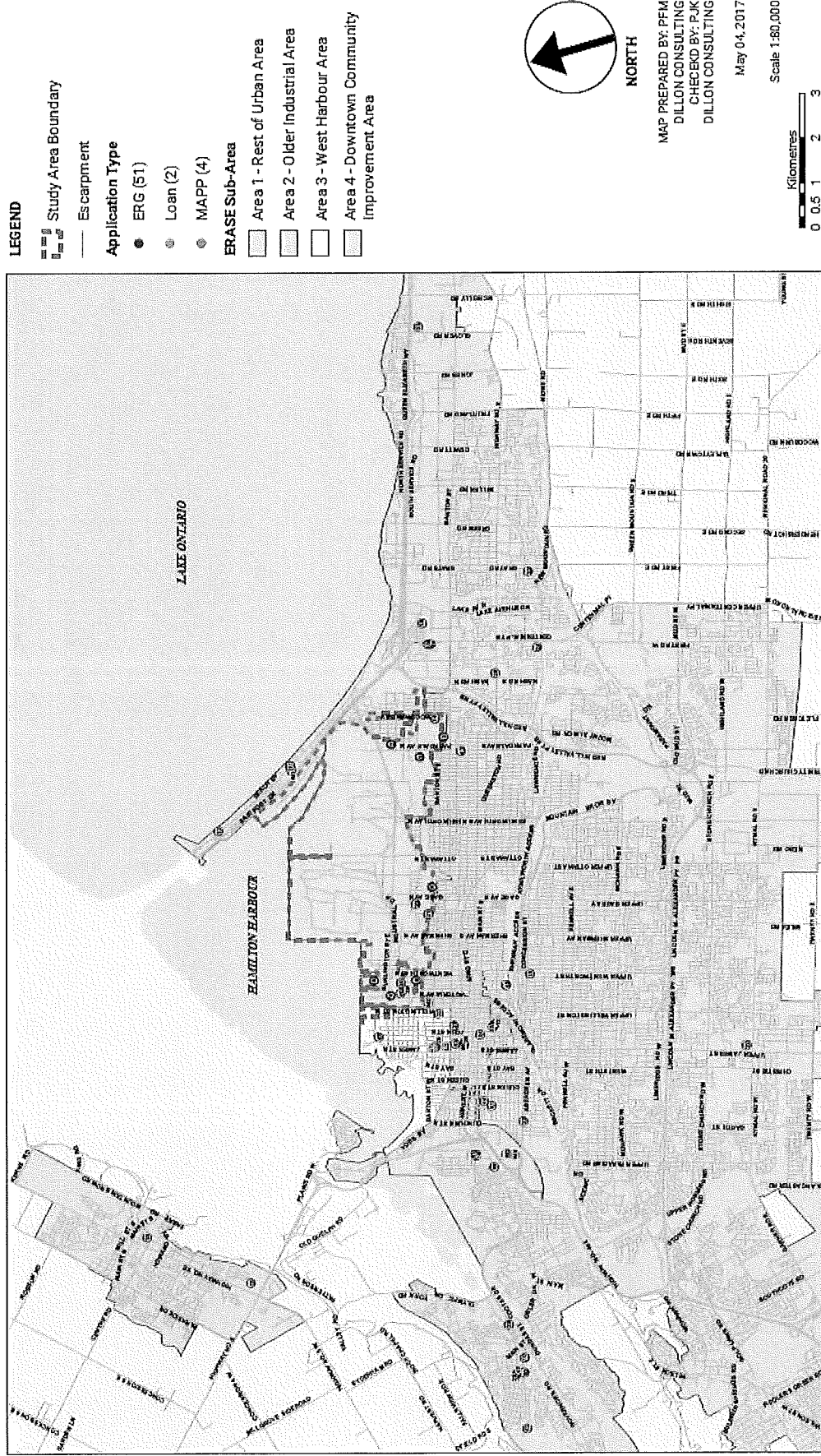


Table 2 Status of ERG Applications 2001-2016

51 Applications Received =	231.0 acres
4 duplicates =	0.0 acres
47 Sites =	231.0 acres
3 abandoned/lapsed =	18.0 acres
44 sites =	213.0 acres to be remediated and redeveloped
38 sites approved to date =	210.0 acres
25 sites remediated to date =	123.0 acres (59% of approved land area)
Construction completed or underway on 24 of 25 remediated sites = 122.0 acres	

Virtually all, i.e., 24 of the 25 sites (96%) where remediation has been completed and an RSC has been filed and acknowledged have been redeveloped or are currently being redeveloped. This is a very positive result for the ERG Program and clearly indicates that once a brownfield site is remediated under the ERG Program, it is usually redeveloped immediately. The overall level of uptake for the ERG Program has been very high.

It is interesting to note that there were at least two approved applications (ERG-03-02 and ERG 05-01) where remediation and redevelopment was completed and payment of the grant was not requested. These were both large grants (ERG 03-02 = \$430,000 and ERG 05-01 = \$266,936) for large redevelopment projects with large corporate owners. The owners of these sites should be contacted by City staff to determine why they did not request grant payment, and if these owners qualified for the grant payment, whether or not they still wish to receive the grant payment.

The ERG Program has certainly produced brownfield redevelopment activity on most (24 of 38) approved application sites. Therefore, the program has met the primary goal of the program which is to encourage environmental remediation, rehabilitation, redevelopment and adaptive re-use of brownfield sites. However, there are concerns with the progress on a number of the 13 ERG applications that have been approved but have not yet been remediated, especially since these 13 applications represent approximately 87 acres or 41% of the ERG approved land area. Staff comments indicate that a number of these 13 sites have not yet been able to achieve remediation and an MOE acknowledged RSC. A few of these 13 sites have been remediated and/or risk assessed but have experienced lengthy delays in obtaining an RSC acknowledgement from the MOE. These sites are now close to obtaining an acknowledged RSC, and it is expected that once these applicants have an MOE acknowledged RSC in hand, redevelopment of these sites will take place quickly.

In a few cases, ERG approved applicants appear to have sold the property or simply have lost interest in pursuing the ERG for business related reasons. In other cases, applicants have indicated that they will not likely be able to obtain an RSC, or the amount of the grant is not worth the effort and cost of obtaining an RSC, and they are therefore no longer interested in pursuing their approved ERG. This has become a particular issue for a few applications where the proposed redevelopment is from industrial to industrial or industrial to commercial and an RSC is not required as per O. Reg 153/04 because the proposed developed is not a change to a more sensitive use. To accommodate these situations, City staff has developed and implemented a peer review option that replaces the RSC requirement for an approved ERG application which is not a change to a more sensitive under O. Reg 153/04. Under this option, the applicant's environmental consultant (Qualified Person or "QP") submits their environmental studies to the City and has these studies peer reviewed by an environmental consultant (QP) selected by the City, with said peer review paid for by the applicant. While this option has allowed applicants to avoid the MOE's lengthy RSC approval process for risk assessments (typically 2 to 3 years), use of this option has resulted in disagreements between the applicant's

QP and the City's QP with regards to study findings, in particular as they relate to risk assessment findings, and this has led to a lengthier ERG approval process than anticipated. Therefore, in order to avoid replicating the issues that in part contribute to the lengthy and cumbersome MOE RSC approval process at the local level, it is imperative that the City staff implement a standardized process to resolve disagreements between the developer's QP and the City's peer review QP regarding submitted environmental studies and establish a maximum timeframe for the optional peer review process, e.g., 9 months.

It is important that City staff follow up on all 13 of the approved ERG applications where an RSC has not been completed (acknowledged) to determine the status of the site remediation and the owner's current site redevelopment plans. In cases where the applicant has abandoned their redevelopment plans and/or is no longer interested in meeting the requirements for the ERG, these applications should be formally closed and the ERG cancelled. Where the property has been sold, the new owners should be consulted to determine if they wish to pursue remediation/risk assessment and the ERG approved project or similar project.

For the 20 ERG projects completed to date, the grant commitment from the City as per the approved applications was \$9,303,643. The actual total grant paid out/to be paid out through the ERG programs for these 20 completed projects was \$9,598,969 or 103.2% of the grant commitment. While this overall statistic would suggest that cost overruns have not been a serious concern with ERG applications, closer examination of the estimated versus actual grant for each of the 20 completed ERG projects reveals that while most of the projects spent less or approximately the same on eligible environmental remediation costs as the estimate provided in their application, 4 (20%) of the 20 completed projects exceeded their cost estimates. Of these four projects, two only modestly exceeded their eligible cost estimates (7% and 27%), but the other two exceeded their eligible cost estimates by over 100% (104% and 110%). While only 2 of the 20 completed projects to date involved large cost overruns, these large eligible cost overruns are concerning.

City staff indicated that a few ERG projects currently in the remediation phase have also experienced significant cost overruns. While significant remediation cost overruns on brownfield remediation projects can certainly occur even when contamination is adequately delineated, such large cost overruns even on a few ERG projects can potentially indicate that there has been some deficiency in the environmental studies used to estimate remediation costs on these sites, and/or an underestimation of other eligible costs. The administrative process when there are cost overruns on an ERG project is that staff bring these cost overruns to Council for approval. Staff have indicated that to date, Council has approved these cost overruns.

In conclusion, it is very important that staff review ERG projects where there have been cost overruns to determine the causes of these cost overruns, e.g., deficient Phase II ESAs/Remedial Work Plans, and address these causes through modifications to the ESG and or ERG programs. It is also important for staff to discourage eligible cost overruns in the future.

RECOMMENDATIONS:

Based on the above-noted analysis, it is recommended that City staff:

- 1) Contact the current owners of ERG approved sites where remediation and redevelopment has taken place to determine why these owners did not request grant payment, and if these owners qualified for the grant payment, whether or not they still wish to receive their grant payment.**
- 2) Follow up on all 13 approved ERG applications where an RSC has not been completed (acknowledged) to determine the status of the site remediation and the owner's current site redevelopment plans. In cases where the applicant has abandoned their redevelopment plans**

and/or the applicant or new owner is no longer interested in meeting the requirements for the ERG, these applications should be formally closed and the ERG cancelled.

- 3) Develop and implement a standardized process to resolve disagreements between the developer's QP and the City's peer review QP regarding submitted environmental studies for approved ERG applications that are not changes to a more sensitive use as per O. reg 153/04 and establish a maximum timeframe for the optional peer review process, e.g., 9 months.
- 4) Review ERG projects where there have been cost overruns to determine the causes of these cost overruns and address these causes through modifications to the ESG and/or ERG programs.
- 5) Commence utilizing the City's current ability to conduct spot and random audits of eligible expenses on ERG projects.
- 6) Develop and distribute to applicants a Guideline that clearly specifies eligible costs for the ERG Program and the level of detail expected in eligible cost invoice submissions and other supporting documentation.

Based on the above-noted analysis, it is recommended that the City:

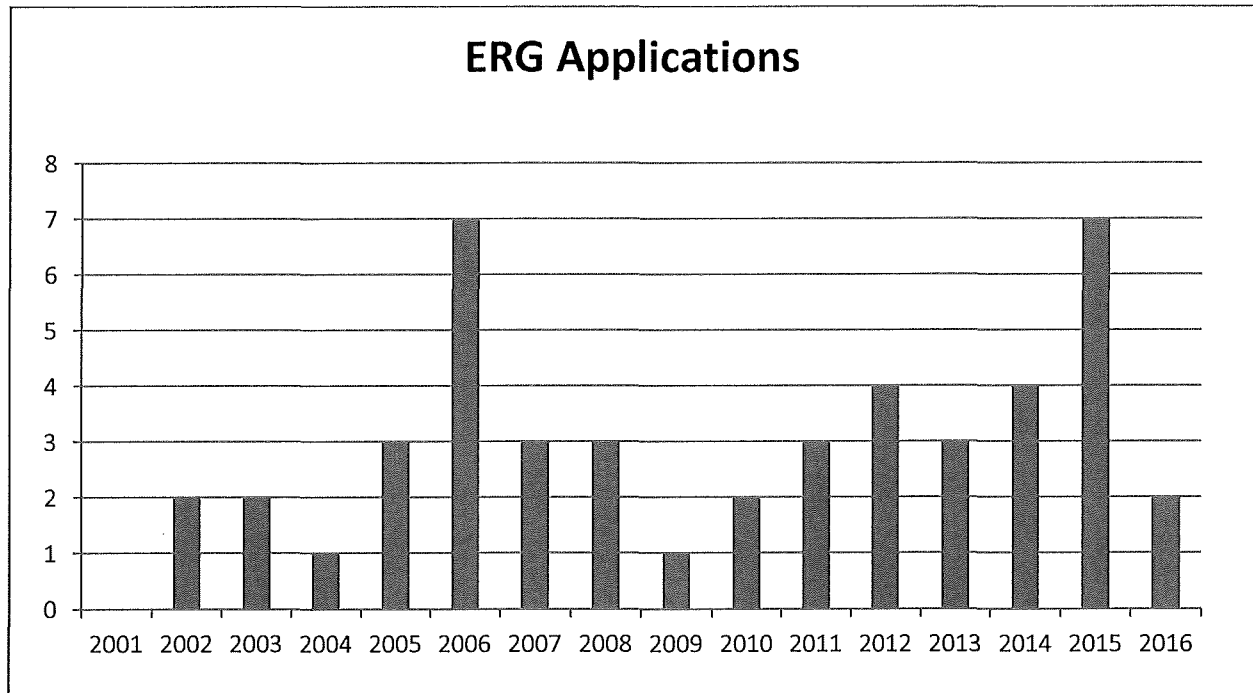
- 7) Add "the removal/ abatement of designated substances and hazardous materials as identified in a designated substances and hazardous materials survey" as a stand-alone eligible cost for the TIG component of the ERG Program across the ERASE Community Improvement Project Area, but only for brownfield redevelopment projects on current or former institutional sites. N.B. this cost is not eligible for application against City development charges payable.

B4.2 Historical Trends

The number of ERG applications by year is shown in **Figure B6**. The number of ERG applications varies considerably from year to year, peaking at 7 applications in 2006 and again in 2015. The average number of applications per year over the first 7 years of the ERG program was 3.1 applications per year, while the average number of applications per year over the last 7 years of the ERG program was 3.6 applications per year.

While the number of applications received in more recent years has been somewhat higher than in the earlier years of the ERG Program, the same cannot be said for the land area contained in these ERG applications. Of the 44 active site applications, the first 22 applications received between 2002 and 2010 comprised 149 acres (70%) of the 213 acres, while the last 22 applications received between 2011 and 2016 comprised only 64 acres (30%) of the 213 acres. In fact, only 4 of the 22 active ERG applications submitted during the last 6 years of the ERG Program was for a site larger than 5 acres, while 9 of the 22 active ERG applications submitted during the first 9 years was on a site larger than 5 acres. This suggests a clear shift in applications to the ERG Program over time from larger industrial and commercial sites to smaller residential, commercial and mixed use sites. This is also borne out by an examination of the location of ERG applications over time contained in Section 4.4.3 below.

Figure B6 ERG Applications by Year

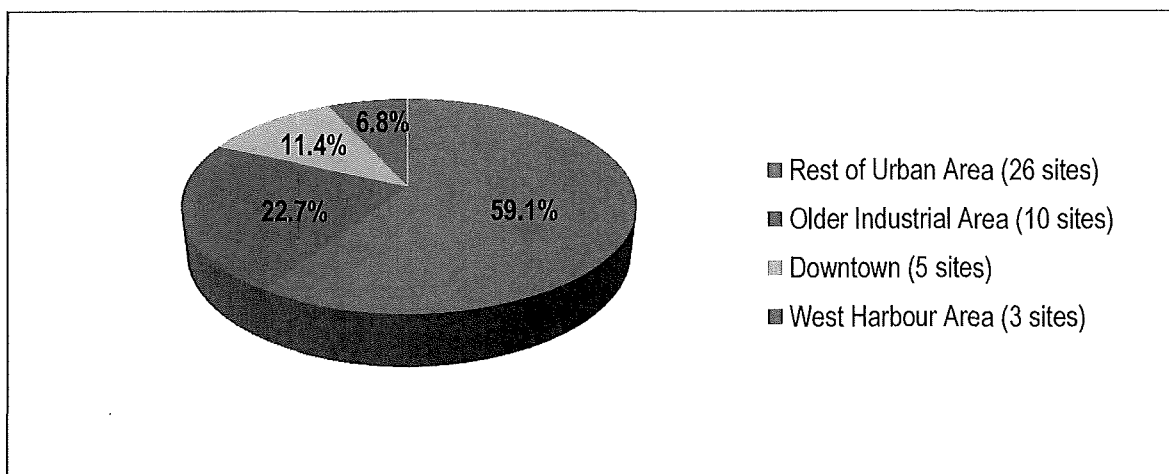


B4.3 Location

As shown in **Figure B7**, while 23% of the 44 active ERG applications have been for projects in the Older Industrial Area, 11% in the Downtown, and 7% in the West Harbour Area, 59% of ERG applications have been spread over the rest of the urban area, from Flamborough through to Dundas, West Hamilton, Lower Hamilton and Stoney Creek. Figure B7 below displays the geographic location of the 44 active ERG applications breaks down as follows:

- Area 1 – Rest of Urban Area = 26 sites (59.1%);
- Area 2 – Older Industrial Area = 10 sites (22.7%)
- Area 3 – West Harbour Area = 3 sites (6.8%)
- Area 4 – Downtown = 5 sites (11.4%)

Figure B7 ERG Applications by Location, 2001 - 2016



Therefore, almost 60% of the 44 ERG applications are located in the rest of the urban area. This is a higher percentage than the 50% of ESG applications located in the rest of the urban area. Approximately 23% of ERG applications are located in the Older Industrial Area which is virtually identical to the approximately 23% of ESG applications located in the Older Industrial Area. A relatively lower percentage of ERG applications are located in the Downtown and the West Harbour Area when compared to the percentage of ESG applications located in these areas.

However, if we examine the geographic distribution of the 13 ERG applications submitted in just the last three years, i.e., 2014 to 2016 shown in **Figure B8** below, the trend toward more ERG projects in the rest of the urban area intensifies. None of the ERG applications submitted in the last 3 years are located in the Older Industrial Area. In fact, with the exception of one project originally applied for in 2012, there have been no ERG applications in the Older Industrial Area since 2008, and the two ERG applications in the Older Industrial Area submitted in 2008 were abandoned or lapsed. Two (15%) of the 13 ERG applications submitted in the last three years are in the Downtown and only one (8%) is in the West Harbour, while 10 (77%) are in the rest of the urban area. The City has attempted to address the need for brownfield redevelopment in the Downtown and West Harbour Area with the Loan Program available in these areas, but there have been no enhancements to the ERG Program in the Older Industrial Area and no new programs in the Older Industrial Area.

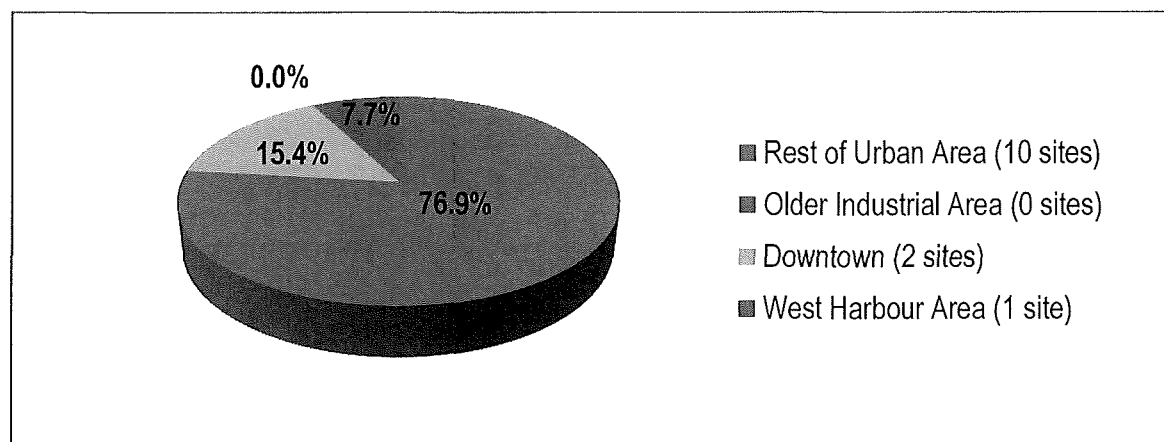
While a significant percentage of ERG applications in the rest of the urban area is not unexpected due to the large size of the rest of the urban area and the spatially extensive industrial history in Hamilton, the geographic distribution of ERG applications is of concern because ERG applications in the Older Industrial Area have fallen off considerably during the last several years. This does not bode well for uptake of the City's ERG program in the Bayfront Industrial Area and suggests that the City should improve the attractiveness of the ERG program in the Older Industrial Area to counter this concerning trend.

RECOMMENDATIONS:

It is recommended that the City encourage more use of its ERG program in the Older Industrial Area (Area 2) by:

- 1) Adding “the removal/ abatement of designated substances and hazardous materials as identified in a designated substances and hazardous materials survey” as a stand-alone eligible cost for the TIG component of the program. N.B. this cost is not eligible for application against City development charges payable; and,**
- 2) Enhancing ERASE program marketing and assistance to existing business in the Older Industrial Area and business seeking locations in the Older Industrial Area.**

Figure B8 ERG Applications by Location, 2014 - 2016



B4.4 Type of Applications

Of the 44 active ERG applications, the pre-project use for these applications was as follows:

- 23 (52.3%) were Commercial;
- 19 (43.2%) were Industrial;
- 1 (2.3%) was Institutional; and,
- 1 (2.3%) was Residential.

The proposed use for the 44 active ERG applications is as follows:

- 21 (47.7%) are Commercial;
- 18 (40.9%) are Residential;
- 5 (11.4%) are Industrial.

Approximately 43% of the active applications for the ERG program were industrial uses prior to redevelopment, but only 11% of the applications are for a proposed industrial use. Approximately 41% of the active ERG applications are for residential use, and this percentage has been growing, with approximately 52% of the ERG applications from 2012 to 2016 being proposed for residential use. The last ERG application for industrial use was in 2014, and before that it was 2005. Therefore, it is clear that the ERG Program is now rarely being used for its original intent which was to promote redevelopment of industrial lands within the Older Industrial Area. Virtually all of the recent redevelopment projects being proposed and constructed under the ERG Program are for residential and commercial use.

B4.5 Economic Impact

B4.5.1 Industrial/Commercial Square Footage

Several large industrial buildings/facilities, including 425 Parkdale Avenue (JNE), 686 Parkdale Avenue (Tinnerman Palnut), 400/424/442 Burlington Street (Bunge), and 41 Oliver Street (BIOX) were approved for the ERG program. However, actual building square footage constructed for most of these sites was not available. Based on the available building size data for completed industrial/ commercial projects and a rough estimate of the square footage of completed industrial/commercial projects where data was not available, it is estimated that approximately 600,000 sq.ft. of industrial and commercial space has been constructed using the ERG Program.

B4.5.2 Residential Dwelling Units

It is estimated that the 18 residential redevelopment projects with approved ERG applications will create 1,155 new residential units. Seven (7) of the 18 residential ERG projects have been completed or are underway and these 7 projects include 448 (39%) of the 1,155 residential units. Most of the large residential redevelopment projects taking advantage of the ERG Program have been filed in the last 4 years. In fact, 8 applications containing 790 (68%) of the 1,155 residential units to be created under the ERG Program were submitted between 2012 and 2016. Moreover, 547 of these residential units (47% of the total 1,155 residential units) were applied for in just the last two years, with most of these units being in the Downtown. This indicates that more recent usage of the ERG Program is shifting to residential brownfield redevelopment projects and commercial projects. Also, as previously mentioned, the average ERG site size has decreased in recent years, and this also correlates with a move away from industrial redevelopment projects on larger sites to residential and commercial redevelopment projects on smaller sites.

B4.5.3 Employment

In terms of employment⁸ estimated to be created by the industrial and commercial redevelopment projects under the ERG Program, applicants estimated that they would create approximately 531 jobs. This was an estimate provided by the applicant at the time of application. No follow up was done to determine the actual number of jobs created for each industrial/commercial project. Based on projects completed to date, if these projects actually created the number of jobs estimated by applicants, they would have created 325 jobs. However, it appears that job estimates were not provided for a few of the commercial redevelopment projects. On the other hand, one project estimated at 205 of the 531 jobs to be created has yet to be approved. Therefore, it is impossible to know the actual number of long-term jobs created to date by the industrial and commercial projects that have participated in the ERG Program, but it can be safely assumed that this number of jobs is at least 325 at this point in time.

B4.5.4 Construction Value

Total construction cost for the 44 active ERG sites was estimated at approximately \$572,488,925. Total construction cost for the 20 ERG projects that have been completed to date was estimated by applicants at approximately \$169,936,325. Actual construction values for these 20 completed projects were taken from building permit data, and it was determined that the total actual construction value of these 20 projects was \$116,145,820, or 31.7% less than estimated by the applicants. Therefore, it appears that on average, applicants with completed projects under the ERG Program overestimated the actual construction value of their projects by about one-third. If this rate of construction value overestimation carries over to the remaining 24 active projects, then the \$572,488,925 in estimated construction costs for all 44 ERG projects will translate into an actual construction cost of approximately \$391,277,120. While this is certainly still an impressive construction value, it is significantly less than what is being estimated by applicants at the time of application.

Comparing the total City grant commitment for the 20 completed ERG projects to date of \$9,598,969 with the actual construction cost for these 20 completed projects of \$116,145,820 produces a program leverage ratio of 11.1. Therefore, every \$1 that the City has contributed toward completed ERG projects to date (via development charge reductions and tax increment grants), has generated approximately \$11.10 in private sector construction. This is an impressive leverage ratio and speaks to the ability of the City's ERG Program to significantly leverage municipal funding to generate high value construction projects on remediated brownfield sites in Hamilton.

⁸ Includes only permanent jobs created by the business occupying the industrial/commercial projects. Does not include jobs created during construction.

Comparing the total estimated \$32,100,516 grant commitment from the City against the applicant estimated construction costs of \$572,488,925 produces a program leverage ratio of 16.8. However, if actual construction costs continue to be approximately two-thirds of estimated construction costs, then the actual leverage ratio of the ERG program will be approximately 11.2, which is in-line with the actual leverage ratio of 11.1 produced by the ERG Program to date.

The overestimation of construction value by applicants is not unexpected, as applicants will attempt to position the economic impact of their ERG projects in a very favourable light in order to help garner application approval. However, it appears that the construction costs of a number of the larger projects applying for the ERG were significantly overestimated by applicants. Therefore, this practice should be discouraged by additional vetting of the construction cost estimates provided by applicants. This can be done by comparing construction cost estimates provided by applicants to a sample of actual construction cost estimates (from building permit values) for similar type projects, with this sample periodically updated to keep it current. Where construction cost estimates provided by applicants appear to be inflated, these should be adjusted using the sample of actual construction cost estimates for similar type projects.

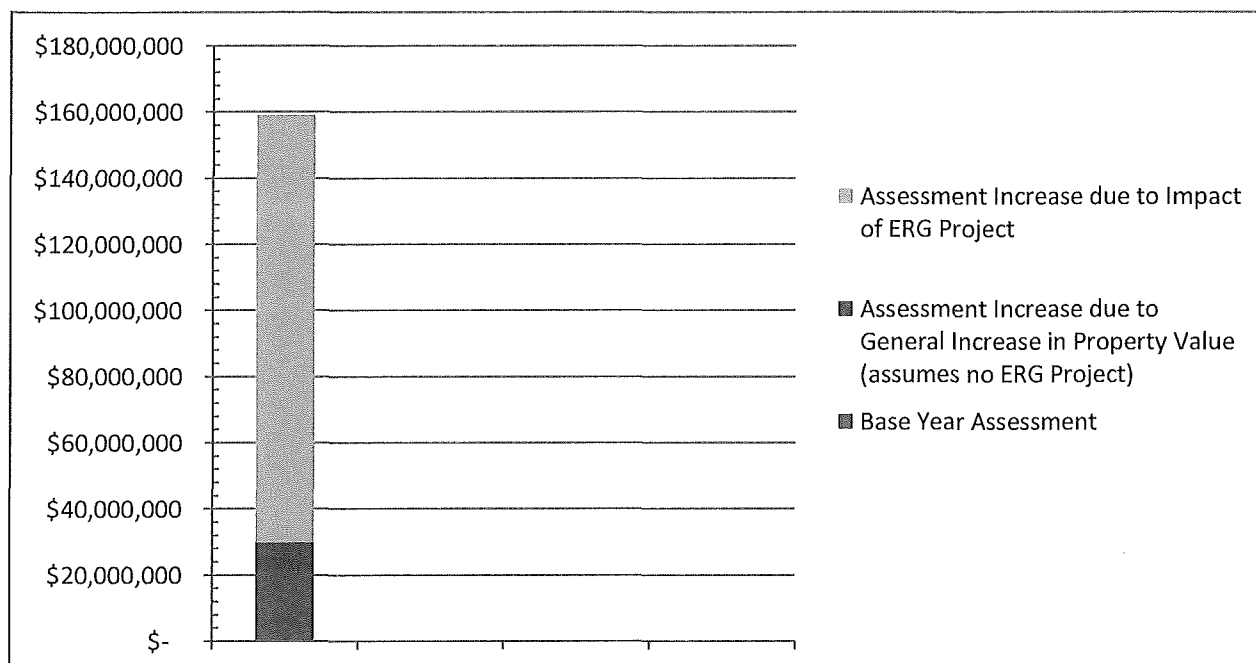
RECOMMENDATIONS:

It is recommended that City staff compare construction cost estimates provided by applicants to a sample of actual construction cost estimates (from building permit values) for similar type projects, with this sample periodically updated to keep it current. Where construction cost estimates provided by applicants appear to be inflated, these should be adjusted using the sample of actual construction cost estimates for similar type projects.

B4.5.5 Assessment Value and Property Taxes

The total assessment value and property taxes for the 20 ERG projects that have been completed and fully reassessed and 2 of the ERG projects under construction that are substantially complete was compared between the year of each application, ranging from 2002 to 2014, and 2016.

As shown in **Figure B9**, the total assessment value of these 22 properties in the year of application was \$21,361,973. The total assessment value of these 22 properties in 2016 was \$158,961,400, an increase of \$137,599,427 or 6.9 times the original assessment value. However, part of this very large assessment increase would have been due to general increases in property values from the year of application to 2016 for the 22 properties, i.e., the assessment value of these brownfield properties likely would have increased somewhat even if they were left in their unimproved state. In order to determine the portion of the total \$137,599,427 increase in assessment attributable to general increases in assessment value on the 22 properties, the increase in total assessment value for all industrial and commercial properties across the City for each year from 2002 to 2016 was used to calculate a multiplier to determine the assessment increase attributable to general increases in assessment value for applications in each year from 2002 to 2016.

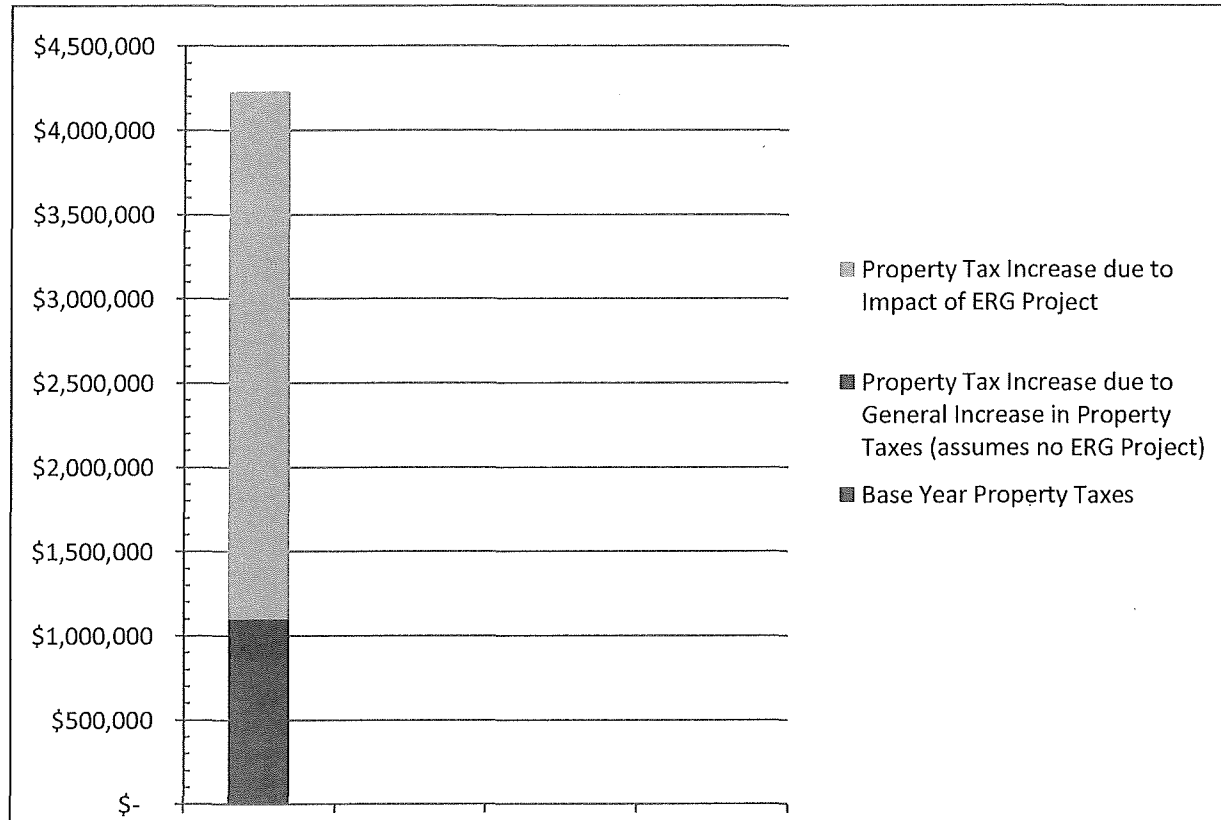
Figure B9 Total Assessment Value of Completed and Substantially Completed ERG Applications

This multiplier is shown in **Attachment 3**. This multiplier was applied to each of the 22 ERG applications based on the year of application and land use (industrial or commercial) in that year to scale up the assessment value in the year of application to the assessment value in 2016 that would have been expected on each of the 22 properties had they remained in their land use and state (vacant/occupied) in the year of application. Using this methodology, it was determined that if the 22 properties had not participated in the ERG Program, the total assessment on these 22 properties would have increased from \$21,361,973 to \$29,932,021 by 2016, an increase of only \$8,570,048. Therefore, approximately \$129,029,379 (94%) of the \$137,599,427 increase in assessment value on these 22 properties can be directly attributed to their remediation and redevelopment under the ERG Program.

A similar exercise was conducted on the 22 properties to determine the increase in property taxes (Municipal and Education) between the year of each application and 2016. As shown in **Figure B10**, total property taxes for the 22 properties in the year of application was \$865,022. The total property taxes on these 22 properties in 2016 was \$4,229,827, an increase of \$3,364,805 or 4.9 times the original property taxes. As with assessment value, part of this large increase in property taxes would have been due to general increases in property taxes from the year of application to 2016 for the 22 properties, i.e., the property taxes on the 22 properties would have increased somewhat even if they were left in their unimproved state.

Two methodologies were used to estimate the impact of general property tax increases on the 22 ERG projects. The first methodology was the same as that used to calculate the assessment multiplier. The increase in total property taxes for all industrial and commercial properties across the City for each year from 2002 to 2016 was used to calculate a multiplier to determine the property tax increase attributable to general increases in property taxes for applications in each year from 2002 to 2016. This multiplier is shown in **Attachment 4**.

Figure B10 Total Property Taxes on Completed and Substantially Completed ERG Applications



This multiplier was applied to each of the 22 ERG applications based on the year of application and land use (industrial or commercial) in that year to scale up the property taxes in the year of application to the property taxes in 2016 that would have been collected on each of the 22 properties had they remained in their land use and state in the year of application. Using this methodology, it was estimated that if the 22 properties had not participated in the ERG Program, total property taxes collected on these 22 properties would have increased from \$865,022 to \$943,349 by 2016, an increase of only \$78,327.

The second methodology used to estimate the impact of general property tax increases on the 22 ERG projects multiplied the estimated 2016 assessment if no ERG project had taken place (calculated using the assessment multiplier as described above) by the current applicable tax rate (industrial or commercial) had the properties remained in their land use and state (vacant/occupied) in the year of application. Using this methodology, it was estimated that if the 22 properties had not participated in the ERG Program, total property taxes collected on these 22 properties would have increased from \$865,022 to \$1,100,070, an increase of \$235,048. Even utilizing this second methodology which attributes a higher percentage of the increase on property taxes on the 22 properties to the general increase in property taxes, approximately \$3,129,757 (93%) of the \$3,364,805 increase in property taxes on these 22 properties can be directly attributed to their remediation and redevelopment under the ERG Program.

While the City's total ERG commitment on these 22 properties totals \$12,322,990, it is important to remember that the City and Province collect an extra \$3,129,757 in property taxes **annually, year after year** on these properties as a result of their remediation and redevelopment under the City's ERG Program. Based on the split of 2016 property taxes on these 22 properties (73.4% City versus 26.6% Education), the City's share of this \$3,129,757 is approximately \$2,297,916. This means that the annual increase in property taxes collected

by the City for these 22 ERG projects will pay for the City grant commitment on these projects in approximately just 5.5 years.

B4.5.6 Development Charges

As per the City of Hamilton Development Charges By-law 14-153, applicants with approved ERG applications have the option of applying environmental remediation costs approved under their ERG application against City development charges payable, up to but not exceeding the amount of the development charges otherwise payable under the Development Charges By-law. Many of the applicants with approved ERG applications who completed remediation and undertaken construction have in fact taken advantage of this development charge exemption and applied their environmental remediation costs approved under their ERG application against City development charges payable. Data was not available on how much of the approved ERASE Redevelopment Grants for projects that have been constructed or are underway was applied against City development charges payable for those projects. However, it is known that 11 approved ERG projects paid a total of \$5,549,613 in City development charges over and above any ERG approved remediation costs applied against City development charges payable.

B4.5.7 Building Permit Fees

Building permit fee data was also examined, and it was determined that 19 approved ERG projects have paid a total of \$1,389,923 in building permit fees to the City of Hamilton.

B5 ERASE Tax Assistance Program (TAP)

As in most other Ontario municipalities that offer a tax assistance program that includes the Province's education component of property taxes on brownfield sites, the City of Hamilton's TAP has been little used since it was introduced in 2005. This finding is no doubt directly related to the complicated and time consuming process that the Province of Ontario has put in place for municipalities and applicants seeking to access the Province's education property tax assistance for brownfield redevelopment projects. Notwithstanding that this difficulty is likely to remain in place, as shown below, a number of minor enhancements to the City's ERASE TAP are recommended.

RECOMMENDATIONS:

It is recommended that the City add the following eligible costs to the ERASE TAP:

- a) **Clean fill, grading and compaction to replace contaminated soils";**
- b) **Filing a Record of Site Condition (RSC) and a Certificate of Property Use (CPU);**
- c) **Environmental insurance premiums; and,**
- d) **"removal/abatement of designated substances and hazardous materials as identified in a designated substances and hazardous materials survey".**

B6 Downtown Hamilton – West Harbour Remediation Loan (LOAN) Program

The LOAN Program offers a low interest loan (1% below prime) for the remediation of brownfield properties being developed/redeveloped for residential or residential/commercial use within Downtown Hamilton and the West Harbourfront. The low interest loan is equal to 80% of the cost of remediating a property to a maximum of \$400,000 per property/project. This program is designed to help finance remediation by acting as bridge financing until property owners receive their ERG payments, at which time, the applicant has the option of

repaying the loan through the assignment of their annual ERG payments. This is an innovative approach to repayment of the loan.

The loan is provided to the successful applicant in progress payments based on 80% of the actual qualifying remediation costs incurred. Such progress payments will be advanced within 30 days of submission of the property owner's request for a loan draw. There is a limit of six draws, spaced no less than 30 days apart. The annual interest rate on the loan is 1% below the prime rate as established by the Royal Bank of Canada. Such rate shall be established at the time the first instalment of the loan is advanced by the City and reset annually on the anniversary date of the first advance. In the event that the full 10 year grant amount is not sufficient to repay the loan in its entirety, supplemental payments from the applicant will be required. The loan, together with interest can be prepaid in full by the owner without notice, penalty or bonus at any time.

While the addition of this program to the ERASE Programs provides an extra up-front incentive to redevelop brownfield properties in the Downtown Hamilton and the West Harbourfront area, uptake of the program has been moderate to date. To date, only two applications have been approved under this loan program by the City of Hamilton over the seven year period that it has been in existence. Both of these applications were on James Street North in the West Harbour Area.

Based on the \$400,000 program cap, the real benefit of the program likely lies in promoting smaller brownfield redevelopment projects in Downtown Hamilton and the West Harbourfront Area. While the City should retain the LOAN Program in the short to medium term, it is not clear that this program will be necessary in the long-term based on the large scale of development (including brownfield redevelopment) being witnessed and planned for in Downtown Hamilton, and especially in the West Harbourfront Area. Increases in demand and market value in Downtown Hamilton, and eventually in the West Harbourfront Area, combined with the other ERASE Incentive Programs and the Downtown Incentive Programs available from the City of Hamilton, may be sufficient to spur most brownfield redevelopment projects in both Downtown Hamilton and the West Harbourfront Area. Staff indicated that for the time being, the \$400,000 cap on the program essentially restricted the program only to the smaller brownfield redevelopment projects in the Downtown and the West Harbour Area.

Finally, City staff identified that the ERASE LOAN Program has an interest rate of 1% below prime and a an amortization period of 10 years, while the Downtown LOAN Program has a 0% interest rate and an amortization period of 5 years. Staff indicated that 10 years is a long time for the City to have a LOAN outstanding and that the amortization period of the ERASE LOAN Program should be shorter. Therefore, in order to bring the two programs into line, it was determined that the ERASE Loan Program should adopt the Downtown LOAN Program structure, i.e., 0% interest rate and a 5 year amortization period. This will also make the administration of both programs more consistent and easier.

RECOMMENDATIONS:

Based on the above-noted analysis, it is recommended that the City modify the ERASE LOAN Program to include a 0% annual interest rate and a 5 year amortization period, with all other program details and requirements remaining the same.

B7 ERASE Municipal Acquisition and Partnership Program (MAPP)

The purpose of the MAPP as specified in the 2010 ERASE CIP is to create awareness of brownfield redevelopment by having the City remediate its own brownfield sites, acquire and remediate key strategic brownfield sites, and engage in pilot projects with the private sector to showcase innovative brownfield remediation tools and approaches.

The following four (4) projects have been approved under the MAPP since 2001:

- 1) A 78 unit townhouse project on Beach Boulevard;
- 2) The Hamilton General Hospital Redevelopment at Wellington and Barton Streets; and,
- 3/4) Two buildings at the McMaster University Innovation Park.

All of these projects were very significant and successful brownfield redevelopment projects. These projects represent the culmination of innovative partnerships under the MAPP between the City and the developer (in the case of Project 1), and between the City and major health and educational institutions (in the case of Projects 2, 3 and 4). In the coming years, the City could consider participation in MAPP projects on brownfield sites in the Bayfront Industrial Area as one way of promoting brownfield redevelopment in this area.

The 2010 ERASE CIP specifies that the MAPP be funded from the 20% of the tax increment retained by the City year over year as a result of properties participating in the ERG or TAP programs, and other monies as may be allocated by Council. The CIP specified that this 20% retained by the City be placed in a Brownfields Pilot Project (BPP) Account to help fund MAPP projects. The BPP Account would function as a revolving fund, with any profits from brownfield redevelopment activities under the MAPP deposited back into the BPP Account. The CIP specified that funds in the BPP Account are not intended for transfer to general revenues. The 2010 ERASE CIP also notes that the allocation of the 20% tax increment or tax assistance to the MAPP will end when the ERG and the TAP end, i.e., approximately ten (10) years. At that time, if the City wishes to continue utilizing the BPP Account to fund the MAPP, it may do so without amendment to the CIP. Alternatively, the City may return any funds remaining in the BPP Account to general revenues.

Staff responsible for the administration of the ERASE Programs are not sure if the 20% of the TIG retained from participating ERG projects has been placed in a BPP Account, or if these are the funds that were used for the City's participation in the above-noted MAPP projects. Based on the 22 ERG projects that have been completed/substantially completed and reassessed, the City is now collecting in the neighbourhood of an extra \$2,300,000 per year in City property taxes on these projects. At 20% of the property tax increase every year for up to 10 years on each per project, and even accounting for the City's financial participation in the above-noted projects and ERG projects where the eligible TIG remediation costs were applied against City development charges, the BPP should have accumulated to a few million dollars by this point in time. Therefore, it is important that City staff enquire to determine if the BPP is still operational, and if so, the level of funds in the BPP.

RECOMMENDATIONS:

Based on the above-noted analysis, it is recommended that City staff investigate the ERASE MAPP to determine if:

- a) **The 20% of the TIG retained from participating ERG projects was placed in a BPP, or if another source of funds was used to fund the City's participation in the above-noted MAPP projects;**
- b) **The BPP still exists; and if so,**
- c) **The amount of funds in the BPP.**

4.8 ERASE Marketing and Opportunities Program (MOP)

The purpose of the ERASE MOP is to aggressively and regularly communicate and explain the ERASE Programs to brownfield market makers. This includes property owners, the development industry, real estate professionals, environmental consultants, planning consultants, lawyers, accountants and other support professionals. Another purpose of the MOP is to advertise and market publicly and privately owned brownfield redevelopment opportunities throughout the municipality.

The ERASE MOP specified that a number of methods should be used by the City to market the ERASE incentive programs and brownfield redevelopment opportunities. These include:

- g) A marketing brochure;
- h) Program guides and application forms;
- i) Program information available on the City's website;
- j) Presentation to brownfield market makers including the development industry, real estate professionals, environmental consultants, planning consultants, lawyers, accountants and other support professionals;
- k) Targeted mailings to property owner in the Project Area; and,
- l) The use of RFPs on City owned brownfield properties.

With the possible exception of item e) above, the City has utilized all of the marketing and education methods outlined above. However, with the revisions to the ERASE CIP that will result out of this report, this presents an excellent opportunity for City staff to review, revise and augment the components of its ERASE MOP to coincide with and support the revised ERASE CIP programs. As previously noted, particular emphasis should be placed on marketing the ERASE Programs and available brownfield redevelopment and adaptive reuse opportunities to existing business in the Older Industrial Area and business seeking locations in the Older Industrial Area.

RECOMMENDATIONS:

Based on the above-noted analysis, it is recommended that the City review, revise and augment the components of its ERASE MOP to support and coincide with the launch of the City's revised ERASE CIP and ERASE incentive programs.

ATTACHMENT 2

Data Variables for the ESG Program and the ERG Program

ERASE Study Grant (ESG) Program

- Application Number;
- Date Application Submitted;
- Address of Application;
- Property Size;
- Name of Applicant/Owner;
- Application Status;
- Grant Amount;
- Date Grant Paid.

ERASE Redevelopment Grant (ERG) Program

- Application Number;
- Date Application Submitted;
- Address of Application;
- Property Size;
- Name of Applicant/Owner;
- Application Status;
- Remediation Status;
- Construction Status;
- Estimated Residential Units;
- Estimated Industrial/Commercial Square Footage;
- Estimated Employment;
- Estimated Construction Cost;
- Actual Construction Cost;
- Estimated Grant Amount;
- Actual Grant Amount;
- Council Approval Date;
- Assessment Value in Year Application Made;
- Total Property Taxes (City and Education) in Year Application Made;
- Assessment Value in 2016;
- Total Property Taxes (City and Education) in 2016;
- Land Use in Year Application Made;
- Proposed/Actual Land Use.

ATTACHMENT 3
Total City-Wide Assessment and Multiplier

Total City-Wide Assessment and Multiplier

Year	Industrial	Industrial Multiplier by Year of Application	Commercial	Commercial Multiplier by Year of Application
2002	750,039,168	1.57	2,887,185,259	2.13
2003	810,905,343	1.45	3,192,399,430	1.92
2004	828,953,770	1.42	3,381,401,988	1.82
2005	851,813,767	1.38	3,412,003,458	1.80
2006	912,681,210	1.29	3,734,523,619	1.64
2007	915,073,840	1.29	3,767,869,559	1.63
2008	844,277,876	1.39	3,881,719,123	1.58
2009	893,949,116	1.32	4,156,851,534	1.48
2010	964,940,388	1.22	4,574,177,852	1.34
2011	1,029,044,383	1.14	5,019,795,514	1.22
2012	1,067,747,211	1.10	5,364,345,650	1.14
2013	1,098,226,616	1.07	5,454,460,357	1.13
2014	1,068,799,681	1.10	5,624,294,095	1.09
2015	1,137,042,577	1.03	5,874,156,654	1.04
2016	1,176,803,763	1.00	6,137,556,216	1.00

ATTACHMENT 4

Total City-Wide Property Taxes and Multiplier

Total City-Wide Property Taxes and Multiplier

Year	Industrial	Industrial Multiplier by Year of Application	Commercial	Commercial Multiplier by Year of Application
2002	\$ 41,762,381	1.04	\$ 89,670,262	1.53
2003	\$ 40,676,294	1.07	\$ 89,590,547	1.53
2004	\$ 41,199,171	1.06	\$ 87,181,719	1.57
2005	\$ 41,984,974	1.04	\$ 92,875,000	1.48
2006	\$ 42,831,705	1.02	\$ 95,000,361	1.45
2007	\$ 43,643,691	1.00	\$ 97,556,586	1.41
2008	\$ 40,896,446	1.07	\$ 102,538,346	1.34
2009	\$ 41,121,891	1.06	\$ 104,601,285	1.31
2010	\$ 42,390,238	1.03	\$ 111,009,306	1.24
2011	\$ 43,158,135	1.01	\$ 117,342,075	1.17
2012	\$ 42,824,538	1.02	\$ 121,511,945	1.13
2013	\$ 43,213,688	1.01	\$ 123,484,663	1.11
2014	\$ 40,863,865	1.07	\$ 126,403,550	1.09
2015	\$ 42,947,048	1.01	\$ 132,474,022	1.04
2016	\$ 43,589,931	1.00	\$ 137,283,597	1.00



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 20, 2018
SUBJECT/REPORT NO:	Appeal of Sign Variance Application SV-17-007 for the Property known as 1545 Stone Church Road East, Hamilton, Denied by the Director of Planning and Chief Planner (Ward 6) (PED18048)
WARD(S) AFFECTED:	Ward 6
PREPARED BY:	Anthony Cicchi (905) 546 - 2424 Ext. 2266
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the Appeal of Sign Variance Application SV-17-007, by the **Muslim Association of Hamilton, Owner**, to permit a Digital Billboard Sign to be located 285 m from the Red Hill Valley Parkway right of way, 290 m from a residentially zoned property, 3.0 m from the northerly lot line, and being constructed on lands that are not vacant, on lands located at 1545 Stone Church Road East as shown on Appendix "A" to Report PED18048, be **Denied** on the following basis:

- (a) That the requested variances are not in keeping with the general intent and purpose of Sign By-law No. 10-197; and,
- (b) That the requested variances do not meet the tests of Sign By-law No. 10-197.

EXECUTIVE SUMMARY

The applicant submitted Sign Variance Application SV-17-007 on April 21, 2017, to permit a double faced Digital Billboard Sign, providing electronic message display for the purposes of advertising for the Muslim Association of Hamilton, located on the subject property. In addition, the sign also proposes to provide third-party advertising to advertise local programs, events and display real time public announcements. The variances applied for were to permit a Digital Billboard Sign to be located 285 m from the Red Hill Valley Parkway; to be 3.0 m from the northerly property line; 290 m from a

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residentially zoned property; and, to permit the construction of a Digital Billboard Sign on lands that are not vacant (see Appendices “B” and “C” to Report PED18048).

The variances were denied by the Director of Planning and Chief Planner on January 4, 2018. The applicant appealed the decision to deny the variances on January 4, 2018, and requested the proposed Sign Variance Application be considered by the Planning Committee.

Alternatives for Consideration – See Page 6

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: None

Staffing: None

Legal: The application is subject to the *Municipal Act*, and there are no requirements for a Public Meeting. By-law No. 10-197 requires the City Clerk to notify the owner once a hearing date before the Planning Committee has been fixed to consider an appeal of the decision by the Director of Planning and Chief Planner to deny a sign variance application.

HISTORICAL BACKGROUND

On August 12, 2010, Council approved Sign By-law No. 10-197. Part 6.0 of By-law No. 10-197 establishes the parameters for dealing with Sign Variance Applications (section 6.5), and the process to appeal a decision on a Sign Variance Application (section 6.6) (see Appendix “D” to Report PED18048).

On April 21, 2017, staff received an application for a Sign Variance to permit the establishment of a new Digital Billboard Sign which did not conform to the applicable provisions of Sign By-law No. 10-197.

The following variances were applied for:

- 1) To permit a Digital Billboard Sign to be located within 285.0 m of the right of way of the Red Hill Valley Parkway that is visible from the travelled portion of the right of way, whereas Hamilton Sign By-law prohibits any sign within 400.0 m of the right of way;
- 2) To permit a Digital Billboard Sign that will be 3.0 m from the northerly property line, whereas the requirement is a minimum setback of 3.5 m from any property line;

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SUBJECT: Appeal of Sign Variance Appeal SV-17-007 for the Property known as 1545 Stone Church Road East, Hamilton, Denied by the Director of Planning and Chief Planner (Ward 6) (PED18048) - Page 3 of 7

- 3) To permit a Digital Billboard Sign to be located approximately 290.0 m from a residentially zoned property, whereas the minimum distance is 300.0 m from any residentially zoned property; and,
- 4) To permit the construction of a Digital Billboard Sign on lands that are developed, whereas a Digital Billboard Sign may be located on vacant, undeveloped properties zoned commercial or industrial.

On January 4, 2018, the Sign Variance Application was denied by the Director of Planning and Chief Planner (see Appendix “E” to Report PED18048). Notice was subsequently sent to the owner advising of the decision. On January 4, 2018, the applicant appealed the decision by the Director of Planning and Chief Planner to deny the variances, and requested that the matter be considered by the Planning Committee (see Appendix “F” to Report PED18048). Pattison Outdoor Advertising is the applicant and they were advised at a pre-submission consultation meeting with staff that staff would not be in a position to support the application as the proposal was effectively for a third-party Digital Billboard Sign adjacent to the Red Hill Valley Parkway. The applicant proceeded to submit the application.

Details of Submitted Application

Location:	1545 Stone Church Road East, Hamilton
Owner	Muslim Association of Hamilton
Applicant:	Pattison Outdoor Advertising
Property Description:	<u>Frontage:</u> ± 76.5 m
	<u>Lot Depth:</u> Varies (± 141.5 - ± 170.5 m)
	<u>Area:</u> ± 14,504 sq m

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

City of Hamilton Sign By-law No. 10-197

By-law No. 10-197 provides regulations for signs and other advertising devices within the City of Hamilton.

Section 5.1.1 of the By-law specifies which signs are not to be displayed or permitted. Section 5.2 specifies the regulations in which a Ground Sign can be lawfully erected (see Appendix “H” to Report PED18048). The proposed variances, if approved, would

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permit a sign that is in contravention of four provisions of the Sign By-law and could set a precedent for other signs of a similar nature to be located within the City of Hamilton.

An explanation of the variances can be found in the Analysis and Rationale for Recommendation section below.

Hamilton Zoning By-law No. 05-200

The subject property is zoned Prestige Industrial (M3) Zone in the Hamilton Zoning By-law No. 05-200, which permits a range of industrial uses. The “M3” Zone (pursuant to Hamilton Zoning By-law No. 05-200) requires a 6.0 m wide landscaped area abutting a street. The proposed Digital Billboard Sign is permitted in the proposed location as an interpretation of Hamilton Zoning By-law No. 05-200 allows signs within a landscaped area or planting strip.

RELEVANT CONSULTATION

For comments received, refer to Appendix “E” to Report PED18048, Pages 2 to 5.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The City of Hamilton may approve a Sign Variance Application if the general intent and purpose of By-law No. 10-197 is maintained and the proposal has regard for the four tests, as set out in Section 6.5 of By-law No. 10-197 (see Appendix “D” to Report PED18048).

The Sign Variance Application was denied by the Director of Planning and Chief Planner, on January 4, 2018. The reasons for the refusal were that the proposed sign variances did not maintain the general intent and purpose of Sign By-law No. 10-197, and did not meet the four tests for sign variances provided in Section 6.5 of By-law No. 10-197 (see Appendix “D” to Report PED18048).

The following variances were requested by the applicant:

- 1) To permit a Digital Billboard Sign to be located within 285.0 m of the right of way of the Red Hill Valley Parkway that is visible from the travelled portion of the right of way, whereas Hamilton Sign By-law prohibits any sign within 400.0 m of the right of way;
- 2) To permit a Digital Billboard Sign that will be 3.0 m from the northerly property line, whereas the minimum requirement is a yard setback of 3.5 m;

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- 3) To permit a Digital Billboard Sign to be located approximately 290.0 m from a residentially zoned property, whereas the minimum distance is 300.0 m from any residentially zoned property; and,
- 4) To permit the construction of a Digital Billboard Sign on lands that are developed, whereas a Digital Billboard Sign may be located on vacant, undeveloped properties zoned commercial or industrial.

Setback from Provincial Highway

The proposed Digital Billboard Sign is located approximately 285.0 m from the Red Hill Valley Parkway access. The intent of this provision of the Sign By-law is to avoid a proliferation of signs along the Red Hill Valley Parkway. Due to the proximity of the subject lands from the Red Hill Valley Parkway, any proposed Digital Billboard Sign would require relief from this provision, as the entire lands are located within 400 m of the right of way of the Highway. As outlined in further detail in Appendix “E” to Report PED18048, staff did not support this variance.

Minimum Setback Requirement

The proposed Digital Billboard Sign is to be constructed with a 3.0 m setback from the northerly property line. Due to the developed nature of the subject lands, the proposed Digital Billboard Sign would require relief from this provision in order to avoid the loss of current parking and maneuvering space offered on this portion of the subject lands. While the requested location of the proposed Digital Billboard Sign does not conform to Section 5.1.1 (f) of Hamilton Sign By-law No. 10-197, staff understand the constraints for this proposal. However, staff were not in support of the variance since it facilitated construction of the sign, as outlined in Appendix “E” to Report PED18048.

Setback from Residentially Zoned Property

The proposed Digital Billboard Sign is located approximately 290.0 m from a residentially zoned property. The proposed location of the Digital Billboard Sign is to the rear of the property and is within the 300 m buffer that is required under the Sign By-law. The applicant provided a Viewshield Analysis as seen in Appendix ‘G’ to Report PED18048 which demonstrates the proposed Digital Billboard Sign will have a minimal effect on the residential property. Due to the proximity of the subject lands from the residentially zoned property, the proposed Digital Billboard Sign would require relief from this provision as the proposed location of the Digital Billboard Sign is within 300.0 m of the residentially zoned property. The requested location of the Digital Billboard Sign does not conform to Section 5.10A.2 (l) (i) of Hamilton Sign By-law No. 10-197, as outlined in Appendix “E” to Report PED18048.

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The Red Hill Valley Parkway and mature vegetation provides a buffer to the residential property, however the applicant has failed to satisfactorily demonstrate that there will be no adverse impacts on the residentially zoned lands. The proximity of the existing development to a residential zone is an existing condition that presents an additional constraint for signage location. While staff understand the locational constraints, staff do not support the variances as they facilitate a sign which is not permitted on the subject lands since the property is developed.

Lands Permitting Billboard Signs

The Digital Billboard Sign is proposed on lands zoned Prestige Business Park (M3) Zone, which has been developed for the Muslim Association of Hamilton Facility. As the property is developed and is not vacant and undeveloped, it does not conform to the Sign By-law No. 10-197. Staff are not supportive of the variances requested to establish the proposed Digital Billboard Sign on developed lands as the Sign By-law prohibits any Digital Billboard Sign from being constructed on developed property. The By-law explicitly states that the lands must be undeveloped in order to construct a Billboard Sign regardless of whether it is digital or not.

Staff do not support the variances to facilitate the construction of a Digital Billboard Sign since the Sign By-law strictly prohibits Billboard Signs on fully developed lands. Although the applicant has provided some justification for the location within the site, a Billboard Sign on a developed property is prohibited.

ALTERNATIVES FOR CONSIDERATION

Option 1

Council may uphold the recommendation of the Director of Planning and Chief Planner, Planning Division, to refuse the proposed variances as they do not maintain the general intent and purpose of the Sign By-law. The applicant would not be able to establish the proposed electronic message display Billboard Sign, which proposes to be constructed within 400 m of the Red Hill Valley Parkway and within 300 m of a residentially zoned area. Instead, the owner would be able to construct a new Ground Sign that meets the requirements of Hamilton Sign By-law No. 10-197 and receive a permit from the City of Hamilton.

Option 2

Council may deny the recommendation of the Director of Planning and Chief Planner, Planning Division, and support the proposed variances, as submitted. However, it is staff's opinion that this option does not maintain the general intent and purpose of the Hamilton Sign By-law No. 10-197.

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ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

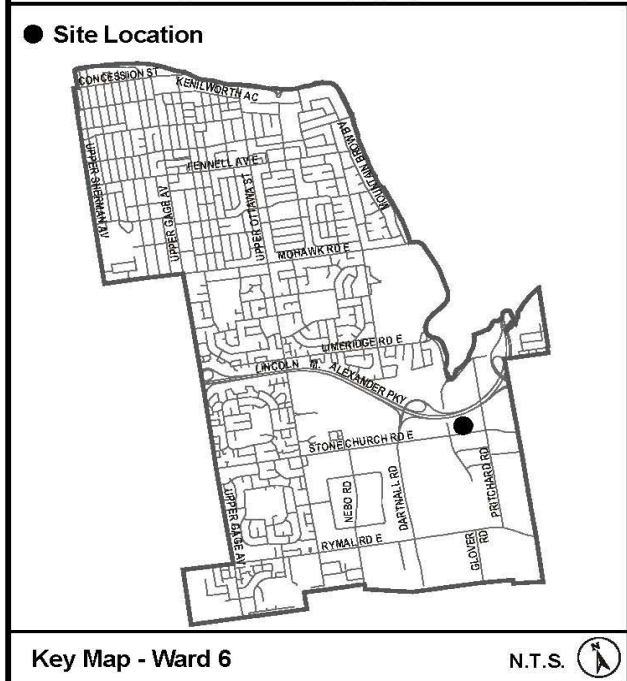
Our People and Performance



Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

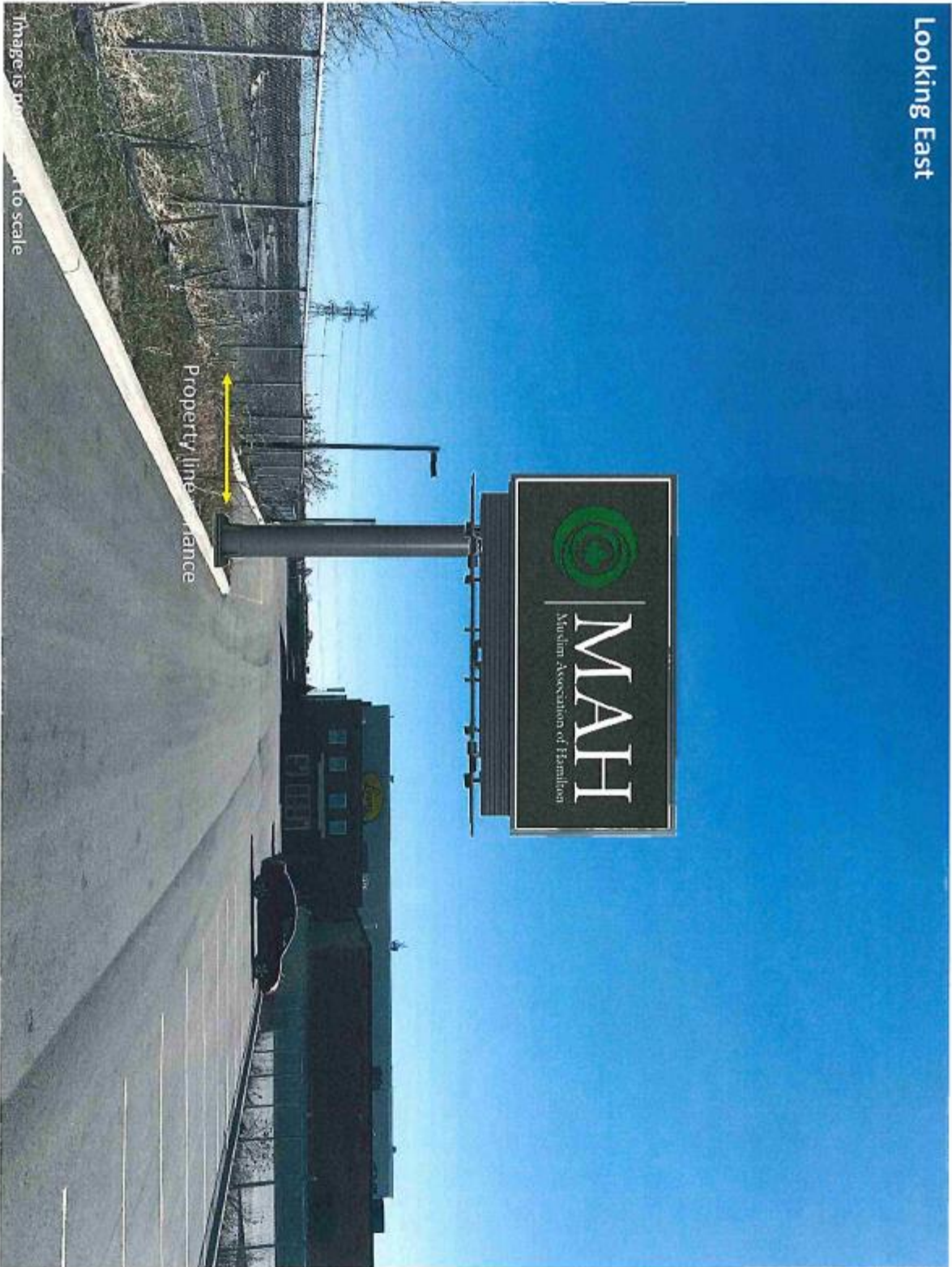
- Appendix “A”: Location Map
- Appendix “B”: Site Plan
- Appendix “C”: Renderings of proposed Billboard Sign
- Appendix “D”: Section 6.5 of Sign By-law No. 10-197
- Appendix “E”: Sign Variance Application Report SV-17-007
- Appendix “F”: Appeal Letter
- Appendix “G”: Viewshield Analysis
- Appendix “H”: Definitions and Excerpts of Section 5.1 and 5.2 of Sign By-law No.10-197

:ac/mo



<h2>Location Map</h2>		 Hamilton
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		
File Name/Number: SV-17-007		Date: June 19, 2017
Appendix "A"	Scale: N.T.S.	Planner/Technician: AW/AL
Subject Property		
 1545 Stone Church Road East		





- 6.5 In considering an application for a variance, the Director shall have regard for:
- (a) special circumstances or conditions applying to the land, building or use referred to in the application;
 - (b) whether strict application of the provisions of this By-law in the context of the special circumstances applying to the land, building or use, would result in practical difficulties or unnecessary and unusual hardship for the applicant, inconsistent with the general intent and purpose of this By-law;
 - (c) whether such special circumstances or conditions are pre-existing and not created by the sign owner or applicant; and,
 - (d) whether the sign that is the subject of the variance will alter the essential character of the area in which the sign will be located.

SIGN VARIANCE APPLICATION – SV-17-007

ADDRESS: 1545 Stone Church Road East

Owner: Muslim Association of Hamilton
Agent: Pattison Outdoor Advertising
Date Application Received: April 21, 2017

Background and Description of Proposed Variances:

The requested variances are as follows:

1. That notwithstanding Section 5.1.1(f) of Hamilton Sign By-law No. 10-197, to permit a Digital Billboard Sign to be located within 285.0 metres of the right of way of the Highway 403, the Queen Elizabeth Way, the Lincoln M. Alexander Parkway or the Red Hill Valley Parkway that is visible from the travelled portion of the right of way, whereas Hamilton Sign By-law No. 10-197 prohibits any sign within 400.0 m of the right of way of Highway 403, the Queen Elizabeth Way, the Lincoln M. Alexander Parkway or the Red Hill Valley Parkway that is visible from the travelled portion of the right of way.
2. That notwithstanding Section 5.10.2(i) of Hamilton Sign By-law No. 10-197, to permit a Billboard Sign that will be 3.0 metres from the northerly property line, whereas the Hamilton Sign By-law No. 10-197 requires a minimum yard setback of 3.5 metres.
3. That notwithstanding Section 5.10A.2(l)(i) of Hamilton Sign By-law No. 10-197, to permit a Digital Billboard Sign be located approximately 290.0 metres from a residentially zoned property, whereas a Digital Billboard Sign shall not be located less than 300.0 m from any residentially zoned property.
4. That notwithstanding Section 5.10.2(j) of Hamilton Sign By-law No. 10-197 to permit the construction of a Digital Billboard Sign on lands that are developed, whereas a Digital Billboard Sign may be located on vacant, undeveloped properties zoned commercial or industrial.

Variance one refers to any sign in general regardless of the type being proposed, since no sign is permitted within 400 metres of the Lincoln Alexander Parkway or Red Hill Valley Parkway.

Additionally, variances two to four refer to the provisions of a Billboard Sign and as a Digital Billboard Sign is being proposed variances are required for relief from setbacks to the property line, setback from a residentially zoned property and proposing a Billboard Sign on developed industrial lands.

Plans/Drawings/Photos Submitted with Application:

Location Map (Appendix "A")
Site Plan (Appendix "B")
Sign Renderings (Appendix "C")
Viewshed Analysis (Appendix "D")

Background:

The subject property is located on the north side of Stone Church Road East and south of the Lincoln Alexander Parkway (LINC). The subject lands are developed with the existing Muslim Association of Hamilton Centre. The applicant is proposing to install a Billboard Sign to advertise the Muslim Association of Hamilton Centre with a digital component to advertise local programs, events and display real-time public announcements, facing the LINC and the Red Hill Valley Parkway, located 3.0 metres from the northerly property line.

Staff Assessment:

The proposed Sign is located to the rear of 1545 Stone Church Road East, adjacent to the Red Hill Valley Parkway. Staff note that the property is developed with the Muslim Association of Hamilton's facility. This facility has been the only use on the property.

Through Site Plan Application SPA-12-145, the applicant acquired lands located to the rear of the neighbouring commercial building, providing access and frontage on Arbour Road. The application received final approval on March 11, 2014. Since these lands were acquired and used by the Association prior to the implementation of industrial zoning, the property carries a legal non-conforming status. Additionally, an interpretation was made that the requirement for a landscape area and planting strip did not apply in this situation due to the grade differential between the LINC and the rear of the property and the inability to access the property from the LINC.

The applicant is proposing to install a Billboard Sign that is located 3.0 metres from the northerly property line, whereas 3.5 metres is required. Billboard Signs are only permitted on undeveloped lands and cannot be located within 300.00 metres of a residentially zoned property. The applicant is seeking relief from these provisions as there is a residentially zoned property approximately 290 metres north of the proposed location of the sign. The applicant is also seeking relief to permit the Digital Billbaord Sign to be located within 400 metres of the Red Hill Valley Parkway, whereas no sign is permitted to be located within 400.0 metres of the Lincoln Alexander Parkway or Red Hill Valley Parkway right of way.

Circulation

The application for the requested variances was circulated on May 8, 2017 to internal departments / divisions.

The Zoning Section, Building Services has reviewed the Sign Variance Application and note the following:

1. "The applicant is requesting variances to Sign By-law 10-197 to permit the installation of a digital billboard sign located within less than 400 metres of the Lincoln Alexander Parkway right-of-way, whereas the Sign By-law requires a minimum setback of 400 metres from a highway. In addition, the sign is proposed to be located within 3.0 metres from the northerly lot line, whereas a minimum setback of 3.5 metres from any property line is required for a sign.

2. Building Division records indicate the recognized use is a place of worship on the portion of the lot zoned "M3, 369", which is permitted.

The westerly portion of the property, located at the north (rear) side and abutting lands known municipally as 1525 Stone Church Road East, is zoned "M3-409". It appears that this portion of the lot provides access to the subject lands from Arbour Drive. The proposed sign is intended to be located on this parcel, which does not permit a place of worship.

3. The "M3" zone (pursuant to Hamilton Zoning By-law No. 05-200) requires a 6.0m wide landscaped area abutting a street.

According to the City of Hamilton's GIS air photo mapping, it appears that the area abutting the Lincoln Alexander Street line was landscaped up until approximately 2010 as the 2012 air photos show this area as being composed of either soil or gravel and the 2015 air photos show this area as now being paved.

Be advised that an interpretation allows signs within a landscaped area or planting strip.

4. The proposed sign does not appear to be located within the required parking spaces, manoeuvring spaces/aisles, access driveways or road allowance.
5. Zoning Examination staff does not review the proposed sign for compliance with Sign By-law 10-197. As such, the Building Construction Section should be contacted for their review of the proposal regarding Sign By-law 10-197.
6. Signage is subject to the issuance of a building permit in the normal manner.
7. The designer shall ensure that the fire access route conforms to the Ontario Building Code."

The Growth Management Section has reviewed the Sign Variance Application and has no concerns.

The Building Construction Section has reviewed the Sign Variance Application and note the following:

1. "According to Section 5.10.2(c) of the Sign By-law 10-197, "**(c) maximum height of 12.0 m.**" The height of the proposed Digital Billboard is 7.62 m. Therefore it does conform to the Sign By-law 10-197.
2. According to Section 5.10.2(j) of the Sign By-law 10-197, "**(j) on vacant, undeveloped property zoned commercial or industrial.**" This property is zoned 'M3' Prestige Business Park but the property is not vacant and undeveloped. Therefore it **does not** conform to the Sign By-law 10-197.
3. According to Section 5.10A.2(b)(i) of the Sign By-law 10-197, "**(i) maximum sign area of 18.6 m² for each sign face.**" The proposed Digital Billboard area is 18.6 m². Therefore it does conform to the Sign By-law 10-197.

4. According to Section 5.10A.2(b)(ii) of the Sign By-law 10-197, “**(ii) maximum height of 6.1 m² for each sign face.**” The height of the proposed Digital Billboard has been calculated to be 3.05 m for each sign face. Therefore it does conform to the Sign By-law 10-197.
5. According to Section 5.10A.2(b)(iii) of the Sign By-law 10-197, “**(iii) maximum width of 10 m, except for a maximum width of 12 m for Digital Billboards facing the Lincoln M. Alexander Parkway.**” The width of the proposed Digital Billboard is 6.1 m. Therefore it does conform to the Sign By-law 10-197.
6. According to Section 5.10A.2(d) of the Sign By-law 10-197, “**(d) a maximum luminosity level of 300 candelas per m² at night and 6000 candelas per m² during the day.**” No information has been provided so staff cannot determine whether or not the proposed Digital Billboard conforms to the Sign By-law 10-197.
7. According to Section 5.10A.2(e)(i) of the Sign By-law 10-197, “**(i) equipped with a monitoring device to ensure that the light generated does not exceed 0.3 candles above ambient light levels at a distance of 41 m for Digital Billboards with a sign area of not more than 18.6 m².**” No information has been provided so staff cannot determine whether or not the proposed Digital Billboard conforms to the Sign By-law 10-197.
8. According to Section 5.10A.2(f) of the Sign By-law 10-197, “**(f) not operate between the hours of 12 a.m. and 6 a.m.**” No information has been provided so staff cannot determine whether or not the proposed Digital Billboard conforms to the Sign By-law 10-197.
9. According to Section 5.10A.2(g) of the Sign By-law 10-197, “**(g) maximum dwell time of 6 seconds.**” No information has been provided so staff cannot determine whether or not the proposed Digital Billboard conforms to the Sign By-law 10-197.
10. According to Section 5.10A.2(h) of the Sign By-law 10-197, “**(h) maximum transition time of 1 second.**” No information has been provided so staff cannot determine whether or not the proposed Digital Billboard conforms to the Sign By-law 10-197.
11. According to Section 5.10A.2(i) of the Sign By-law 10-197, “**(i) not on a property within the Downtown Community Improvement Project Area, the Waterdown Urban Area or the Waterdown Settlement Area.**” The proposed Digital Billboard is outside of all three of these areas. Therefore it does conform to the Sign By-law 10-197.
12. According to Section 5.10A.2(k) of the Sign By-law 10-197, “**(k) not less than 300.0 m from another Billboard.**” There is no other Digital Billboard that is located in this area. Therefore it does conform to the Sign By-law 10-197.

13. According to Section 5.10A.2(l)(i) of the Sign By-law 10-197, “**(h) not less than 300.0 m from any residentially zoned property.**” There is a residentially zoned property at 127 Arbour Rad that is located within 300.0 m of this location. Therefore it **does not** conform to the Sign By-law 10-197.
14. According to Section 5.10.2(i) of the Sign By-law 10-197, “**(j) not less than 3.5 m from any property line.**” The proposed Digital Billboard will be 3.0 m from the north property line. Therefore it **does not** conform to the Sign By-law 10-197.”

The applicant provided information addressing the functionality of the sign and confirmed that the sign is compliant with comments 6 to 10 noted above.

Evaluation:

The City of Hamilton may approve a Sign Variance Application if the general intent and purpose of the Sign By-law is maintained and if the proposal has regard for the four tests as set out in Section 6.5 of By-law No. 10-197.

The four tests are:

a) Special circumstances or conditions applying to the land, building or use referred to in the application;

The site is irregular in shape and presents functional constraints for finding an appropriate location for the Billboard Sign. The applicant has provided justification regarding the location of the proposed Sign being located 3.0 metres from the northerly lot line, whereas any Billboard Sign shall be located 3.5 metres from any property line. Since the site is fully developed, if the Sign were located the minimum 3.5 metre setback, the applicant would either lose parking spaces or reduce the existing isle width, resulting in an alteration to the existing pavement.

The northerly portion of the property is within 300.0 metres of a residentially zoned property. As a portion of the Sign will be digital, the proposed Billboard Sign must to be located 300.0 metres from the nearest residential zone. The proposed Digital Billboard Sign is proposed 290.0 metres from the nearest residentially zone property. The Lincoln Alexander Parkway and mature vegetation provides a buffer to the residential property, but the applicant has failed to satisfactorily demonstrate that there will be no adverse impacts on the residentially zoned lands. The proximity of the existing development to a residential zone is an existing condition that presents an additional constraint for Signage location.

The sign is situated 285.0 metres of the Red Hill Valley Parkway and any new signage would be required to obtain a variance. The intent of the By-law is to avoid a proliferation of signs along the Red Hill Valley Parkway.

The subject lands are currently developed with the Muslin Association of Hamilton Facility. Being a property that is fully developed prohibits any Digital Billboard Sign from

being located on the property. Digital Billboard Signs are only permitted on vacant lands.

While staff understand the location constraints on the property in proximity to the LINC and Red Hill Valley Parkway, staff do not support the variances as they facilitate the construction of a Digital Billboard Sign which is not permitted on the subject lands since the property is developed.

b) Whether strict application of the provisions of this By-law in the context of the special circumstances applying to the land, building or use, would result in practical difficulties or unnecessary and unusual hardship for the applicant, inconsistent with the general intent and purpose of this By-law;

Strict application of the By-law would not permit any Digital Billboard Sign to be located on the subject lands since the lands are fully developed. Currently the site is developed with a place of worship, being The Muslim Association of Hamilton. Staff are not supportive of the variances requested to establish the proposed Digital Billboard Sign on developed lands as the Sign By-law prohibits any Digital Billboard Sign from being constructed on developed property. The By-law explicitly states that the lands must be undeveloped in order to construct a Billboard Sign regardless of whether it is digital or not. In addition, discussions with the agent have confirmed the Digital portion of the sign will be used for advertising of local programs, events and more not provided on site.

Staff do not support the variances to facilitate the construction of a Digital Billboard Sign since the Sign By-law strictly prohibits Billboard Signs on fully developed lands. Although the applicant has provided some justification for the location within the site, the overall function of the sign as a Billboard Sign on a developed property is prohibited.

c) Whether such special circumstances or conditions are pre-existing and not created by the Sign Owner or applicant; and,

There are two pre-existing conditions which restrict the location of the proposed Billboard Sign. The existing property abuts the Red Hill Valley Parkway and is situated within the 400 metre buffer that the Sign By-law requires. In addition, a residentially zoned property is located less than 300 metres from the property which creates a pre-existing condition not created by the Owner. Staff do not support the location of the proposed Billboard Sign with respect to its proximity to the Red Hill Valley Parkway since the intent of this provision of the Sign By-law is to avoid a proliferation of signs along Provincial Highway 403, the Lincoln Alexander Parkway, Red Hill Valley Parkway and Queen Elizabeth Way.

There is a residentially zoned property that is situated within 300 metres of the subject lands. The proposed location of the Billboard Sign is to the rear of the property and is within the 300 metre buffer that is required under the Sign By-law. The applicant has provided a viewshed analysis as seen in Appendix 'D' which demonstrates the proposed Digital Billboard Sign will have a minimal effect of the residential property. Staff are supportive of the location of the Billboard Sign with respect to its proximity to residentially zoned property since the location of the site in relation to the feature makes

it impossible to comply with this provision of the By-law with respect to signage. The location proposed appears to have the least potential impact.

However, while staff may have no concerns with a sign in the proposed location to the residentially zoned property, staff have concerns with the Digital Billboard Sign that is proposed within the 400 metre setback of the Red Hill Valley Parkway.

d) Whether the Sign that is the subject of the variance will alter the essential character of the area in which the Sign will be located.

The proposed Digital Billboard Sign will be the first located along the Lincoln Alexander Parkway and Red Hill Valley Parkway; Suds is another similar sign located near the Upper Wentworth exit; however the Suds Sign does not provide third party advertising.

The proposed sign location will alter the essential character of the area as multiple businesses have signage that face the Lincoln Alexander Parkway and Red Hill Valley Parkway but are not Billboard Signs. It is staff's opinion that the Digital Billboard Sign will alter the character of the existing neighbourhood and will have a negative impact on traffic on the Parkway as reading such advertising could potentially be distracting.

Based on the above, the variances requested do not have regard for the four tests and do not maintain the general intent and purpose of the Sign By-law.

Recommendation:

That Variances 1 - 4 of Sign Variance Application SV-17-007, to permit the proposed Billboard Sign to be located 285 metres from the Red Hill Valley Parkway, 290 metres from a residentially zoned property, 3.0 metres from the northerly lot line, and being constructed on lands that are not vacant, whereas Hamilton Sign By-law No. 10-197 requires a 400 metre setback from the Red Hill Valley Parkway, 300 metre setback from a residentially zoned property, 3.5 metre setback from any property line and Billboard Sign be constructed on vacant lands be **denied** for the following reasons:


1. That the requested variances are not in keeping with the intent of Sign By-law No. 10-197; and,
2. That the requested variances do not meet the four tests of Sign By-law No. 0-197.

Approval:

Authorized: 

Yvette Rybensky
Senior Project Manager – Suburban Team
Development Planning, Heritage and Design, Planning Division

Authorized: _____
Anita Fabac
Manager
Development Planning, Heritage and Design, Planning Division

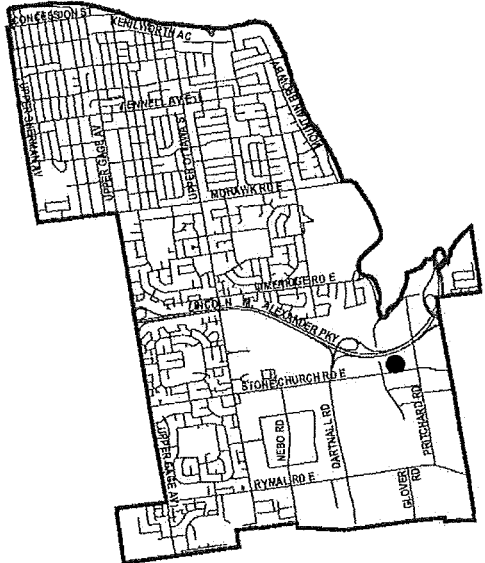
for Authorized: 

Steve Robichaud
Director and Chief Planner, Planning Division

YR
Attach. (4)



● Site Location



Key Map - Ward 6

N.T.S.

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
SV-17-007

Date:
June 19, 2017

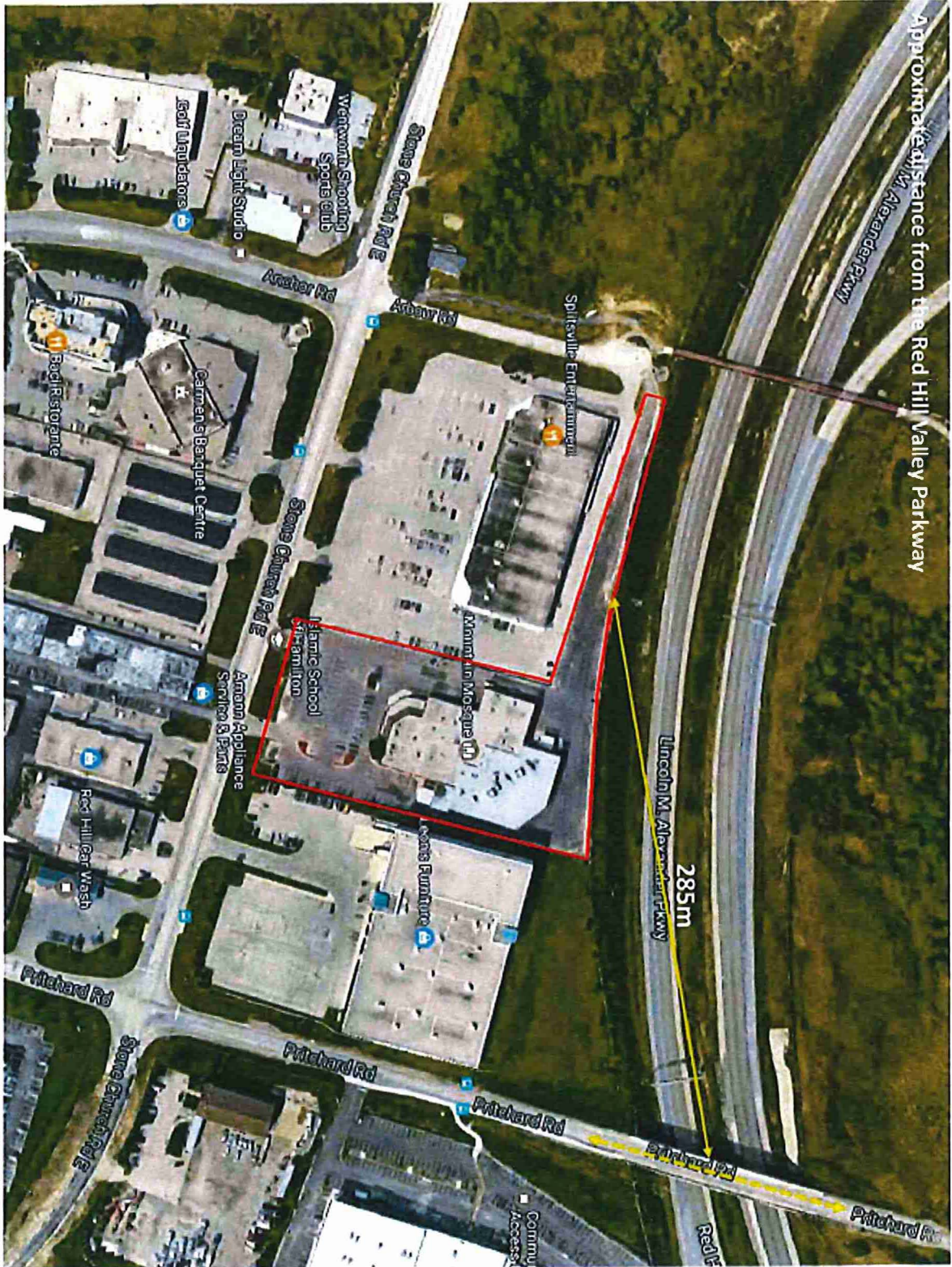
Appendix "A"

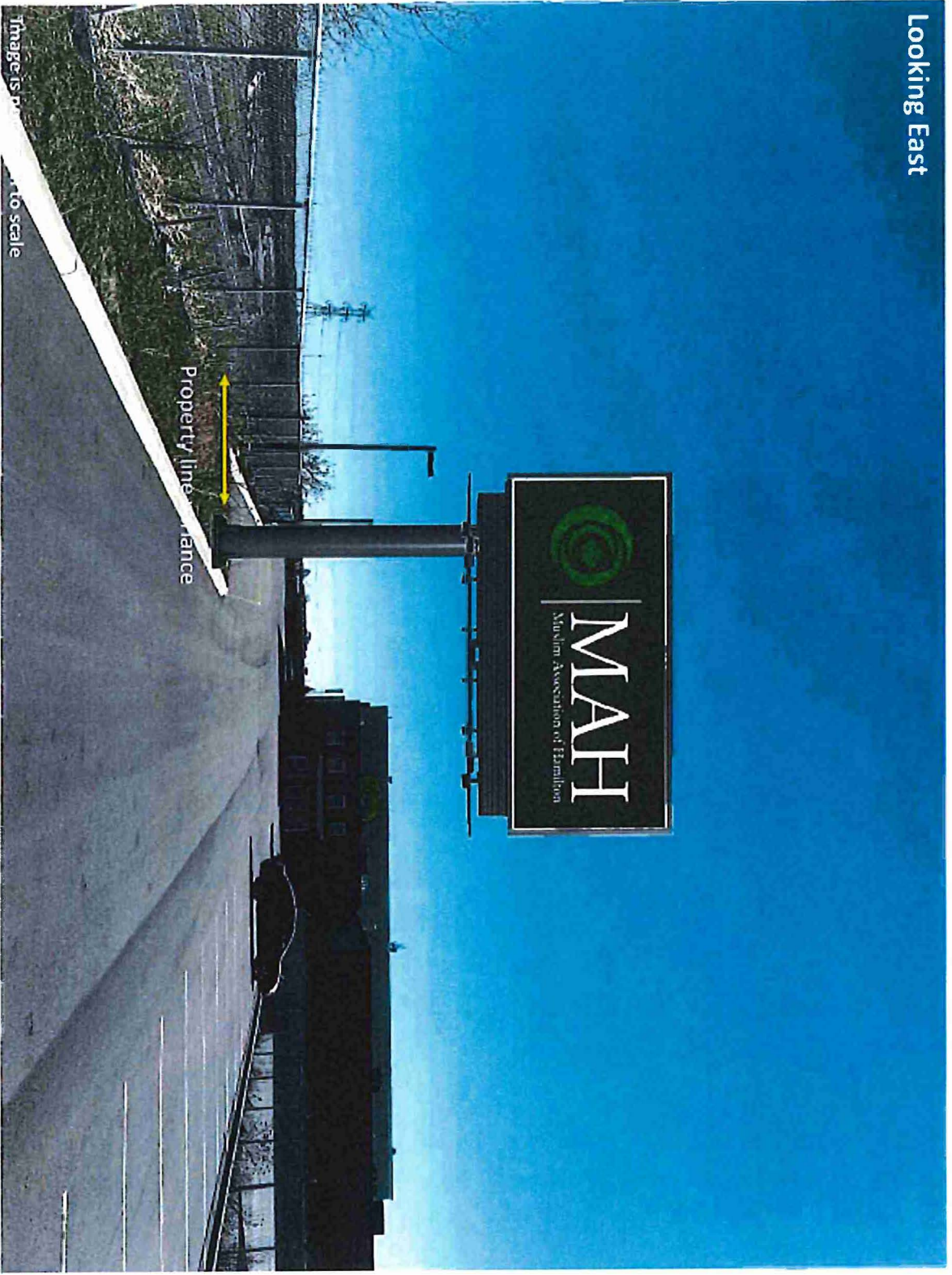
Scale:
N.T.S.

Planner/Technician:
AW/AL

Subject Property

1545 Stone Church Road East

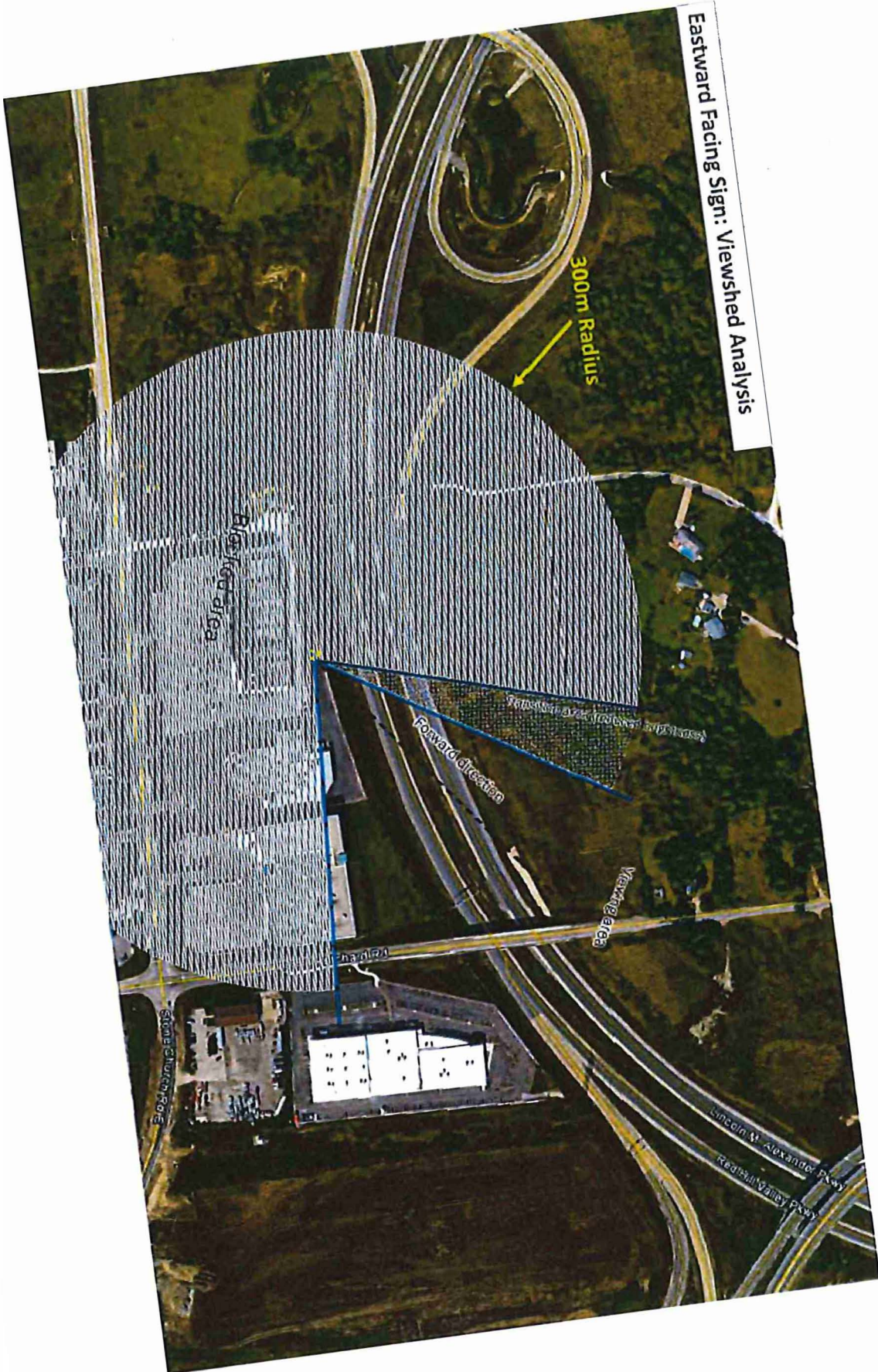


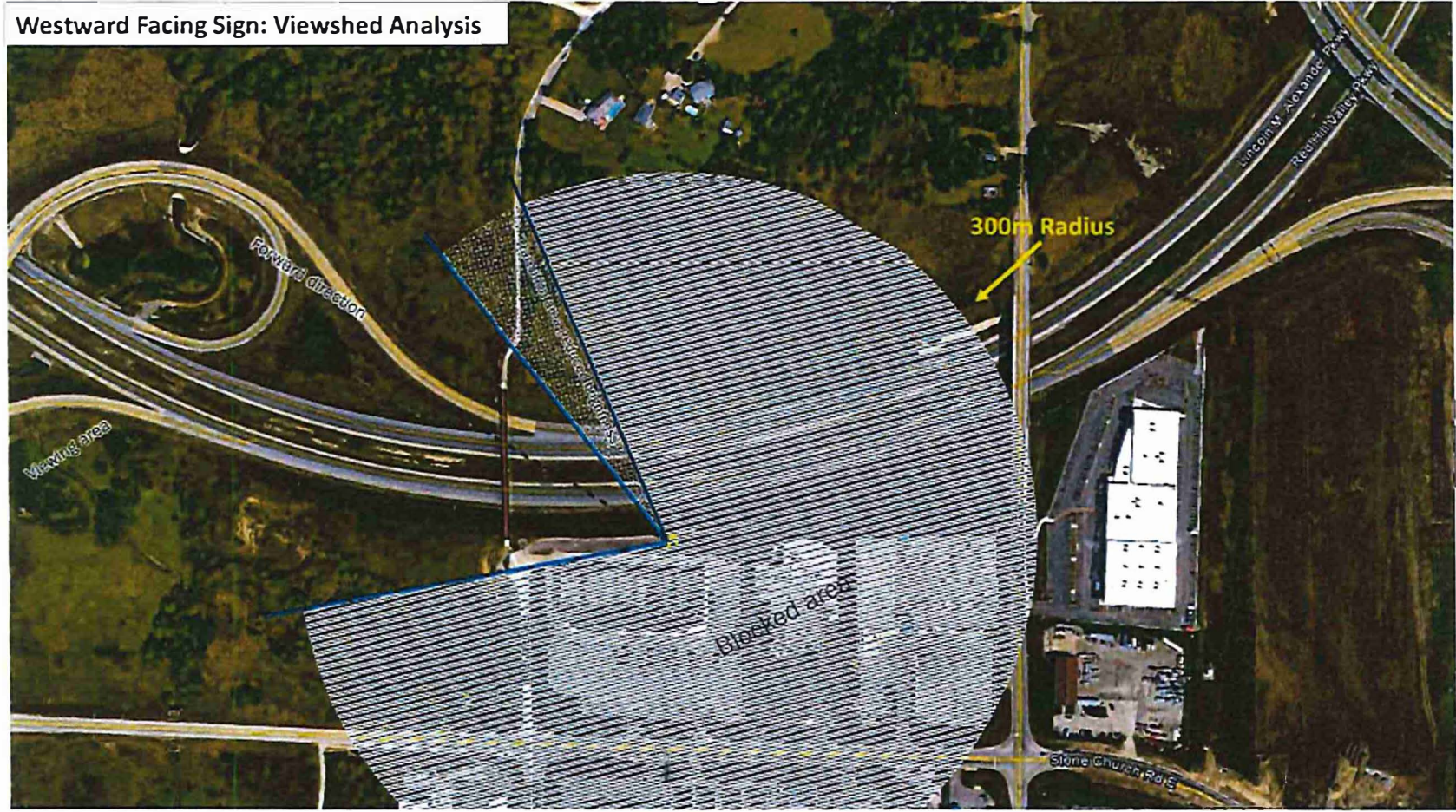


Looking East

Image is to scale

Eastward Facing Sign: Viewshed Analysis







January 4, 2018

George T. Zajac
Senior Planner-Suburban
Planning and Economic
Development Department
71 Main Street West, 5th Floor
Hamilton ON
L8P 4Y5

Dear George,

RE: Sign Variance Application – 1545 Stone Church Road East, Hamilton

By way of this letter, I am formally requesting that the matter pertaining to my sign variance application at the above noted address, be referred to the next available Planning Committee meeting for final decision. I will also be making a request to be a delegation through the City Clerk's office as it is my intention to attend the Planning Committee meeting and make a deputation.

Should any additional information or clarification be required prior to this meeting, please do not hesitate to contact me.

Yours truly,

A handwritten signature in black ink, appearing to read "Nicholas Campney".

Nicholas Campney
Pattison Outdoor Advertising





REGULATIONS FOR PARTICULAR TYPES OF SIGNS

5.1 PROHIBITED SIGNS

5.1.1 No person shall display or permit to be displayed:

(a) any sign with a video screen or any flashing, kinetic, or illusionary motion, except an electronic message display as permitted under this By-law;

(b) any sign supported entirely or partly by the roof of a building or structure and which projects above the roof;

(c) any sign displayed within a visibility triangle;

(d) any sign displayed on a vehicle, trailer or truck which is parked or located on property in a manner that is unrelated to its normal use as a vehicle and is more consistent with the use of the vehicle as a sign;

(e) any sign which obstructs or is displayed in a parking space required under the City's zoning by-laws; or,

(f) any sign within 400.0 m of the right of way of Highway 403, the Queen Elizabeth Way, the Lincoln M. Alexander Parkway or the Red Hill Valley Parkway.

5.1.2 Where a sign is not expressly permitted by this By-law, it shall be deemed to be prohibited.

A By-Law repealing and replacing By-law No. 06-243 respecting Signs within the City of Hamilton

5.1.3 Where a type of sign is not specifically permitted within a particular zone or on a property with a particular zoned use, it shall be deemed to be prohibited within that zone or on that property.

5.1.4 Notwithstanding subsections 5.1.2 and 5.1.3 and subject to the approval of Council, signs on street furniture displayed pursuant to an agreement with the City are permitted.

5.2 GROUND SIGNS INCLUDING CONSTRUCTION INFORMATION GROUND

SIGNS

5.2.1 No person shall display or permit to be displayed a Ground Sign except in accordance with the applicable general regulations under this By-law, and the specific regulations under this section of the By-law.

5.2.2 No Ground Sign shall be displayed except in accordance with the following regulations:

permit / timing

- (a) obtain a permit under this By-law;
- (b) for a Construction Information Ground Sign, displayed after any applicable approval for the construction or development project under the Planning Act has been given;
- (c) for a Construction Information Ground Sign, maximum display period of not more than 28 days after construction or development is completed;

structure

- (d) embedded in a foundation in the ground to a depth of at least 1.2 metres or secured in an alternative manner that is satisfactory to the Chief Building Official;
- (e) maximum sign area of 0.3 m² for every 1.0 m of the frontage along which the Ground Sign is located, not to exceed a total sign area of 18.0 m² for a single- faced Ground Sign or 36.0 m² for a double or multi-faced Ground Sign;
- (f) maximum height of 7.5 m;

content

- (g) for a Ground Sign, except a Construction Information Ground Sign:
 - (i) includes the municipal address .number of the property on which the Ground Sign is displayed shown at the top or the bottom in numerals that are a minimum height of 15.0 cm;

A By-Law repealing and replacing By-law No. 06-243 respecting Signs within the City of Hamilton

- (ii) includes one or more of the following in copy that is a minimum height of 15.0 cm:
 - 1. the name of the business;
 - 2. the registered trademark of the business;
 - 3. the ownership of the business; or
 - 4. the name of the activity, product or service available;
- (iii) and except a Ground Sign displayed on a property used for an institutional use, may allocate a maximum 50% of the sign face to a readograph or electronic message display provided that no copy displayed on an electronic message display shall be displayed for less than three seconds, during which there shall be no movement or change in colour or intensity of illumination;
- (iv) displayed on a property used for an institutional use, may allocate a maximum 75% of the sign face to a readograph or electronic message display provided that no copy displayed on an electronic message

display shall be displayed for less than three seconds, during which there shall be no movement or change in colour or intensity of illumination;

(v) may advertise a business on the property on which the Ground Sign is displayed or an activity, product or service available on that property, or a charity's or community organization's activities;

(vi) for a Ground Sign that is not within the Downtown Community Improvement Project Area, a Business Improvement Area, the Ancaster Village Core Area, or within the Glanbrook Village Core Area, may allocate a maximum 25% of the sign area or 1.2 m², whichever is lesser, except for an electronic message display, to advertising a business that is not on the property on which the Ground Sign is displayed or an activity, product or service that is not available on that property;

(vii) for a Ground Sign that is within the Downtown Community Improvement Project Area, a Business Improvement Area, the Ancaster Village Core Area, or within the Glanbrook Village Core Area not advertising a business that is not on the property on which the Ground Sign is displayed or an activity, product or service that is not available on that property;

location

(h) not within 15.0 m of a traffic signal or traffic control device;

(i) not within 1.5 m or a distance equal to 75% of the height of the Ground Sign, whichever is greater, of any property line;

(j) along the same frontage used to calculate the maximum sign area;

(k) where more than one Ground Sign is displayed along a frontage, not displayed within 200 m of another Ground Sign along the same frontage;

(l) notwithstanding (k), one Ground Sign which provides courtesy or directional information only, such as a menu board or clearance sign, is permitted;

A By-Law repealing and replacing By-law No. 06-243 respecting Signs within the City of Hamilton

(m) for a Construction Information Ground Sign, on vacant property in residential and commercial zones;

(n) for a Construction Information Ground Sign, maximum of two for any single development or construction project;

(o) for a Ground Sign, except a Construction Information Ground Sign, permitted in all zones except where the use of the property is for one or more of the following uses:

(i) a Single Detached Dwelling;

(ii) a Semi Detached Dwelling;

(iii) a Duplex;

(iv) a Triplex;

(v) a Fourplex or Quadruplex;

- (vi) a Street Townhouse;
- (vii) a Mobile Home;
- (viii) a Residential Care Facility for 6 or less residents;
- (ix) a Lodging House for 6 or less lodgers;
- (x) a Retirement Home for 6 or less residents; or,
- (xi) an Emergency Shelter for 6 or less residents.

5.2.3 No person shall display a Ground Sign on a property that ceases to be vacant or undeveloped and where any Billboard displayed on the property has not been removed.

5.10 BILLBOARDS

5.10.1 No person shall display or permit to be displayed a Billboard except in accordance with the applicable general regulations under this By-law, and the specific regulations under this section of the By-law.

5.10.2 No Billboard shall be displayed except in accordance with the following regulations:

permit

- (a) obtain a permit under this By-law;

structure

- (b) maximum sign area of 18.0 m²;

A By-Law repealing and replacing By-law No. 06-243 respecting Signs within the City of Hamilton

- (c) maximum height of 12.0 m and maximum width of 4.0 m;

content

- (d) not animated, except a Tri-Vision Billboard;
- (e) may allocate a maximum 50% of the sign face to a readograph;

location

- (f) not on a property within the Downtown Community Improvement Project Area, the Waterdown Urban Area or the Waterdown Settlement Areas;
- (g) not less than 300.0 m from another Billboard;
- (h) not less than 300.0 m from any residentially zoned property;
- (i) not less than 15.0 m from any property line;

(j) on vacant, undeveloped property zoned commercial or industrial.

5.10.3 Where a property on which a Billboard is displayed ceases to be vacant or undeveloped, the sign owner shall remove the Billboard from the property.

Authority: Item 4, Planning Committee

Report 16-018

(PCS 16082/PED16196)

CM: October 26, 2016

Bill No. 284

CITY OF HAMILTON

BY-LAW NO. 16-284

To Amend By-law No. 10-197, a By-law respecting Signs

WHEREAS Council enacted a by-law to regulate signs being City of Hamilton By-law No. 10-197;

AND WHEREAS this By-law provides for the amendment of City of Hamilton By-law No. 10-

197 with respect to digital billboards;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Section 1.1 of By-law No. 10-197 is amended by:

(a) adding the words Digital Billboard or to the definition of Billboard after the words does not include a;

(b) adding the following definition of Digital Billboard" after the definition of "Council ; "Digital Billboard" means a sign that is free standing and is supported by a structure secured to the ground and which is not supported by any building or other structure, displays copy advertising goods, products or services not sold or offered on the property where the sign is displayed by means of a digital or electronic screen and is either single faced or double faced but does not include a Billboard or a Ground Sign;

(c) adding the words "or Digital Billboard to the definition of Ground Sign after the words "a Billboard".

2. Subsection 3.2.1 of By-law No. 10-197 is amended by adding the following new paragraph (h):

(h) a Digital Billboard,

3. Subsection 3.3.2 of By-law No. 10-197 is amended by adding the words "Digital Billboard," after the words "A Billboard,".

4. Subsection 3.3.3 of By-law No. 10-197 is amended by adding the words "Digital Billboard," after the words "Where a Billboard,".

5. Paragraph 5.1.1(f) of By-law No. 10-197 is deleted and replaced by the following new paragraph:

(f) any sign that is within 400.0 m of the right of way of Highway 403, the Queen Elizabeth Way, the Lincoln M. Alexander Parkway or the Red Hill Valley Parkway and is visible from the right of way except as otherwise permitted under this By-law.

6. By-law No. 10-197 is amended by adding the following new section 5.10A:

5.10A DIGITAL BILLBOARDS

5.10A.1 No person shall display or permit to be displayed a Digital Billboard except in accordance with the applicable general regulations under this By-law, and the specific regulations under this section of the By-law.

5.10A.2 No Billboard shall be displayed except in accordance with the following regulations:

permit

(a) obtain a permit under this By-law;

structure

(b) if the Digital Billboard is single faced or double faced (configured back-to-back or in a V shape):

(i) a maximum sign area of 18.6 m² for each sign face;

(ii) a maximum height of 6.1 m for each sign face; and

(iii) a maximum width of 10 m, except for a maximum width of 12 m for Digital Billboards facing the Lincoln M. Alexander Parkway;

(c) despite paragraph 5.10A.2(b), if the Digital Billboard is single faced and facing the Lincoln M. Alexander Parkway:

(i) a maximum sign area of 32.6 m²;

(ii) a maximum height of 10.7 m; and

(iii) a maximum width of 12 m;

content

- (d) a maximum luminosity level of 300 candelas per m² at night and 6000 candelas per m² during the day;
- (e) equipped with a monitoring device to ensure that the light generated does not exceed 0.3 candles above ambient light levels at a distance of:
 - (i) 42 m for Digital Billboards with a sign area of not more than 18.6 m²;
 - (ii) 51 m for Digital Billboards with a sign area of more than 18.6 m² but not more than 28 m²; and
 - (iii) 76 m for Digital Billboards with a maximum sign area of more than 28 m² but not more than 32.6 m²;
- (f) not operate between the hours of 12 a.m. and 6 a.m.;
- (g) minimum dwell time of 6 seconds; and
- (h) maximum transition time of 1 second;

location

- (i) not on a property within the Downtown Community Improvement Project Area, the Waterdown Urban Area or the Waterdown Settlement Areas;
- (j) may be within 400 m of and visible from the Lincoln M. Alexander Parkway;
- (k) not less than 300 m from another Digital Billboard, provided that, to allow for viewing from both sides of a street, the two sides of a double-sided Digital Billboard may be separated by a maximum of 180 m when facing the Lincoln M. Alexander Parkway and by a maximum of 40 m when facing any other street;
- (l) (i) not less than 300 m from any residentially zoned property; or
 - (ii) less than 300 m from any residentially zoned property if the Director is satisfied by means of a viewshed analysis that includes consideration of sign alignment, shielding and other means, that there is sufficient mitigation of the impact on residential uses within 300 m;
- (m) not less than 3.5 m from any property line; and,
- (n) not less than 30 m from an intersection provided that an intersection does not include an on or off-ramp to or from the Lincoln M. Alexander Parkway.

7. This By-law comes into force on the day it is passed.



January 4, 2018

George T. Zajac
Senior Planner-Suburban
Planning and Economic
Development Department
71 Main Street West, 5th Floor
Hamilton ON
L8P 4Y5

Dear George,

RE: Sign Variance Application – 1545 Stone Church Road East, Hamilton

By way of this letter, I am formally requesting that the matter pertaining to my sign variance application at the above noted address, be referred to the next available Planning Committee meeting for final decision. I will also be making a request to be a delegation through the City Clerk's office as it is my intention to attend the Planning Committee meeting and make a deputation.

Should any additional information or clarification be required prior to this meeting, please do not hesitate to contact me.

Yours truly,

A handwritten signature in black ink, appearing to read "Nicholas Campney".

Nicholas Campney
Pattison Outdoor Advertising



Hamilton

Agriculture and Rural Affairs Advisory Committee

REPORT 18-002

Monday, February 26, 2018

7:00 p.m.

**Ancaster Fairgrounds, Rooms A & B
630 Trinity Road, Ancaster**

Present: Councillors L. Ferguson, B. Johnson, J. Partridge and R. Pasuta
A. Spoelstra (Chair), D. Smith (Vice Chair), W. Galloway, C. McMaster, J. Medeiros, N. Mills, A. Sinclair, K. Smith, G. Smuk and M. Switzer

Also Present: Councillor A. VanderBeek

Absent

With Regrets: P. Krakar, J. Mantel, R. Shuker

Absent: R. Saccomano

**THE AGRICULTURE AND RURAL AFFAIRS ADVISORY COMMITTEE PRESENTS
REPORT 18-002 AND RESPECTFULLY RECOMMENDS:**

1. Legal, Medical Cannabis Industry and the City's Zoning Regulation (Items 6.1 and 6.2)

WHEREAS, licensed cannabis production, for medical and/or recreational-use purposes, should be considered a farming activity similar to those operating in green house structures,

THEREFORE BE IT RESOLVED:

That staff be directed to remove the restriction of a 2000 square meter maximum building size and apply appropriate set back requirements to new cannabis production facilities in order to limit the impact on current land uses in rural Hamilton.

FOR THE INFORMATION OF THE COMMITTEE:

(a) APPROVAL OF AGENDA (Item 1)

The agenda for the February 26, 2018 meeting of the Agriculture and Rural Affairs Advisory Committee was approved, as presented.

(b) DECLARATIONS OF INTEREST (Item 2)

Andrea Sinclair declared a conflict of interest on Items 6.1 and 6.2 respecting the Legal, Medical Cannabis Industry and the City's Zoning Regulation as she is employed by Niagara College and her department is involved with a program concerning the cannabis industry.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)

(i) September 25, 2017 (Item 3.1)

The minutes of the September 25, 2017 meeting of the Agriculture and Rural Affairs Advisory Committee were approved, as presented.

(d) DELEGATION REQUESTS (Item 5)

Upon the conclusion of the matter respecting the Legal, Medical Cannabis Industry (Items 6.1 and 6.2) any individuals in attendance wishing to speak to the matter are to be approved as delegations.

The Committee Clerk was directed to create a sign-up sheet for individuals to list their name if they wished to speak.

(e) CONSENT ITEMS (Item 5)

(i) Meeting Notes from the January 29, 2018 meeting of the Agriculture and Rural Affairs Advisory Committee (Item 5.1)

The meeting notes from the January 29, 2018 meeting of the Agriculture and Rural Affairs Advisory Committee were approved, as presented.

(f) PUBLIC HEARINGS/DELEGATIONS (Item 6)

(i) The Green Organic Dutchman Holdings Limited respecting the Legal, Medical Cannabis Industry and the City's Zoning regulation (referred to the Committee by the Planning Committee on October 31, 2017) (Item 6.1)

(ii) Beleave Inc. respecting the Legal, Medical Cannabis Industry and the City's Zoning regulation (referred to the Committee by the Planning Committee on October 31, 2017) (Item 6.2)

Representatives from The Green Organic Dutchman and Beleave addressed the Committee about the issue of the Legal, Medical Cannabis Industry.

Mary-Lynne Howell and Ian Wilms with The Green Organic Dutchman and Gordon Harvey and Bill Panagiotakopoulos with Beleave, provided the Committee with an overview of their companies, their operations and the medical cannabis industry.

They were joined in the presentation by representatives from the Ontario Ministry of Agriculture and Rural Affairs.

The Committee Clerk advised that no individuals registered to speak. The floor was then opened up to delegations.

Various individuals addressed the Committee and asked questions of the Committee and the presenters. Concerns expressed included, but were not limited to:

- The effect of lighting from the facility
- Truck traffic for bringing water to the facility
- Security
- Noise
- Odour
- Health concerns for cannabis users
- Impact on property value in the area

The delegations respecting the issue of the Legal, Medical Cannabis Industry and the City's Zoning Regulation, were received.

The Committee recessed from 8:19 p.m. until 8:30 p.m.

That staff be directed to retain the restriction of a 2000 square meter maximum building size and apply appropriate set back requirements to new cannabis production facilities in order to limit the impact on current land uses in rural Hamilton.

The above motion was DEFEATED.

WHEREAS, licensed cannabis production, for medical and/or recreational-use purposes, should be considered a farming activity similar to those operating in green house structures,

THEREFORE BE IT RESOLVED:

That staff be directed to remove the restriction of a 2000 square meter maximum building size and apply appropriate set back requirements to new cannabis production facilities in order to limit the impact on current land uses in rural Hamilton.

The above motion **CARRIED** on the following standing recorded vote:

YEAS:	B. Johnson, Partridge, Pasuta, Galloway, Mills, Medeiros, Smuk, Spoelstra, Switzer
Total:	9
NAYS:	Ferguson, McMaster, D. Smith, K. Smith
Total:	4
ABSENT:	Krakar, Mantel, Saccomano, Shuker
Total:	4

Committee member Sinclair declared an interest respecting the above Items and therefore did not participate in the debate or vote.

For disposition of this matter, refer to Item 1.

(g) DISCUSSION ITEMS (Item 8)

(i) Correspondence from R. J. Simpson, Chief Fire Prevention Officer, Hamilton Fire Department, respecting Burn Permits (Item 8.1)

The Correspondence from R. J. Simpson, Chief Fire Prevention Officer, Hamilton Fire Department, respecting Burn Permits, was received.

(ii) Correspondence from Nancy Michie, Administrator Clerk-Treasurer, Municipality of Morris-Turnberry, requesting support for the Municipality of Morris-Turnberry's Council resolution respecting Tenanted Farm Tax properties being changed to the Residential Tax Class (referred to the Committee at the November 8, 2017 meeting of Council) (Item 8.2)

The Correspondence from R. J. Simpson, Chief Fire Prevention Officer, Hamilton Fire Department, respecting Burn Permits, was received.

(h) GENERAL INFORMATION/OTHER BUSINESS (Item 11)

- (i) Joel Porter, Farm and Food Care Organization, respecting plans for their annual Breakfast on the Farm Event taking place on June 23rd at Cranston Farms (Item 11.1)**

The Chair advised that the sponsorship request from the Farm and Food Care Organization for the Breakfast on the Farm Event in the amount of \$5000 has been approved and it is being funded by the Planning and Economic Development Department. Therefore a motion from the Committee is not required.

(i) ADJOURNMENT (Item 12)

The meeting of the Agriculture and Rural Affairs Advisory Committee adjourned at 9:02 p.m.

Respectfully submitted,

Drew Spoelstra, Chair
Agriculture and Rural Affairs
Advisory Committee

Lauri Leduc
Legislative Coordinator
Office of the City Clerk



Ontario Federation of Agriculture

Ontario AgriCentre

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OFA's Position on Cannabis Production

Motion: Reusser/Royce ... "THAT the OFA adopt the position that licensed cannabis production, for medical and/or recreational-use purposes, should be considered a farming activity; and

FURTHER BE IT RESOLVED THAT OFA request that all levels of government and their agencies treat income, workers, and facilities in connection to the growing of cannabis consistent with the treatment applied to other farm activities.

***CARRIED
at the February 20th and 21st, 2018
OFA Board of Directors Meeting***

10.1

CITY OF HAMILTON NOTICE OF MOTION

Planning Committee: March 20, 2018

MOVED BY COUNCILLOR J. PARTRIDGE.....

Re: Appeals for non-decision of applications for Rural Hamilton Official Plan Amendment (RHOPA-14-001), Zoning By-law Amendment (ZAR-15-002) and Draft Plan of Subdivision (25T-201403) for lands located at 34 11th Concession West and 1800 Highway 6 (Flamborough) (Ward 15)

- (a) That the City Solicitor be instructed to **OPPOSE** appeals by 2417985 Ontario Inc. and 2417972 Ontario Inc. to the Ontario Municipal Board (File No. PL170858) related to applications for Rural Hamilton Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision.

- (b) That the reasons for opposition include:
 - (i) The inadequate water supply for the property;
 - (ii) The inadequate wastewater servicing proposed;
 - (iii) That the proposed lots are undersized;
 - (iv) The inadequate road connection proposed; and
 - (v) That the applications are inconsistent with the Rural Hamilton Official Plan.